



TWEED
SHIRE COUNCIL

Mayor: Cr K Milne

Councillors: G Bagnall (Deputy Mayor)
C Byrne
B Longland
W Polglase
P Youngblutt

Agenda

Ordinary Council Meeting Thursday 19 November 2015

held at Murwillumbah Cultural and Civic Centre
commencing at 5.00pm

COUNCIL'S CHARTER

Tweed Shire Council's charter comprises a set of principles that are to guide Council in the carrying out of its functions, in accordance with Section 8 of the Local Government Act, 1993.

Tweed Shire Council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- to exercise community leadership;
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism;
- to promote and to provide and plan for the needs of children;
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- to have regard to the long term and cumulative effects of its decisions;
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government;
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
- to keep the local community and the State government (and through it, the wider community) informed about its activities;
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected;
- to be a responsible employer.

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CONFIRMATION OF MINUTES

- 1 [CONMIN-EXT] Confirmation of Minutes of Extraordinary Council Meeting held Thursday 29 October 2015

SUBMITTED BY: Corporate Governance



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

The Minutes of the Extraordinary Council Meeting held Thursday 29 October 2015 are attached for information and adoption by Council.

RECOMMENDATION:

That the Minutes of the Extraordinary Council Meetings held Thursday 29 October 2015 be adopted as a true and accurate record of proceedings of that meeting.

REPORT:

As per Summary.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice Version 2.5.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

Attachment 1

Minutes of the Extraordinary Council Meeting held Thursday
29 October 2015 (ECM 3846219)

2 [CONMIN-CM] Confirmation of Minutes of Ordinary Council Meeting held Thursday 22 October 2015

SUBMITTED BY: Corporate Governance



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

The Minutes of the Ordinary Council Meeting held Thursday 22 October 2015 are attached for information and adoption by Council.

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held Thursday 22 October 2015 be adopted as a true and accurate record of proceedings of that meeting.

REPORT:

As per Summary.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice Version 2.5.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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Attachment 1

Minutes of the Ordinary Council Meeting held Thursday 22
October 2015 (ECM 3836972)

3 [CONMIN-CM] Confirmation of Minutes of Ordinary Council Meeting held Thursday 5 November 2015

SUBMITTED BY: Corporate Governance



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

The Minutes of the Ordinary Council Meeting held Thursday 5 November 2015 are attached for information and adoption by Council.

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held Thursday 5 November 2015 be adopted as a true and accurate record of proceedings of that meeting.

REPORT:

As per Summary.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice Version 2.5.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

Attachment 1

Minutes of the Ordinary Council Meeting held Thursday 5 November 2015 (ECM 3853484).

SCHEDULE OF OUTSTANDING RESOLUTIONS

4 [SOR-CM] Schedule of Outstanding Resolutions



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

CODE OF MEETING PRACTICE:

Section 2.8 Outstanding Resolutions

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

19 SEPTEMBER 2013

ORDERS OF THE DAY

4 [NOM-Cr B Longland] Aboriginal Employment Strategy

NOTICE OF MOTION:

532

Cr B Longland

Cr K Milne

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

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

21 AUGUST 2014

REPORTS FROM THE DIRECTOR ENGINEERING

ORDERS OF THE DAY

44 [NOM] Concept Plans and Cost Estimates - Murwillumbah

NOTICE OF MOTION:

501

Cr G Bagnall

Cr K Milne

RESOLVED that:

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

Current Status: Concept plans and costs estimates to be prepared following the completion of the Knox Park upgrade design and Murwillumbah Library landscaping projects.

20 NOVEMBER 2014

ORDERS OF THE DAY

40 [NOM] Lighting to Chinderah Bay Drive Bus Shelters

NOTICE OF MOTION:

671

Cr M Armstrong

Cr K Milne

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

Current Status: There are currently a large number of projects and tasks to be undertaken in the Traffic Section which is preventing an opportunity to complete this report. As a full time Road Safety Officer has been appointed, it is anticipated that the report will be forthcoming to the January 2016 meeting.

19 MARCH 2015

ORDERS OF THE DAY

48 [NOM] Tweed Coast Koala Distribution

177

**Cr G Bagnall
Cr B Longland**

RESOLVED that Council, as part of its preparations to resurvey the Tweed Coast Koala population, investigates and reports on the possible use of drone technology, similar to that recently employed by researchers from Queensland University of Technology, to establish the size and distribution of the Tweed Coast koala population.

Current Status: Survey has commenced and it is expected that a report will be available at the end of 2015.

21 MAY 2015

ORDERS OF THE DAY

41 [NOM] Holiday Letting/Tourist Accommodation

291

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that:

1. Council defers full enforcement action against existing operators of short term rental accommodation in the Shire until the Local Environmental Plan (LEP) amendment proposed at paragraph 3 is dealt with.
 2. A meeting be convened which includes Councillors, Council staff, representatives of the short term rental accommodation industry and affected ratepayer/resident groups. The purpose of this meeting is to inform the process of developing a code of conduct for the industry while recognising its importance to the realisation of the Tweed's tourism potential.
-

3. Council processes an LEP amendment which can support the continuation of the holiday let industry in its current form.

Current Status: A workshop was held on 23 July 2015.

The Department of Planning and Environment has approved a Gateway request made by Council to advance a Planning Proposal for new LEP controls. It is expected that community consultation on these new draft controls will occur either prior or just following the Christmas/New Year period.

18 JUNE 2015

ORDERS OF THE DAY

33 [NOM] 2016 Local Government Aboriginal Network Conference

349

**Cr G Bagnall
Cr K Milne**

RESOLVED that in recognition of Tweed Shire Council's successful submission to host the 2016 Local Government Aboriginal Network Conference, the Aboriginal Advisory Committee be invited to submit requests for works or projects in order of priority, that they would like to see completed before the delegates arrive.

Current Status: Referred to Aboriginal Advisory Committee for submission of suitable projects. A report will be submitted to a future Council Meeting.

16 JULY 2015

ORDERS OF THE DAY

31 [NOM] Parking Requirements for Small Businesses

408

**Cr K Milne
Cr P Youngblutt**

RESOLVED that Council brings forward a report on the issue of Council's requirements for parking for development approvals for new small business and intensified use of existing, or change of use, small business approvals, including but not limited to:

- a) Council's current requirements and the justification for these requirements,
 - b) The potential for these requirements to act as a disincentive for new or expanding small businesses,
-

- c) Comparison of Council's requirements with other similar growth Councils requirements,
- d) Options to alleviate the impost on small businesses such as eliminating, reducing or providing deferred payments,
- e) Options to address the implications for Council or the community from the above.

Current Status: This requires a comprehensive amount of investigation and work and sits behind current priorities including Tweed Road Development Strategy - Traffic Study, which will inform the Tweed Road Contribution Plan and a revision of Development Control Plan (DCP), Section A5 - Subdivision Manual.

REPORT FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

C3 [CNR-CM] Tweed Heads Cultural Precinct

418

Cr W Polglase
Cr P Youngblutt

RESOLVED that Council:

1. Proceeds with the development of a functional brief and business case for community cultural facilities at Tweed Heads based on the outcomes of the Cultural Plan and Community Infrastructure Network Planning.
2. Subject to the affirmative resolution of Council in regards to the report on 1-3 Bay Street Tweed Heads (comprised in Lots 8 Section 2 DP 759009, Lot 1 DP 880816 and Lot 7035 DP 1053313), proceeds with a cost benefit analysis of the commercial benefit and risks including opportunities for public/private partnership on the site for mixed public/private use.
3. Considers a further report on the outcomes of the functional brief, business case and cost benefit analysis for a public/private partnership on the site at 1-3 Bay Street Tweed Heads prior to calling for an expression of interest at this site.

Current Status: Work is currently in progress implementing the resolution of Council and a report is to be prepared for consideration at a future Council meeting. The proposed actions will take some time to finalise and will impact on the capacity to implement this resolution.

17 SEPTEMBER 2015

REPORT FROM DIRECTOR ENGINEERING

29 [E-CM] Tweed Coastal Creeks Floodplain Risk Management Study and Plan

510

Cr K Milne
Cr B Longland

RESOLVED that:

1. The draft Tweed Coastal Creeks Floodplain Risk Management Study and Plan be placed on public exhibition for a 6 week period.
2. A report be brought back on the potential for new developments to offset their flood impacts by assisting other rural landholders in the affected catchment improve flood absorption capacity.

Current Status: Report to be prepared for consideration at a future Council meeting.

ORDERS OF THE DAY

34 [NOM] Review of Operations: Aquatic Facilities Murwillumbah, Tweed Heads South and Kingscliff including Income and Expenditure, Operating Hours (Peak Season and Off Season)

515

Cr C Byrne
Cr P Youngblutt

RESOLVED that Council officer's provide a report on the three Aquatic Facilities including but not limited to the following:

1. Practical options to reduce hours across all three facilities from the first of May each year to the beginning of September including a reduction of no less than twenty (20) hours per week at each facility and no more than thirty (30) hours per week over this May to September timeframe each year, or another model considered viable by officers; and
 - Full costing of any and all options;
 - The benefits and detriments to any and all options;
 2. All pools are to remain open seven (7) days per week, excluding the standard historical pool closures;
 3. At least a two (2) year history of how many persons attend squads over the peak swimming season and a comparison to the off season;
-

4. A two (2) year history of any and all swim programs (learn to swimming classes, school carnivals, regional carnivals conducted at all pools);
5. A list of all other user groups from each centre and information of how this data is gathered (a season ticket holder, casual entry, etc);
6. The possibility of supplying vending machines (self-serve only) at the centres and removing all food and beverage sales by aquatic staff and or reception staff, (Café at Murwillumbah an exception);
7. A detailed list of all merchandising sold including the cost of all merchandising and sales of same;
8. A confidential report on any and all security breaches over the past two (2) years including Break and Enter, Theft, Malicious Damage, Graffiti and Council's response to and costs of these matters;
9. Detailed cost of all repairs and maintenance conducted at each pool over the past two (2) years, all new assets and costs for same over the same period; and
10. Consideration to a tendering process for the Murwillumbah Pool Café to a not for profit incorporated association.

The report is to be an item on the Ordinary Agenda no later than December 2015; it is to be conducted in open Council, other than any economic information that may give competing businesses an economic advantage, which will be managed in confidential council; and

Any and all changes are to be implemented as of 1 May 2016 after consultation with residents and users of these facilities.

Current Status: Work has commenced on actioning the resolution.

38 [NOM] Improving Community Consultation

519

**Cr K Milne
Cr G Bagnall**

RESOLVED that this item be deferred to a future Council meeting to allow the appropriate technology changes to be appraised:

On the Council website, when an item is loaded for 'On Exhibition', to add in a field in for Anticipated Council Determination Meeting (if known): (with a supporting disclaimer that dates may change at any time without notice).

Current Status: Motion to be resubmitted for consideration at a future Council meeting.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

42 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 12 August 2015

523

Cr B Longland
Cr P Youngblutt

RESOLVED that:

1. The Minutes of the Tweed River Committee Meeting held Friday 12 August 2015 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

GB1.Climate Change

"That Robert Quirk be invited to address Council at a workshop on the topic of farming and climate change in the Tweed."

Current Status: Workshop scheduled for 26 November 2015.

MAYORAL MINUTE

5 [MM-CM] Mayoral Minute for October 2015

SUBMITTED BY: Cr K Milne, Mayor

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

Councillors

COMMITTEE MEETINGS

Attended by the Mayor

- 2 October Aboriginal Advisory Committee – Minjungbal Museum and Cultural Centre, Corner Kirkwood Road and Duffy Street, Tweed Heads
 - 14 October Tweed River Committee – Canvas and Kettle, Civic Centre, Tumbulgum Road, Murwillumbah
 - 20 October Destination Tweed Board Meeting – Peppers Board Room, Peppers Resort, Bells Boulevard, Kingscliff
-

INVITATIONS / MAYORAL REPRESENTATION:

Attended by the Mayor

- 2 October Murwillumbah District Business Chamber Breakfast, Greenhills on Tweed, 131 River Street, South Murwillumbah. Cr Longland also attended
 - 6 October Our Gallery Our Success – The Haven, 13 Wharf Street, Murwillumbah. Cr Longland also attended
 - 8 October Launch of Murwillumbah Seed Library – Murwillumbah Library, Tumbulgum Road, Murwillumbah
-

- 19 October Presentation of charity cheques from Telstra promotion – Telstra Store, Tweed City Shopping Centre, 54 Minjungbal Drive, South Tweed Heads
- 21 October Donations Policy Cheque Presentation – Council Chambers, Civic Centre, Tumbulgum Road, Murwillumbah
- 28 October Pink Ribbon Day Breast Cancer Awareness Morning Tea – Civic Centre, Tumbulgum Road, Murwillumbah. Cr Byrne and Cr Longland also attended
- 28 October Tweed River Festival Screening of Travelogue of the Tweed 1923 – Regent Cinema, 5 Brisbane Street, Murwillumbah. Cr Longland also attended
- 31 October Soft opening of Knox Park Adventure Playground – Knox Park, Nullum Street, Murwillumbah. Cr Longland also attended
- 31 October Caldera Art 2015 Exhibition – Caldera Art Gallery, Corner Alma Street and Tweed Valley Way, Murwillumbah. Cr Longland also attended
- 31 October Tweed River Festival – Budd Park, Alma Street, Murwillumbah. Cr Longland also attended

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

- 8 October Ribbon Cutting to open Berkley Lane – Berkley Lane, Pottsville. Cr Longland attended
- 12 October Acceptance of funding from Troy Grant and Thomas George – Tweed Regional Gallery, Mistral Road, Murwillumbah. Cr Byrne attended
- 21 October Australian Photographic Society Convention – Twin Towns Conference Centre, 2 Wharf Street, Tweed Heads. Cr Longland attended
- 24 October 50th Anniversary Marine Rescue Point Danger – Rescue Base, Coral Street, Tweed Heads. Cr Longland attended

Inability to Attend by or on behalf of the Mayor

All invitations were accepted by the Mayor or attended by another Councillor on her behalf.

REQUESTS FOR WORKSHOPS:

Councillors did not request any additional workshops during October 2015.

CONFERENCES:

Conferences attended by the Mayor and/or Councillors

- 11-13 October LG NSW Conference – Rosehill Gardens Racecourse, James Ruse Drive, Rosehill. Cr Milne, Cr Longland and Cr Polglase attended
-

Information on Conferences to be held

- 1 December 2015 NSW Local Government Excellence in Environment Awards – Dockside Function Centre, Cockle Bay Wharf, Sydney.

Tweed Coast Koala Plan of Management is a finalist in the Natural Environment Policies, Planning and Decision Making category. Ticket \$100, two flights. www.lgprofessionals.com.au/awards
-

SIGNING OF DOCUMENTS BY THE MAYOR:

- 1 October Transfer document – Road Closure and Purchase – Casuarina Way Kingscliff
 - 14 October Request document – Road Closure Lot 1 DP1211294 – Hourigan Street and Robert Street Tweed Heads South
 - 14 October Licence Agreement – Art Gallery Café – Licence extension to 30 June 2017
-

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice Version 2.5.

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 October 2015 be received and noted.**
 2. **The attendance of Councillors at nominated Conferences be authorised.**
-

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

RECEIPT OF PETITIONS

6 [ROP-CM] Receipt of Petitions

SUBMITTED BY: Corporate Governance



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Under Section 1.5.4 Receipt of Petitions in the Code of Meeting Practice Version 2.5:

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 2.5:

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 2.5.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice Version 2.5.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

- 7 [GM-CM] Tweed Regional Gallery - 'Visitor Research Report, April 2015' - Project Facilitator Report

SUBMITTED BY: Holiday Parks and Economic Development



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
2.1 Foster strong, cohesive, cooperative, healthy and safe communities
-

SUMMARY OF REPORT:

In February 2015, the Tweed Regional Gallery Foundation Limited's Board of Directors commissioned and funded the 'Visitor Research Report, April 2015' for the Tweed Regional Gallery and Margaret Olley Art Centre (TRGMOAC). The Report revealed that the Tweed business community, tourism operators, entrepreneurs and creative community had not yet fully embraced the opportunity to leverage the success of the TRGMOAC.

The Report was formally received and noted by Council on 16 July 2015. An independent facilitator, Ms Deborah Flannery, was engaged by Council's Holiday Parks and Economic Development Unit on 29 June 2015 and the facilitator's primary role was to effectively disseminate the information contained in the Report to business operators in the Murwillumbah Central Business District (CBD) and to explore opportunities to improve business trading by improving service delivery and marketing collateral.

The project was initially intended to run for 3 months, finishing late September 2015, however it extended until 6 November 2015 so that it could complete its functional objectives. The report contains a number of recommendations regarding future actions to provide improved collateral and information to entice greater visitation. These future actions involve commitment from Destination Tweed (Destination Tweed), TRGMOAC and Council.

RECOMMENDATION:

That Council:

1. Requests Destination Tweed as part of their tourism brief to consider implementing the following recommendations:
-

PART i. TOURISM INFORMATION AND COLLATERAL

- a) **Murwillumbah-Based Tourism Collateral** – Development by Destination Tweed of a low cost up-to-date ‘tear off’ map or small brochure clearly identifying shopping and dining opportunities as well as other points of interest in Murwillumbah, including Council facilities.
- b) **Tweed Visitor Guide (TVG) and ‘Tear Off’ Regional Map** - Commitment by Destination Tweed to ensure that its TVG and ‘tear off’ regional map publications are made consistently available at all appropriate Council assets in the future.
- c) **‘What’s On’ Information** - Destination Tweed and Council develop a coordinated approach and greater collaboration for the promotion of events and what’s on in the Tweed including an improved Events Calendar, what’s on information and marketing of that information, including to the TRGMOAC.

PART ii. DESTINATION TWEED MARKETING

- a) **Review of Community Engagement Initiatives** – Improve Destination Tweed's communication regarding the marketing opportunities currently provided by them to Tweed business operators and event organisers.
 - b) **Destination Tweed Website** – That Destination Tweed consider ways it can improve its marketing to encourage and boost online registrations for Tourism, Restaurant and Business Facilities on their websites with greater collaboration and cross promotion with existing Council websites, services and publications.
2. Recognises in the Economic Development Strategy Directions D9 - D13 being:
- a) **Murwillumbah: Arts and Cultural Hub of the Tweed** –
 - D9: Brand and promote Murwillumbah as a creative and cultural Hub. This includes:
 - Development of a brand strategy for Murwillumbah to provide it with an identity as a creative centre;
 - Use free press social media and other marketing avenues to raise Murwillumbah’s profile as a creative place.
 - D10: Identify opportunities to establish subsidised creative spaces in Murwillumbah using the 'Creative Spaces Model'. This includes:
 - Identification of disused and underutilised buildings;
 - Refurbish identified building/s for creative studios;
 - Seek interest from registered artists from across Australia;
 - Place artists in creative studios.
 - D11: Grow a program of creative events in Murwillumbah to raise the profile and establish the town as a recognised centre of creative arts.

D12: Continue to promote the Tweed Regional Gallery and Margaret Olley Art Centre.

D13: Tweed Shire to actively support arts and cultural activities in Murwillumbah

as projects that establish Murwillumbah as a centre of creativity.

- b) Streetscaping – In order to elevate Murwillumbah CBD’s aesthetic and, therefore, tourism appeal, consideration be given to incorporation of artistic and creative elements wherever practical and appropriate.**
 - c) Tourism Signage - In line with its previously adopted resolution on signage review, Council also give consideration to the review of current signage strategies for Tourism, Cultural Assets and specific directional signage for Murwillumbah’s shopping and dining precincts. This review to include Council, Destination Tweed and Chambers of Commerce.**
 - d) Town Branding – As part of a regional branding strategy, look to actively brand Murwillumbah as the creative and cultural hub of the Tweed.**
 - e) Council's Website - Includes Destination Tweed promotion as a newsreel item on the front page of Council's website.**
- 3. Requests the Tweed Regional Gallery to commit to providing an increase in the display area available for local businesses and organisations to promote themselves at Tweed Regional Gallery and Margaret Olley Art Centre (TRGMOAC).**
- 4. Recommends that a quarterly meeting be held with the Destination Tweed Chief Executive Officer and Marketing Manager, and Council's General Manager, Manager Holiday Parks and Economic Development, Communications and Customer Services Coordinator, Events Officer, and as required representatives from Council's three key tourism facilities (Art Gallery, Museum and Tweed Regional Aquatic Centre) to best promote tourism to these facilities and within the town of Murwillumbah.**

REPORT:

In February 2015, the Tweed Regional Gallery Foundation Limited's Board of Directors commissioned and funded the 'Visitor Research Report' for the Tweed Regional Gallery and Margaret Olley Art Centre (TRGMOAC). Its aim was to ascertain the economic impact of the TRGMOAC and provide valuable information in relation to visitor profiles, needs and trends that could be utilised by the community.

The Report revealed that the Tweed business community, tourism operators, entrepreneurs and creative community had not yet fully embraced the opportunity to leverage the success of the TRGMOAC.

The Report was formally received and noted by Council on 16 July 2015. Council acknowledged that it has a leadership role in tourism and economic development. As a result, a coordinated approach to implementing the Report's recommendations was adopted. An independent facilitator, Deborah Flannery, was engaged on a short-term project basis by Council's Holiday Parks and Economic Development Unit on 29 June 2015. The facilitator's primary role was to effectively disseminate the information contained in the Report, which is the potential to increase trade from this untapped market, to business operators in the Murwillumbah CBD.

The Project adopted a personal approach to disseminating the Report's key findings. Individual meetings with the members of the original Reference Group were conducted. Relationships and communication channels were strengthened between Council's Holiday Parks and Economic Development Unit; TRGMOAC; Destination Tweed; Tweed Regional Museum (TRM); the Murwillumbah District Business Chamber (MDBC); creative community groups such as Thrive2484 and Caldera Creative, the Friends of TRGMOAC; the TRG Foundation Ltd.; volunteers and staff at the Murwillumbah Visitor Information Centre including Caldera Art Gallery and several relevant Council Units.

In addition, approximately 130 Murwillumbah CBD business operators, including South Murwillumbah, were approached on a face-to-face basis. These included a diverse range of operators, including restaurants, cafes and retail shops, art galleries, tour operators, service providers, real estate agents, some accommodation outlets as well as event and festival organisers.

In order to effectively communicate the Report's key findings to Murwillumbah business operators, an information card was produced by Council's Holiday Parks and Economic Development Unit. These were distributed to Murwillumbah business operators, event organisers and other community groups. Approximately 170 information cards were distributed. The information card was made available in both a paper-based and electronic form.

During the course of discussions with business operators, the facilitator discovered a general lack of awareness within the Murwillumbah business community in relation to the promotional opportunities currently provided by the Tweed's peak tourism promotional body, Destination Tweed. At the beginning of the Project, Destination Tweed's website only contained two Murwillumbah-based listings in the 'Eat and Drink' category. There were no current Murwillumbah-based listings in the 'Shop and Indulge' category.

In response to the facilitator's request, Destination Tweed produced a flyer, 'Be The Next Destination They Discover'. This flyer clarified three of the main promotional opportunities

provided by Destination Tweed to all Tweed business operators and event organisers. These included creating a website listing, creating an event listing and promotion of business activities attractive to visitors through brochure display and distribution at the VICs. Apart from achieving a much greater awareness of the channels by which local operators can engage with Destination Tweed, the Project has also generated approximately 25 new Murwillumbah-based listings as well as numerous new and updated events listings. Additional listings have also been achieved for some of the surrounding areas. Despite these efforts, the Destination Tweed website continues to display a lack of content from the Tweed in general for both its Business Listings and Events Planner. Further efforts are required by Destination Tweed to redress this issue.

The Project also revealed that there is a significant lack of tourism collateral promoting Murwillumbah as a tourism destination. At present, minimal if any, up-to-date collateral is available for dissemination by staff or volunteers at the TRGMOAC. The situation is similar at TRM and Tweed Regional Aquatic Centre (TRAC). Importantly, the Report revealed that approximately one third of visitors to the TRGMOAC are first time visitors. These visitors have a high need for guidance and information, particularly in relation to shopping and dining options and other points of interest. Clearly, these tourism information needs are not currently being met.

The facilitator achieved additional information dissemination of the Report's key findings through several press releases. These resulted in articles in regional newspapers, online publications and a radio interview.

Upon Council's request, the facilitator also organised a networking event for the Murwillumbah business community. The 'Murwillumbah Business Forum - Cultural Tourism' was held on Tuesday 6 October 2015. Council's Holiday Parks and Economic Development Unit hosted this event at Haven Bar, Murwillumbah. It was aimed at businesses with the potential to leverage the TRGMOAC's success. A panel selected from Council, Destination Tweed, TRGMOAC, the MDBC, NORTEC Small Business Solutions and local business operators helped to disseminate the information contained in the Report and suggested practical, hands-on methods through which local businesses can more fully embrace a tourism focus for their business. Approximately 50 business operators attended. Feedback from the event was overwhelmingly positive.

Subsequent to the Forum, NORTEC Small Business Solutions has provided Murwillumbah business operators with the opportunity to participate in workshops including Retail Excellence and Digital Engagement. NORTEC Small Business Solutions has also been inspired to announce a series of free Business Advisory 'Pop Ups' to be held at their Murwillumbah office on Friday 6 November and Friday 4 December 2015. A Cultural Tourism Workshop by Dr Ros Derrett OAM has been planned to be held in Murwillumbah in early 2016. Arts Northern Rivers has also expressed an interest in organising more 'pop up' studios as a result of the overwhelming success of their project held at 43 Wollumbin Street from Friday 23 October to Tuesday 27 October 2015 as part of the Tweed Fusion Weekend.

In an attempt to standardise the dissemination of tourism information across all key Council assets, the facilitator requested for Destination Tweed to provide the TRGMOAC, TRM and TRAC with free-standing, mobile display stands to display the TVG and other Destination Tweed - endorsed tourism collateral. This has been completed. At present, the stands cannot be utilised as the TVG is out of print until December 2015.

During the course of the Project, the facilitator also explored opportunities to increase the visitor spend, develop market segments and incorporate more locally made products into Murwillumbah businesses inventories. Avenues for better uses of social media and information dissemination were considered. Options for incorporating additional footpath trading and projects such as RENEW Newcastle to rejuvenate the Murwillumbah CBD were also explored. The scope of this project did not allow for implementation of these opportunities.

Whilst the facilitation project has finished there are further actions identified to realise the full potential of this project. This Report recommends that Council continues to work with Destination Tweed and the TRGMOAC to implement the following short and medium term recommendations.

1. **Tourism Information and Collateral** - Currently, there is no consistently available and displayed tourism information available at the TRGMOAC. The TRGMOAC's primary purpose is not to be a Visitor Information Centre (VIC), however as a major tourism destination it is appropriate for the TRGMOAC to provide appropriate opportunities for tourism information dissemination to visitors.
2. **Murwillumbah-Based Tourism Collateral** - Development by Destination Tweed of a low cost up-to-date 'tear off' map or small brochure clearly identifying shopping and dining opportunities as well as other points of interest in Murwillumbah. It is recommended that this map is made consistently available at TRGMOAC, TRM, TRAC and the VICs.
3. **TVG and 'Tear Off' Regional Map** - Commitment by Destination Tweed to ensure that it's TVG and 'tear off' regional map publications are made consistently available in the future. Outlets to include the TRGMOAC, TRM, TRAC and Council office reception areas. Managers of these facilities must ensure that publications are kept in stock and appropriate re-ordering procedures are followed.

It is suggested that the 'tear off' map be reviewed in conjunction with Councils Communications unit and should feature Council's Administration Centre, Tweed Regional Aquatic Centre, Tweed Regional Museum and Tweed Regional Art Gallery and Margaret Olley Arts Centre and café on the visitors map. In return Council will provide a commitment to Destination Tweed that the 'tear off map' and Visitor Information Guides will be distributed and available to the public and visitors at the following Council facilities - Tweed Heads and Murwillumbah Customer Service Centres, Tweed Regional Aquatic Centre Murwillumbah and the Tweed Regional Museum, Tweed Regional Gallery. The cost for providing these bulk supplies is Destination Tweeds responsibility; however Council Communications section will provide a single point of distribution who will be able to provide them to the various Council facilities once they run out.

4. **What's On Information** - Destination Tweed to give consideration to provision of 'What's On' information on a regular basis and to include Council and community facilities and other events within the Shire. It is recommended that an A-frame stand, similar to the one used at MVIC, could be prominently displayed at the entrance of the TRGMOAC. This is a low cost method to display information about local events and activities that may be of interest to visitors to the region. It is recommended that

Destination Tweed supplies and maintains the stand to ensure that the information remains current.

In addition, regular communication and liaison between Destination Tweed and TRGMOAC highlighting relevant information such as events, festivals, and the opening of new businesses would be extremely valuable for front of house staff and volunteers at the TRGMOAC. If information for this list was specified to be derived solely from Destination Tweed's own website, it would also act as an incentive for businesses as well as event and festival organisers to list on Destination Tweed's website in a timely fashion. It is recommended that the information is also emailed to TRM and TRAC.

There is an opportunity for Destination Tweed and Council to develop a coordinated approach and greater collaboration for the promotion of events and what's on in the Tweed including an improved Events Calendar, what's on information and marketing of that information, including to the TRGMOAC.

5. **Expansion of TRGMOAC's Information Display Area** – A low cost method of expanding the display area available for local businesses and organisations to promote themselves includes replacement of the current clear acrylic shelving with more efficient streamlined options. This would maximise the available display space. Installation of an additional large pin board would significantly increase the space available for poster and flier display.

Expansion of the current display area should also be considered. Installation of an additional slat panel and associated shelving would be required. It is envisaged that the TRG Foundation Ltd. could undertake both of these projects.

6. **Tweed Tourism Signage** - With approximately three quarters of the visitors to the TRGMOAC travelling from outside of the region and one third of those new to the facility, clear, easily available tourism information and guidance is required.

Therefore, it is suggested that in line with Council's previously adopted resolution on signage review, Council also give consideration to the review of current signage strategies for Tourism, Cultural Assets and specific directional signage for Murwillumbah's shopping and dining precincts. This review to include Council, Destination Tweed and Chambers of Commerce.

7. **Destination Tweed Marketing**

In order for local business operators to benefit from the increased visitor numbers generated by the TRGMOAC, it is imperative that Destination Tweed effectively informs them about current marketing opportunities.

- a) **Review Destination Tweed's Community Engagement Strategy** – Improvements are required to be made by Destination Tweed to effectively communicate the marketing opportunities currently provided by Destination Tweed to Tweed business operators and event organisers.

- b) **Destination Tweed Website** – Destination Tweed consider ways it can improve its marketing to encourage and boost online registrations for Tourism, Restaurant

and Business Facilities on their websites with greater collaboration and cross promotion with existing Council websites, services and publications.

- c) Council Website - Includes Destination Tweed promotion as a newsreel item on the front page of Councils website. This is in addition to the already featured Tourism Information (top bar which appears on every single page of Councils site and additional Tourism Information).

8. **Murwillumbah: Arts and Cultural Hub of the Tweed**

The establishment of Murwillumbah as a 'Centre of Creativity' was identified in the 'Tweed Shire Economic Development Strategy, March 2014'.

- a) Murwillumbah: Arts and Cultural Hub of the Tweed – recognises the inclusion in the Economic Development Strategy of Directions D9 - D13 being:

D9: Brand and promote Murwillumbah as a creative and cultural Hub. This includes:

- Development of a brand strategy for Murwillumbah to provide it with an identity as a creative centre;
- Use free press social media and other marketing avenues to raise Murwillumbah's profile as a creative place.

D10: Identify opportunities to establish subsidised creative spaces in Murwillumbah using the 'Creative Spaces Model'. This includes:

- Identification of disused and underutilised buildings;
- Refurbish identified building/s for creative studios;
- Seek interest from registered artists from across Australia;
- Place artists in creative studios.

D11: Grow a program of creative events in Murwillumbah to raise the profile and establish the town as a recognised centre of creative arts.

D12: Continue to promote the Tweed Regional Gallery and Margaret Olley Art Centre.

D13: Tweed Shire to actively support arts and cultural activities in Murwillumbah

as projects that establish Murwillumbah as a centre of creativity.

- b) Streetscaping – In order to elevate Murwillumbah CBD's aesthetic and, therefore, tourism appeal, consideration be given to incorporation of artistic and creative elements wherever practical and appropriate.
- c) Tourism Signage - In line with its previously adopted resolution on signage review, Council also give consideration to the review of current signage strategies for Tourism, Cultural Assets and specific directional signage for Murwillumbah's shopping and dining precincts. This review to include Council, Destination Tweed and Chambers of Commerce.

- d) Town Branding – As part of a regional branding strategy, look to actively brand Murwillumbah as the creative and cultural hub of the Tweed.

OPTIONS:

Council has two options:

1. To receive and note this report; or
2. To continue to work with Destination Tweed and the TRGMOAC to further implement the short and medium term recommendations of this report.

CONCLUSION:

Key findings contained in the 'Tweed Visitor Report, April 2015', have the potential to act as a catalyst for Murwillumbah CBD business operators and Murwillumbah-based event organisers to adopt a tourism focus and leverage the success of TRGMOAC. During this Project, the Report's findings have been successfully conveyed to a significant section of the business community. Further actions are identified to assist the business community to fully realise the tourism potential currently generated by the TRGMOAC. It is recommended that strong ties continue to be fostered between all Council, Destination Tweed, business operators and organisations in the broader community in the future to further develop the success of the TRGMOAC.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Council committed and has expended \$29,780 in engaging the independent facilitator to disseminate the information contained within the visitor research report and to liaise with local businesses to explore opportunities to improve business trading.

The annual contribution to Destination Tweed allowed in the 2015-2016 Budget is \$817,000.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

8 [GM-CM] ID Consulting - Contract Renewal

SUBMITTED BY: Holiday Parks and Economic Development



Strengthening the Economy

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

In 2010 Council resolved to accept the tender from ID consulting to provide Demographic and Statistical Research for Business Investment for the Tweed. The initial four year contract term has lapsed and the existing tender allowed for an extension of an additional four years.

This report recommends that Council enters into a renewed contract to provide demographic and statistical research for business investment in accordance with the original Tender.

RECOMMENDATION:

That Council:

- 1. Enters into a renewed contract with ID consulting to continue to provide Demographic and Statistical Research for Business Investment in accordance with Section 2B of Tender AC2010-073 to conclude on 30 September 2018;**
- 2. Executes all documents under the Common Seal of Council; and**
- 3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
 - (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 AC2010-073

In 2010 Council resolved to accept a tender from ID Consulting Pty Ltd to provide Demographic and Statistical Research for Business Investment for the Tweed Shire in accordance with Part B2 of Tender AC2010-073.

Tender AC2010-073 was for the provision of Tourism and Economic attraction services to be provided to Council. The majority of the tender was contracted to Destination Tweed. However, the tender submitted by ID Consulting stood out as a great product in the Part B2 section.

ID Consulting's original tender submission was for a turnkey web solution which would supply demographic and economic information through three core tools being:

- Profile.id: an online demographic profile
- Atlas.id: an online social atlas
- Economic.id: an online economic profile
- Forecast id: an online population projection package

Profile.id is a socio demographic profile for the Tweed community at the municipal level and for smaller communities within it. It presents data from the 1991, 1996, 2001 and 2006 ABS census. Their tender submission includes for up to 15 local areas.

Atlas.id is an online social atlas thematic maps to show a level of detail where specific groups of people live. It identifies concentrations of specific communities and highlights diversity within the Shire. It is a visually appealing method, presenting demographic and economic information. It comprises 64 maps covering all census topics and has the capacity to create customised maps. The maps are based on Microsoft's Bing interactive maps.

Economic.id is a profile of the economy of the local government area. It enables users to understand the local economy, it presents data for the local area from 10 sources, including census, national accounts, labour force, building approvals, CPI and retail business. The economic data also includes economic modelling and analysis based on input/output modelling undertaken by a nationally renowned economics firm REMPLAN. The tender includes the provision for two benchmarks. The staffing structure indicated gives an overview of the key staff within the organisation and recent projects that they have undertaken. The system is updated with new data as it becomes available. It presents a cost effective high level solution, however it is not able to be used for unique, one-off project assessments. These assessments can be done online through the economy ID website.

The economic data set also has specific data sets based on the agricultural industry including agricultural productions. .id are currently preparing a Tourism data set which will be released shortly.

Forecast.id. This package matches Council's land release supplies and localised forecasts against the State projections for the local area to determine a population projection and housing forecast which is rational and balanced.

There is currently more than 190 councils Australia wide subscribing to their online profiles which cover more than 75% of the Australian population.

ID Consulting have been providing an online demographic, economic statistical service to Council for five years. Over these five years Council officers have become used to the online service and now use it on a daily basis to provide quick answers to filter into Council reports, establishing catchments for infrastructure development, media releases and enquiries, answering requests from community groups, residents and students.

The information is consolidated into one place and the web site provided to contact centre enquiries in one easy response. These enquires used to involve staff reviewing data, collating it into spreadsheets and emailing or faxing a response. It is estimates that this would take anywhere up to 3 person days a week across the organisation.

Forecast ID is a population projection model that has been built specifically for the Tweed from the ground up. It was done in collaboration with all areas of Council that utilise projection data and was based on the land availability and anticipated release rates of that land. This is opposed to the approach taken by the State government which review the State and regional data and allocate growth rates according to statistical averages. A top-down approach compared to a bottom up approach used by ID.

Forecast ID has become the standardised projection data set that is used in all Council reports and strategies. It has proved so successful that Council's Water Unit have commissioned ID to revise the projection data to fit it into their catchment areas so that a better forecasts can be made for infrastructure upgrades and capital expenditures into the future.

OPTIONS:

Council has two options available:

1. Enter into a renewed contract with ID Consulting to provide Demographic and Statistical Research for Business Investment; OR
2. Review its delivery of these services internally and to the community.

CONCLUSION:

This report recommends that Council enter into a renewed contract with ID consulting to continue to provide Demographic and Statistical Research for Business Investment in accordance with Section 2B of Tender AC2010-073 to conclude on 30 September 2018.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

This contract will commit Council to an agreed contract amount for ID services for the specified period of the contract.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Draft Agreement with ID Consulting to provide statistical services (ECM 3833332)

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

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

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

(a) the provisions of:

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

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

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

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

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

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

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

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

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

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

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

9 [PR-CM] Unauthorised Works at Lot 39 DP 755754 No. 790 Kyogle Road Byangum

SUBMITTED BY: Development Assessment and Compliance

Valid



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Council at its meeting of 5 November 2015 resolved as follows:

"that this item be deferred to the Council meeting of 19 November 2015 to allow the opportunity for a site inspection."

A site inspection was being finalised at the time of the writing of this report and in accordance with the above resolution the report is resubmitted for consideration.

A number of complaints have been received from the same complainant over recent years for issues related to land known as Lot 39 DP 755754 No. 790 Kyogle Road, Byangum. A more recent complaint alleges unauthorised earthworks, removal of vegetation/trees, use of the 'community land' off Kyogle Road as a driveway and river crossing, an alleged second dwelling within 40m of the Tweed River and alteration of the Tweed River bank. Council officers have investigated these matters and concluded that the works had been undertaken in a manner conducive to the ecological values of the site, and did not warrant further compliance action.

RECOMMENDATION:

That Council, in respect of recent complaints regarding alleged unauthorised works and activity on the premises, known as Lot 39 DP 755754 No. 790 Kyogle Road, Byangum, does not take any further compliance action.

REPORT:

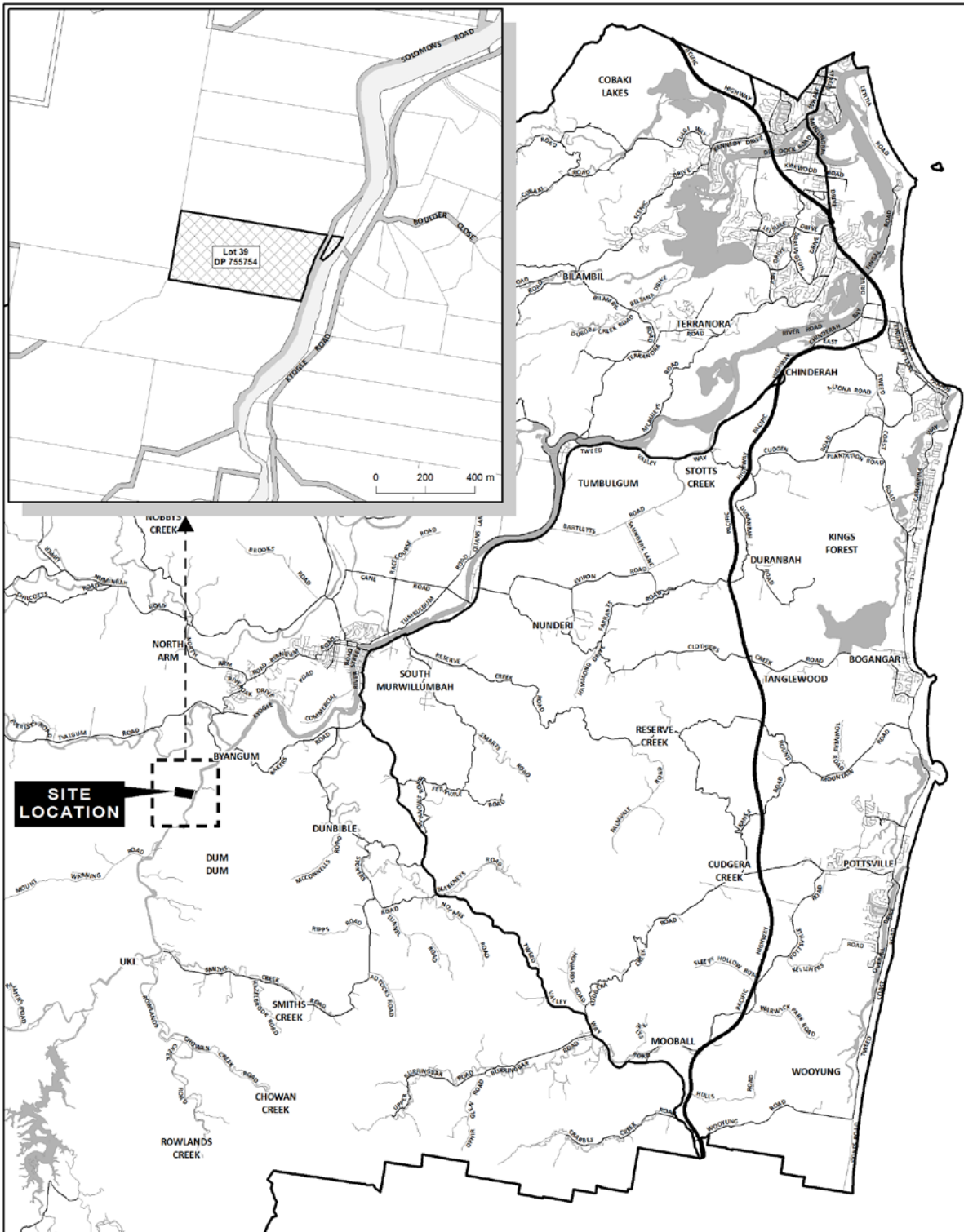
Background:

In recent years, a number of complaints have been raised in respect to a range of alleged unauthorised works and activity relating to land described as Lot 39 DP 755754 No. 790 Kyogle Road, Byangum.

A more recent complaint has alleged the following unauthorised works:

1. Earthworks
2. Removal of vegetation/trees
3. "Use of the 'community land' off Kyogle Road as a driveway and river crossing"
4. An alleged second dwelling within 40m of the Tweed River
5. Alteration of the Tweed River bank.

SITE DIAGRAM:

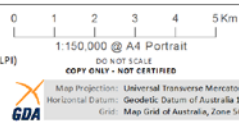


Locality Plan

Lot 39 DP 755754
No.790 Kyogle Road, Byangum

Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representations or warranties expressed or implied, statutory or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general guidance and is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any excavations a "Dial before You Dig" enquiry must be made by calling 1100. The information contained on this document remains valid for 30 days only from the date of supply.

Cadastral: 07 October, 2015
© Land and Property Information (LPI) & Tweed Shire Council.
Boundaries shown should be considered approximate only.



Civic and Cultural Centre
3 Tumbulgum Road
Murwillumbah NSW 2484
PO Box 816
Murwillumbah NSW 2484



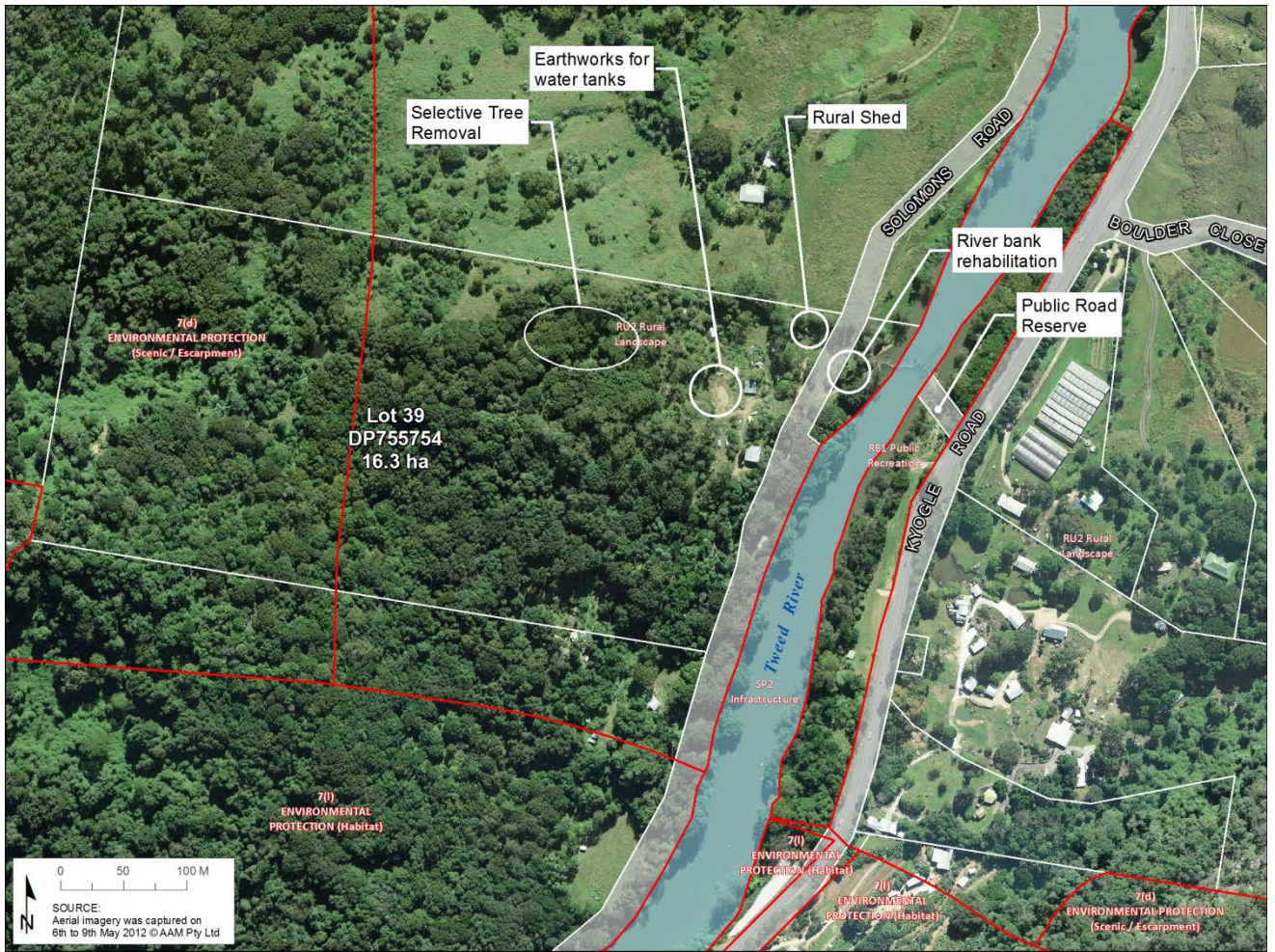
T | (02) 6670 2400 | 1300 292 872
F | (02) 6670 2429
W | www.tweed.nsw.gov.au
E | planningreform@tweed.nsw.gov.au

Filepath: Z:\GIS\PI\PUBLIC\STANDARD TEMPLATE\Locality\and\LocalityPlan\1504_A4.rwd

Author: Balthazar - Strategic Planning & Urban Design Unit

Date Printed: 07 October, 2015

AERIAL:



Assessment:

1. Earthworks

Landowner response:

"I prepared sites for 4 concrete water tanks, one above ground 3 below ground. Slightly widened existing farm track adjacent to tank site for delivery twin steer crane truck to back in.



Tanks are mentioned in the State Environmental Planning Policy) Exempt and Complying Development Codes) 2008. Farm tracks are considered as RAMAs [Routine Agricultural Management Activities] in the State legislation and Ancillary to Agriculture in your current LEP and as such are not 'development works ' and thus not requiring any approval in our situation.

In the Exempt and Complying Development Codes legislation there are no restrictions on cut and fill on underground tanks as when complete the ground level is restored. Re the acid sulphate zone 5, an officer for the State Environment and Planning Dept. zoomed right in on our house with a high resolution satellite viewer and looked right at where the tanks are and said that exact spot does not trigger any of the restrictions of proximity to zones 1,2,3,4 and water bodies etc. and was in his professional opinion exempt. And as stated above, farm tracks are considered as RAMAs [Routine Agricultural Management Activities] in the State legislation and are Ancillary to Agriculture in your current LEP and as such are not "development works ' and thus not requiring any approval in our situation . The cut and fill on farm tracks recommended by the Dept. of Primary Industries is way outside of allowable cut and fill of complying development as farm tracks are not development and basically unregulated away from sensitive areas . This document is dated 2015."

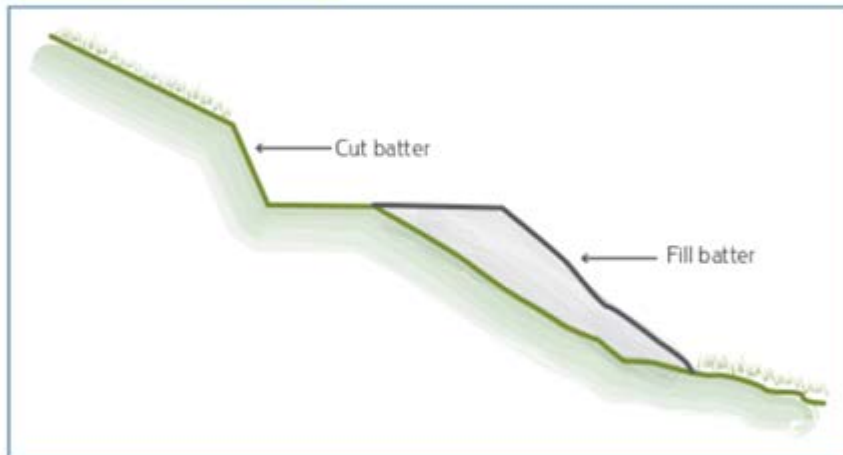


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Stable roads and tracks

4

Construction and maintenance of on-farm roads and tracks are high erosion risk.



Cut batters

Cut batters should be close to vertical for heights up to 1.5 m. These batters may suffer from slumping initially, but will usually stabilise with follow-up maintenance. Cut batters higher than 1.5 m, or persistently collapsing batters, require stabilising with laying back, retaining walls or diverting run-on water around the batter.

Fill batters

Fill batters should be no steeper than 1:2 m, and flatter where possible. Disturbed fill is much less stable than a cut batter so rapid establishment of vegetation cover is essential to stabilise them. Where practicable stockpile topsoil and leaf litter to respread over areas to be revegetated.

There will be no erosion because the whole area has been mulched. Apart from the actual tank sites which now, due to the stop work order, are still to be completed, the minor cut and fill from widening the track has been heavily mulched and planted and a large silt trap is below. There is no danger of any sediment run off, and now the mulching and planting is done, it just looks so minor and normal."

Assessment:

A site inspection by two Council officers observed earthworks at three specific sites which created area for water tanks. The fourth tank was above ground beside the dwelling and is **exempt** under clause 2.64 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. The bank along the existing track had been excavated to a limited extent to allow the three water tanks to be essentially

buried so as to have a minimal visual impact and limit any erosion by reinstating the natural ground level.



Existing roadway where an area for two water tanks was created. The tanks will be backfilled so as to be largely underground.



In relation to Rainwater Tanks (below ground), the three tanks qualify for exemption under clause 2.66 of the *State Environmental Planning Policy (Exempt and Complying Development Code) 2008* with one exception – clause 2.66(b) requires that any tank is not constructed or installed on land that is identified as Class 1-5 on the Acid Sulfate Map. Although lying within the Class 5 area, this particular site is elevated more than 20 metres above the river level. It is therefore exempt as it is well above the 5m Height Datum and atypical of the normal low lying soils affected by acid sulfates. In summary, the earthworks associated with the water tanks are exempt.

In any event, the works would be exempt under the Native Vegetation Act 2003 as a RAMA (Routine Agricultural Management Activity) where 'tanks' are listed as exempt rural infrastructure.

In regard to any possible erosion/sedimentation issues, there is a large benched garden directly below the disturbed area. Any sediment would be contained within the immediate area. The site is considered to be secure in terms of sediment and erosion control.



The area directly below the disturbed roadway is a large, flat bench with an established garden. No sediment could escape past this bench to the river.



2. Removal of vegetation/trees

Landowner response:

"A hand full of tall thin gumtrees were coppiced, [now re-sprouting], that were in danger of falling on house, cars etc. around Christmas time. Also about 10 Camphor Laurels have been lopped at various spots below [or outside] the 'Deferred Matter' zoning [previously scenic escarpment]."



Assessment:

The only portion of the property where vegetation clearing is precluded is the western third of the property currently zoned DM (Deferred Matter) adjacent to Hatton's Bluff reserve. The removal of the tall trees is not viewed as unreasonable with the storm season approaching and their proximity to the dwelling.

There have been pockets of Camphor Laurel trees removed further up the property, but only to allow replacement trees to be planted. The openings allow water and light to penetrate the canopy so the landowner can plant a range of fruit trees, as well as other native species. Camphor Laurels are listed as 'noxious' and any landowner is considered to be acting responsibly if selectively removing Camphors without disturbing the soil and creating erosion.



Examples of fruit trees and other plantings re-established over recent months.

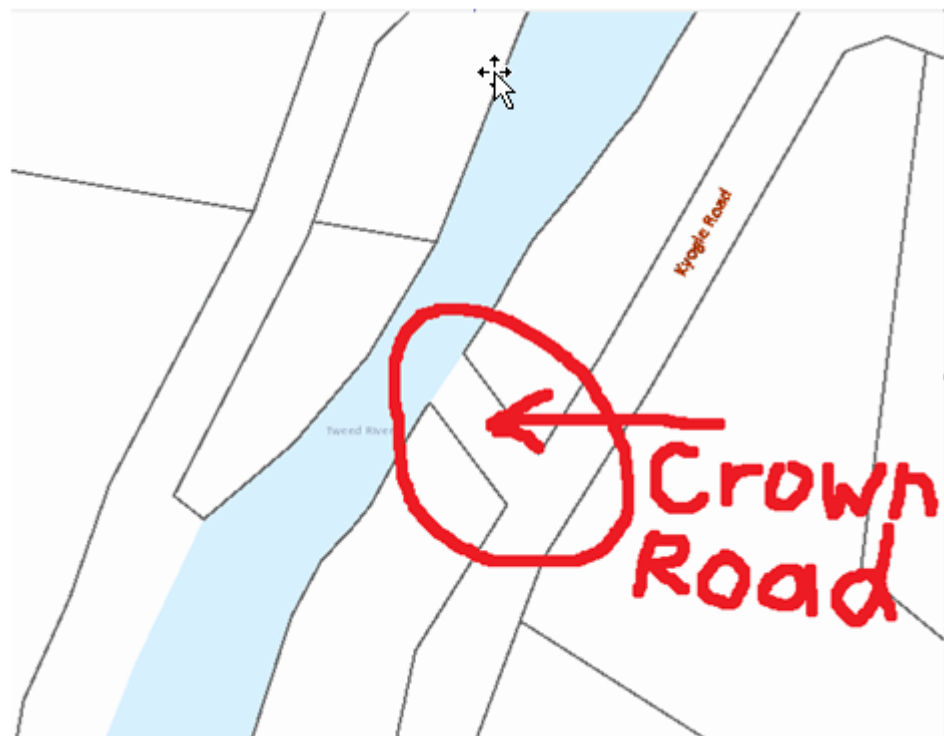


In addition, the landowner uses any felled Camphor Laurels for 'Bio Char' processing as a soil additive and a carbon store. He also employs the 'Hugekulture Bed' method to allow progressive decomposition so the decaying timber nutrients stay in situ.

3. "Use of the 'community land' off Kyogle Road as a driveway and river crossing"

Landowner response:

"Yes we most certainly do still use the Gazetted Road /river crossing occasionally - thus maintaining our existing usage rights".



Assessment:

The landowner's principal means of access is now along the western side of the Tweed River along Solomons Road now that the access roadway has been upgraded. However, the landowner continues to have lawful access from Kyogle Road across the river if he chooses as the public road reserve does link Kyogle Road to the water's edge. In practice however, he rarely uses this river access.

4. An alleged second dwelling within 40 m of the Tweed River

Landowner response:

"No-one lives in the shed. The shed is a day use agricultural shed, garage, workshop, storage, machinery shed, office, etc. and is not suitable for permanent occupation and is not the principal or sole residence of any persons. On some occasions (a few long weekends) etc. someone may camp there in their mobile home, etc. but they have a legal principal place of residence elsewhere."

Assessment:

Random site inspections on two separate occasions have confirmed the shed is uninhabited. Its construction is very rustic with no kitchen, bathroom, power, plumbing, floor or wall/ceiling lining. It appears to be used for processing garden produce, storage and general use.



This is an unwired, unplumbed, unlined rural shed.



5. Alteration of the Tweed River bank.

Landowner response:

"No works what-so ever near the river in several years."

Assessment:

There are no earthworks or disturbance in proximity to the river edge. The works associated with the water tanks are 115m away up the hill. The only works undertaken near the Tweed River have been re-vegetation plantings to help rehabilitate the area. Over 120 trees/shrubs (mostly Natives) have been established over the last 6 months.



Bank re-vegetation plantings established over recent months.



OPTIONS:

That Council:

1. Take no further action.
2. Issue a Penalty Infringement Notice (\$1500), or further enforcement action.

Option 1 is recommended by the officers, as there are insufficient, defensible grounds to take any punitive action.

CONCLUSION:

A number of complaints have been received from the same complainant over recent years for issues related to land known as Lot 39 DP 755754 No. 790 Kyogle Road, Byangum. A more recent complaint alleges unauthorised earthworks, removal of vegetation/trees, use of

the 'community land' off Kyogle Road as a driveway and river crossing, an alleged second dwelling within 40m of the Tweed River and alteration of the Tweed River bank. Council officers have investigated these matters and concluded that the works had been undertaken in a manner conducive to the ecological values of the site, and did not warrant further compliance action.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

No financial resources are required unless further prosecution is required.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

10 [PR-CM] Combined Development Application and Planning Proposal for Expansion of the BP Highway Service Centre at Chinderah (southbound lane)

SUBMITTED BY: Strategic Planning and Urban Design

FILE REFERENCE: PP15/0001 Pt 1

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.5 Manage and plan for a balance between population growth, urban development and environmental protection and the retention of economical viable agriculture land
- 1.5.1 Sustainable management of the population in accordance with strategic decisions of previous councils, the NSW and Commonwealth Governments and the Far North Coast Regional Strategy, including provision of amenities, infrastructure and services

SUMMARY OF REPORT:

Council officers submitted a report to the Planning Committee meeting of 5 November 2015. The report recommended as follows:

"that Planning Proposal PP15/0001 (version 3), for Lot 1 DP 1127741 and Lot 2 DP 1010771, being Tweed Local Environmental Plan 2014 Amendment No. 12, be forwarded to NSW Planning and Environment requesting the making of the plan under s.59 of the Environmental Planning and Assessment Act 1979."

The motion was moved and seconded. Council then proposed an amendment which reads as follows:

"that this item be deferred to allow the objector to have their planning consultant address Council."

The amendment was moved and seconded but then the amendment was defeated.

Council then voted on the original recommendation for approval which resulted in a tied three all vote. The motion was lost on the casting vote of the Mayor.

The application remains undetermined as it was neither approved or refused.

Council has sought legal advice following the Planning Committee of 5 November 2015 and the report is resubmitted for consideration based upon that advice.

If it is Council's intent to not approve this application the reasons for refusal need to be provided as part of the final determination.

PREVIOUS SUMMARY

This report provides a summary of public consultation undertaken with regard to the combined Development Application DA10/0737 and Planning Proposal PP15/0001 for expansion and redevelopment of BP highway service centre located at Pacific Motorway/Chinderah Road/Ozone Street intersection in Chinderah. Whilst this report has been prepared for a Planning Committee Meeting in September, it has been expanded to summarise further consultation, including a post-exhibition workshop during which those members of the community who lodged submissions were given an opportunity to discuss their concerns with the Councillors.

In summary, the need for expansion and redevelopment of the highway service centre relates to traffic safety on the southbound carriageway. The proposed expansion of the centre is designed to free-up movement by allowing construction of a new designated truck park and modification of the refuelling area, along with a new area for caravan parking, which will permit greater traffic separation and generally better flow within the site.

Two key issues identified during the public exhibition and the post-exhibition consultation relate to an appropriate offset to compensate loss of vegetation resulting from the expansion of the highway service centre onto adjoining land and concerns about increasing traffic noise, particularly compression braking of trucks.

Should Council resolve to support the planning proposal, it will be referred to the Department of Planning & Environment for the Local Environmental Plan to be made. Following the making of the plan, a separate report addressing the DA component and including relevant feedback from the public exhibition, will be prepared for Council's consideration and determination.

RECOMMENDATION:

That Planning Proposal PP15/0001 (version 3), for Lot 1 DP 1127741 and Lot 2 DP 1010771, being *Tweed Local Environmental Plan 2014 Amendment No. 12*, be forwarded to NSW Planning and Environment requesting the making of the plan under s.59 of the *Environmental Planning and Assessment Act 1979*.

REPORT:

1. Introduction

The planning proposal affects Lot 2 DP 1010771, being the site of the existing highway service centre located at the southbound lane of the Pacific Motorway in Chinderah and Lot 1 DP 1127741, being an undeveloped lot adjoining this service centre to the east. The total area of these two lots is approximately 5.7 hectares.

Lot 1 DP 1127741 is vegetated with Broad-leaved Paperbark/Swamp She-oak Closed Forest and the Endangered Ecological Community (EEC) Swamp Sclerophyll Floodplain Forest. This EEC comprises 1.32 hectares (or approximately 33%) of the total 4.041ha of this lot. The site is sloping to the south and east, with an open drainage channel running generally along the eastern boundary.

The site is located at the intersection of Pacific Highway, Tweed Coast Road, Chinderah Road and Ozone Street. Access to the site is via an off-ramp from the Pacific Highway, and Ozone Street from the south.



Fig 1. Location of the BP highway service centre.

The planning proposal seeks to facilitate the expansion and redevelopment by the following amendments to the Tweed LEP 2014:

- Amendment of the land zoning map applying to Lot 2 DP 1010771 and that part of Lot 1 DP 1127741 that is within the proposed development footprint from RU2 Rural Landscape to the IN1 General Industrial zone, in accordance with the

proposed Land Zoning map shown at Part 4 Mapping of the Version 3 Planning Proposal (attachment 1 to this Report);

- Amendment to the map pursuant to Clause 2.5 (Additional Permitted Land Uses Map) to identify the location of the highway service centre as item number 11, in accordance with the proposed Additional Permitted Uses map shown at Part 4 Mapping;
- Amendment to the Lot Size map for Lot 2 DP 1010771 and that part of Lot 1 DP 1127741 proposed to be zoned IN1, as shown at Part 4 Mapping; and
- Inclusion of an additional item in Schedule 1, permitting development of a *highway service centre* with consent on Lot 2 DP 1010771 and that part of Lot 1 DP 1127741 proposed to be zoned IN1.



PROPOSED LAND ZONING
Local Environmental Plan 2014 - Amendment No.12
Lot 1 DP 1127741 and part of Lot 2 DP 1010771;
No.1 Ozone Street, Chinderah

Tweed Local Environmental Plan 2014
LAND ZONING

IN1 General Industrial Affected Properties

Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council is not responsible for user action or reliance on this data, or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is provided for the general guidance and is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any excavation a 'Shovel Before You Dig' enquiry must be made by calling 1316. The information contained on this document remains valid for 30 days only from the date of supply.

Cadastre: 10 June, 2015
© Land and Property Information (LPI) & Tweed Shire Council
Boundaries shown should be considered approximate only.

0 10 20 30 40 50 M
1:2,500 @ A4 Portrait
DO NOT SCALE
COPY ONLY - NOT CERTIFIED

Map Projection: Universal Transverse Mercator
Horizontal Datum: Geoidetic Datum of Australia 1994
Grid: Map Grid of Australia, Zone 56

Civic and Cultural Centre
2 Tunbulgun Road
Murumbidgee NSW 2484
PO Box 916
Murumbidgee NSW 2484
T: (02) 6670 2400 / 1300 282 872
F: (02) 6670 2429
W: www.tweed.nsw.gov.au
E: planning@tweed.nsw.gov.au

Author: J.Balchier - 58 about Planning & Urban Design Unit
Date Printed: 10 June, 2015

Fig 2. Proposed zoning of the site.

2. Offset requirement

As part of the DA component of the joint application, Council requested that the proponent prepare a draft offsets proposal specifying additional work to compensate the loss of vegetation. The offset proposal will be finalised and approved as part of the development consent, which cannot be issued until the LEP amendment is made.

The offset proposal is being prepared by the proponent on the basis of the draft offset framework prepared by Council's NRM Unit and forwarded to the applicant on 4 September 2015. In summary, this framework includes the following, additional work to be carried out as part of the expansion and redevelopment of the highway service centre in Chinderah:

- Offsite offset koala habitat on an area of 5.25 ha, established and maintained as per Koala Plan of Management (KPOM) offset provisions;
- 456 preferred koala food trees planted and maintained offsite as per KPOM offset provisions; and
- Installation, monitoring and maintenance of nest boxes in retained trees on site to replace tree hollows at minimum 1:1 ratio. Nest box installation and management plan to be reviewed and approved by Council.

It is also noted that as an alternative to this approach, it is open to the proponent to make a separate application to NSW Department of the Office of Environment and Heritage (OEH) for a biobanking agreement, as a means for managing vegetation offsets.

3. Public exhibition

3.1 Timeframes and conditions imposed by the Gateway determination

In March 2015, the proposal was referred to the Department of Planning & Environment (DPE) for a Gateway determination, and a Determination Notice to proceed was issued on 30 March 2015. In the Gateway Determination request, Council sought to zone land outside of the development footprint with an E2 Environmental Conservation zone. This approach was not supported by the DPE at the Gateway Stage, and removal of any references to the E2 zone was conditioned in the Gateway Determination.

Other conditions of the Gateway Determination required public exhibition for a minimum of 28 days and included requirements to consult with the NSW Rural Fire Service, Roads and Maritime Services, Local Aboriginal Land Council and the OEH. The Gateway also requested preparation of an updated Hydraulic Investigation and Cultural Heritage assessment to comply with current provisions of the LEP 2014.

In accordance with s.56 and s.57 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act), the DPE Gateway Determination, and the resolution of Council, this planning proposal and the accompanying development application DA10/0737 were publicly exhibited from Wednesday 24 June to Friday 24 July 2015 at the Murwillumbah Civic Centre, Tweed Heads Civic Centre and on Council's website.

Direct mail notification was sent to adjoining landowners and the planning proposal was advertised in the Tweed Link on 23 June 2015.

The Proposal was a Priority 3 on the Strategic Planning and Urban Design (SP&UD) adopted Work-plan 2014-15, and has been elevated to Priority 2 on the latest 2015-16 Work-plan adopted at the Council Meeting of 6 August 2015. This level of priority draws sufficient resourcing to expedite conclusion of the proposal now that it has reached the significant milestone of post public exhibition. The resourcing of the project is consistent with the transition period required to shift the Unit's resource allocation from a first-in-time work program to the current priority based work plan.

3.2 Submissions received in response to the public exhibition

Council received seven submissions, which have been evaluated as follows:

Submission from:	Local resident
<p>Summary of issues:</p>	<ol style="list-style-type: none"> 1. Objection to the proposed development on the basis of concerns that it will cause increased truck traffic and exhaust/compression braking noise. 2. Points out that while the Pacific Motorway was being constructed, the residents of the area were promised a sound barrier on the western side of the Wommin Bay Road which has not been created.
<p>Planning response:</p>	<p><u>Response to 1:</u> This planning proposal is accompanied by the traffic noise (Noise Assessment, 2012) which concludes that whilst the traffic noise from the highway service centre will increase, it will still be within acceptable norms. Further acoustic testing may be deemed appropriate as part of the development application assessment and in response to concerns raised, but is not required with the planning proposal.</p> <p><u>Response to 2:</u> Development of an acoustic barrier related with noise generated by the Pacific Motorway is outside the scope of the planning proposal which is limited to zoning of the subject site to permit the highway service centre. Further, staff clarified with Roads and Maritime Services (RMS) on 13 October the following points:</p> <ol style="list-style-type: none"> a. Any noise associated with the existing highway is a matter for RMS, and any complaints about noise are to be directed to RMS, whom, if appropriate, will undertake noise assessment. If required RMS will address noise abatement measures, which may be barriers or improvements to the affected dwelling; and b. Noise arising in association with a new development that requires noise abatement measures is a cost burden to that developer. <p>In either scenario, and there may be a blending of the two, the approval of any noise abatement devices will need to be approved</p>

Submission from:	Local resident
	<p>and coordinated by RMS. Part of that process would occur as part of the development application assessment process undertaken by Council.</p> <p>As part of this planning proposal process, the issue raised by way of public submissions will be forward to the relevant staff for further review as part of the development application, and which may include referral for comments to the Roads and Maritime Services (RMS) or the Local Traffic Committee.</p>
Recommendation:	No changes to the planning proposal. Comment related to a sound barrier at the Wommin Bay Road will be referred to DA Unit for further investigation/follow-up.

Submission from:	Local residents:
Summary of issues:	<ol style="list-style-type: none"> 1. Objection to the proposed development as the subject site was previously deemed unsuitable for such use in 1996 due to potential impacts on flora and fauna habitat and loss of native vegetation. 2. Request to incorporate previous correspondence with Council as part of the objection.
Planning response:	<p><u>Response to 1:</u> While referring to previous documents or correspondence conveying Council's approach towards development on the subject site, consideration must be made to the vegetation clearing carried out in 2002, which highly disturbed the ecological status of the land. Notwithstanding, the site is still considered to be of high ecological value due to the presence of an Endangered Ecological Community and threatened flora and fauna species and their habitat both on the site and in the surrounds. The proposed development seeks to protect as much of the EEC as possible, whilst facilitating a safer use of the highway service centre. Any loss of EEC is to be offset and parts of the site outside of the development footprint are subject to a vegetation rehabilitation plan which will be imposed through conditions of development consent.</p> <p><u>Response to 2:</u> Previous correspondence between Council and the adjoining landowner, related to this combined application, occurred prior to the public exhibition.</p>
Recommendation:	No changes to the planning proposal.

State agency:	Office of Environment and Heritage (OEH)
<p>Summary:</p>	<ol style="list-style-type: none"> 1. Aboriginal Cultural Heritage: it is recommended that prior to finalising the Planning Proposal a program of test excavation be carried out within the project area to determine whether Aboriginal objects are present. 2. If the outcome of the E-zones review is to deny the ability to rezone areas of the site for environment protection purposes, OEH recommends that another suitable zone should be applied and that this land is dedicated to Council in accordance with a voluntary planning agreement for management in perpetuity. 3. The preparation of a detailed Ecological Assessment is required to enable adequate assessment of the biodiversity impact and offset proposal. OEH recommends BioBanking or offset in accordance with <i>OEH Principles for the use of biodiversity offsets in NSW</i>. 4. Vegetation communities should be mapped on site, particularly in relation to the EEC. The extent of the area containing the EEC Swamp Sclerophyll Floodplain Forest should be verified on ground by a suitably qualified person. Any land containing EEC Swamp Sclerophyll Floodplain Forest should be zoned E2. 5. OEH is unable to provide comments in relation to the presence of Acid Sulphate Soils on the subject site as adequate study has not been provided
<p>Planning response:</p>	<p><u>Response to 1:</u> A Due Diligence Assessment prepared by Ian Fox & Associates in April 2015 has been undertaken. Part of the process included consultation with the Aboriginal Community through the Tweed Aboriginal Advisory Committee (AAC). The AAC in considering the proposal have supported the recommendations of the Due Diligence to have a sites officer present during an works involving ground disturbance and applying the normal stop work procedure should any object or relic be found. The site is not identified as having any known or predictive Aboriginal cultural heritage on the draft ACH mapping.</p> <p><u>Response to 2:</u> In their Gateway determination request, Council sought support to zone land outside of the development footprint with an E2 Environmental Conservation zone. This approach was not supported by the DPE at the Gateway Stage, and removal of any references to the E2 zone was conditioned in the Gateway determination. Council is committed to apply an appropriate zone of this site consistently with the outcomes of the E-zone review.</p> <p><u>Response to 3:</u> Structure and content of offset revegetation plans are considered to be a development assessment, rather than strategic planning considerations. In this combined DA and planning proposal application, this matter will be evaluated and responded to as part of the DA assessment and approval process.</p>

State agency:	Office of Environment and Heritage (OEH)
	<p><u>Response to 4:</u> Several site inspections were carried out for the purpose of vegetation assessment and the final version of development layout, placed on public exhibition, reflects the acceptable footprint of development in context of the EEC present on the subject site. Any loss of significant vegetation will be compensated through the offset revegetation plan. As advised under response to point 3 above, in this combined DA and planning proposal application, details of the offset revegetation plan will be evaluated and responded to as part of the DA assessment and approval process.</p> <p><u>Response to 5:</u> Recent consultation between Council and DPE concluded that appropriate methods of dealing with acid sulphate soils at the construction stage are development assessment consideration. This matter is being evaluated as part of the DA component of the joint application and appropriate management methods will be imposed through conditions of consent.</p>
Recommendation:	No changes to the planning proposal.

State agency:	NSW Rural Fire Service (RFS)
Summary:	No objection to the planning proposal. Provides advice with respect to the development application regarding provision and maintenance of asset protection zones.
Planning response:	Submission noted, comments related to the DA component of the joint application will be evaluated and responded to as part of the DA assessment and process.
Recommendation:	No changes to the planning proposal.

Submission from:	NSW Transport Roads & Maritime Services
Summary:	Support the proposed development as it may reduce the likelihood of queuing vehicles. Further investigation is suggested in regards to additional signage and line marking from the site to the highway off ramp, which is suggested in the traffic report.
Planning response:	Submission noted, comments related to signage and line marking will be evaluated and responded to as part of the DA assessment process.
Recommendation:	No changes to the planning proposal, detailed comments to be addressed at the DA stage.

<p>Submission from:</p>	<p>Darryl Anderson Consulting on behalf of local residents</p>
<p>Summary:</p>	<ol style="list-style-type: none"> 1. Some of the exhibited reports are outdated: State of Environmental Effects by Jim Glazebrook and Associates, Nov 2010, Noise Assessment, May 2012, and Ecological Assessment, Jun 2012. 2. Construction Phase impacts: studies accompanying the DA and PP do not adequately address construction phase impacts and proposed mitigation measures. 3. Vegetation clearing history provided in the ecological reports is inaccurate and understates the value of the existing vegetation. The proponent should be required to provide an amended 7 Part Test Report and substantial additional offset planting in the locality. 4. Proposal inconsistent with previous Council position towards development on the site. 5. Land used for an easement for access to the adjoining Lot 167 DP 755701 should be removed from offset calculations. 6. Traffic impact not properly assessed as it suggests that the proposed development will not increase traffic travelling to or from the site. 7. Noise impacts does not address current and predicted traffic volumes on the Pacific Highway and does not address additional noise from the increased heavy vehicles likely to use the redeveloped highway service centre. Also, there are new residences developed closer to the subject site, not addressed in the study.
<p>Planning response:</p>	<p><u>Response to point 1:</u> Studies referred to in submission as outdated were prepared in relation to an earlier development proposal, lodged with Council in 2010 and evaluated between 2010 and 2012. Subsequent consultation between Council and the proponent resulted in overall reduction of the proposed development (fewer parking spaces for heavy trucks, smaller development footprint). Whilst some of the studies, including Cultural Heritage Assessment and Hydraulic Investigation, have been updated in accordance with conditions of the Gateway Determination, studies assessing traffic and noise impact remained unchanged.</p> <p><u>Response to point 2:</u> Impacts of the development at the construction phase are outside the scope of the planning proposal and will be addressed as part of the DA assessment.</p> <p><u>Response to points 3 and 4:</u> While referring to previous documents or correspondence, consideration must be made to the vegetation clearing carried out in 2002, which highly disturbed the ecological status of the subject site. Notwithstanding that, parts of the site are still considered to be of high ecological value due to the presence of an Endangered Ecological Community and the presence of</p>

Submission from:	Darryl Anderson Consulting on behalf of local residents
	<p>threatened flora and fauna species and their habitat both on the site and in the surrounds.</p> <p>From a planning proposal perspective, this development can continue on the basis of the offset vegetation rehabilitation plan, which will be imposed as one of the conditions of consent.</p> <p><u>Response to point 5:</u> Offset revegetation plan is currently being prepared and will be considered as part of the DA determination. Location of the easement in context of the offset plan will be considered as part of the DA component of this combined application.</p> <p><u>Response to point 6:</u> During the public exhibition, the proposal, and associated traffic study were referred to the NSW Roads & Maritime which have raised no apparent concern with the level of assessment of traffic implications, and have presently supported the proposed development on the information available.</p> <p><u>Response to point 7:</u> Analysis of noise sources in section 5.3 of the Noise Impact Assessment are based on the assumption that future demand is expected to be generated as a result of both additional motorway traffic and the proposed development expansion (p.13 of the study. Further analysis of noise sources in section 5.3 takes into account the increase in noise as a result of the proposed expansion. The study was reviewed by Council and referred to state agencies, including RMS and no objections were made in relation to the content or proposed methodology or findings.</p> <p>The new residence at the southern end of Phillip St has not been considered in the noise impact assessment as it is located further from the nearest dwelling located at this street, considered and assessed in the Noise Impact Assessment.</p>
Recommendation:	No changes to the planning proposal. Location of the easement to be considered while preparing the offset revegetation plan, which will be considered as part of the DA determination.

<p>Submission from:</p>	<p>Henry Davis York Lawyers on behalf of local residents</p>
<p>Summary:</p>	<ol style="list-style-type: none"> 1. Combined application is based on outdated reports: The Statement of Environmental Effects (Nov 2010), Request for a planning proposal (Apr 2010), Traffic Impact Assessment (Jun 2010), Noise Impact Assessment (2012), Ecological Assessment (Jun 2012). 2. Noise impact assessment is based on assumption that the development would not generate additional truck movements into and out of the facility. Also, it does not consider the NSW Road Noise Policy and the impact of the Proposal on sleep disturbance. Measurement of noise to the closest receptors is not accurate as there are other receptors located at Phillip Street which are located in similar proximity, if not closer to the proposed expansion site. 3. Ecological Assessment: Lot 1 DP 1127741 contains an easement over its south-east section providing access to adjoining property. This portion of the site must be excluded from the offset/revegetation arrangements. Also, further seven part test is required as the outcomes of such test included in the Ecological Assessment of June 2012 have been questioned under the peer review by Cumberland Ecology. Further, the proposal had been amended but this has not lead to re-evaluation of impacts on traffic, noise etc. All studies accompanying the joint application should be amended and re-exhibited. In assessment of the ecological values of the site, references to regrowth vegetation are inaccurate as some of that vegetation is remnant and of higher ecological value. 4. Further review of communication between the adjoining landowner (Stirling family) and Council is being undertaken to determine whether Council's conduct may indicate pre-judgement or apprehended bias. 5. Considers that if Council continues to progress this joint application based on the current documents, adjoining landowners may commence Class 4 proceedings seeking orders to invalidate Council's decision.
<p>Planning response:</p>	<p><u>Response to point 1:</u> The joint development application was lodged with Council in 2010 and evaluated between 2010 and 2012. Subsequent consultation with the proponent resulted in overall reduction of the proposed development (fewer parking spaces for heavy trucks, smaller development footprint). Council officers did not request an update to all relevant studies as the amendments to the development layout largely relate to reconfiguration of parking lots and are considered to be of minor nature. Notwithstanding that, some studies, such as Cultural</p>

<p>Submission from:</p>	<p>Henry Davis York Lawyers on behalf of local residents</p>
	<p>Heritage Assessment and Hydraulic Investigation were updated to comply with current heritage provisions and flood planning maps of the Tweed LEP 2014.</p> <p><u>Response to point 2:</u> Analysis of noise sources in section 5.3 of the Noise Impact Assessment are based on assumption that future demand is expected to be generated as a result of both additional motorway traffic and the proposed development expansion (p. 13 of the study. Further analysis of noise sources in section 5.3 takes into account increase in noise as a result of the proposed expansion. The study was reviewed by Council and referred to state agencies, including NSW Roads and Maritime Services and no objections were made in relation to the content or proposed methodology.</p> <p><u>Response to point 3:</u> Offset revegetation plan is currently being prepared and will be considered as part of the DA determination. Location of the easement in context of the offset plan will be considered as part of the DA component of this combined application.</p> <p>Comments related with the ‘part seven test’ will be evaluated and responded to as part of the DA assessment and approval process. As discussed above, re-evaluation of other studies is not considered necessary as the agreed development footprint, consistent with Option 3 of the Cumberland Ecology’s paper results in reconfiguration of parking lots which is a minor change to the overall development. The site is considered to be of high ecological value due to the presence of an Endangered Ecological Community and the presence of threatened flora and fauna species and their habitat both on the site and in the surrounds. From the Planning Proposal perspective, this development can continue on the basis of the offset vegetation rehabilitation plan, which will be imposed through the development assessment stage.</p> <p><u>4.</u> Noted</p> <p><u>5.</u> Noted. Council’s Corporate Governance has been advised of this.</p>
<p>Recommendation:</p>	<p>No changes to the planning proposal. Location of the easement to be considered while preparing the offset revegetation plan, which will be considered as part of the DA determination.</p>

3.3 Post-exhibition consultation

At the Council Meeting of 17 September 2015, Council resolved to defer this Planning Proposal for a workshop and invite representatives from the local resident's submissions. In order to give effect to this resolution, a workshop was held on Thursday, 1 October, during which residents had an opportunity to present and discuss their objections directly with the Councillors. Issues discussed during the workshop were largely focused on matters raised in submissions and included the following:

<p>Issue 1: Expanded highway service centre will lead to an increase in compression braking of heavy vehicles. This could be mitigated by an acoustic barrier erected not only in immediate neighbourhood of the highway service centre, but also further to the north, in Wommin Bay Rd area, where heavy vehicles willing to use the highway service centre commence compression braking.</p>	<p>Planning comment: This issue, also raised in one of the submissions, will be referred to the Development Assessment Unit for further investigation at the DA stage. This investigation may include referral for comments to the RMS and the Local Traffic Committee.</p>
<p>Issue 2: Adjoining land: history of development proposals, current status and suitability for accommodating offsite offset vegetation.</p>	<p>Planning comment: Issues related with adjoining land have been addressed in this report only to the extent of their relevance to the planning proposal. In response to landowner's suggestion that BP should acquire their land in order to accommodate offsite offset vegetation, the following needs to be considered:</p> <ul style="list-style-type: none"> • the adjoining land, that is Lot 167 DP 755701 is currently zoned 7(a) Environmental Protection (Wetlands & Littoral Rainforests) and 1(a) Rural. Under the draft LEP 2012, the land was proposed to be zoned entirely with the E2 Environmental Conservation zone. • The subject land is entirely covered with Coastal Brush Box Open Forest to Woodland, and Broad-leaved Paperbark / Swamp She-oak Closed Forest to Woodland. • One of the expected outcomes of any offsite offset is the <i>net benefit</i> to the environment. This outcome will not be achieved by accommodating offsite offset on land that is already predominantly zoned for environmental protection. Therefore the proposal to accommodate offsite offset on this land is not supported.

OPTIONS:

1. Proceed with the planning proposal, in accordance with the recommendations within this report, and forward a request to NSW Department of Planning and Environment for the making of the proposed planning instrument.
2. Council not proceed with the planning proposal and that the Applicant and the NSW Department of Planning and Environment are notified, as required by the planning legislation.

Council staff recommend proceeding with Option (1).

CONCLUSION:

The planning proposal was publicly exhibited for the required timeframe. Seven submissions were received in response with the key issues being the extent of development footprint in context of the EEC present on the site, preparation of the offset revegetation plan and objections to the development made by adjoining landowner.

This report has evaluated submissions related to the planning proposal component only as this component relates to the suitability of the site for the change of zoning and additional permitted use. The matters specific to the development application will be discussed in a separate report to Council.

Should Council resolve to support the planning proposal, it will be referred to the Department of Planning & Environment for the Local Environmental Plan to be made. Following the making of the plan, a separate report addressing the DA component and including relevant feedback from the public exhibition, will be prepared for Council's consideration and determination.

It is recommended that the Proposal be referred to the Department of Planning and Environment requesting the plan be made.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Not applicable

c. Legal:

Submission made by Henry Davis York Lawyers on behalf of adjoining landowners suggests that their clients may commence Class 4 proceedings seeking orders to invalidate Council's decision. Any such litigation would be confined to a procedural review of the process and not a merit assessment, the kind of which only occurs with a review on a DA. Council staff are satisfied that all legislated and best practice procedures have been implemented, and Council provided with all the relevant facts and evidence to support their determination.

Council has sought legal advice following the Planning Committee of 5 November 2015 and the report is resubmitted for consideration based upon that advice.

If it is Council's intent to not approve this application the reasons for refusal need to be provided as part of the final determination.

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.

Planning Proposal PP15/0001 Version 3 Final (ECM 3830050)

11 [PR-CM] Replacement of Existing CCTV Policy and Standard Operating Procedures

SUBMITTED BY: Development Assessment and Compliance

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Since 2006 Closed Circuit Television (CCTV) has been used in selected areas of the Shire and is managed by Tweed Shire Council (TSC) with input from the NSW Police Force (NSWPF).

A review of Council's CCTV policy and Standard Operating Procedures (SOPs) was identified as part of an internal audit undertaken by Council's Corporate Governance Unit. A new draft CCTV policy and SOPs have been prepared to address the recommendations of the internal audit and to take account of the best practice of other NSW Councils, and it is proposed that they the current CCTV policy and SOPs.

CCTV has demonstrated its value as a crime prevention and risk management tool that provides key identification evidence.

Whilst the primary focus of CCTV is crime reduction potential exists for the expanded use of the program. CCTV could also facilitate enhanced traffic engineering and flood analysis.

The CCTV Policy and SOP's do not include the use of Portable Optical Surveillance Devices. Due to the ability of those devices being deployed covertly in response to incidents such as illegal dumping, additional consideration regarding their use and management is required. Consequently those devices are subject to separate guidelines.

It is therefore recommended that the Council endorse the public exhibition of the new draft CCTV policy.

RECOMMENDATION:

That:

- 1. Council endorses the public exhibition of the CCTV Policy relevant to the Murwillumbah CBD, Kingscliff CBD and Tweed Heads South for a period of 28 days; and**
- 2. A further report be brought back to Council following the exhibition of the draft policy.**

REPORT:

The CCTV program was established in November 2006 in response to community concerns regarding anti-social behaviour, alcohol/drug related crime in the Murwillumbah and Kingscliff CBD precincts.

A review of Council's CCTV policy and Standard Operating Procedures (SOPs) was identified as part of an internal audit undertaken by Council's Corporate Governance Unit. A new draft CCTV policy and SOPs have been prepared to address the recommendations of the internal audit and to take account of the best practice of other NSW Councils, and it is proposed that they the current CCTV policy and SOPs.

The Program will be used to gather data and facilitate a response to incidents of criminal activity and anti-social behaviour. However consideration could also be given to utilising the CCTV network within the broader context of TSC responsibilities by employing it within the operational and review stages of events management, traffic management and emergency management processes.

Only authorised officers of Tweed Shire Council will be responsible for monitoring and operating the CCTV cameras and will act with the utmost probity.

Use of the cameras will be strictly in accordance with the purposes and key objectives and shall be in compliance with the CCTV protocols.

Authorised officers under the terms of the CCTV protocols will be subject to the Council and/or NSW Police disciplinary procedures. Any breach of CCTV protocols or confidentiality will be dealt with in accordance with those procedures.

The media will not have access to the CCTV System under any circumstances.

Access to the use of recorded material will only take place:

- In compliance with the needs of NSW Police in connection with the investigation of a crime;
- In compliance with the needs of the Tweed Shire Councils Authorised Officers, in connection with the investigation of a crime;
- If necessary, for the purpose of legal proceedings;
- When required by a duly authorised subpoena;
- Under the provisions of the Freedom of Information Act 1982; or
- As otherwise required or permitted by law.

Any incident or data downloaded from the CCTV System by Tweed Shire Council will be managed in accordance with the standard operating procedures of Tweed Shire Council.

Recorded material will not be sold or used for commercial purposes or the provision of entertainment.

It is therefore recommended that the Council endorse the public exhibition of the new draft CCTV policy.

OPTIONS:

1. Council endorses the public exhibition of the draft Policy for CCTV within Murwillumbah CBD, Kingscliff CBD and Tweed Heads South; or
2. Council does not endorse the public exhibition of the draft Policy for CCTV within Murwillumbah CBD, Kingscliff CBD and Tweed Heads South.

Option 1 is recommended.

CONCLUSION:

Since its introduction in 2006, Council's CCTV program has proven consistently valuable. The new draft policy has been developed as a result of an internal audit and represents continuous improvement and enhanced accountability in regard to the CCTV program.

COUNCIL IMPLICATIONS:

a. Policy:

CCTV - Murwillumbah and Kingscliff CBDS and Tweed Heads South - Version 4.1

CCTV - Kingscliff and Murwillumbah CBD and Tweed Heads - Version 4.1

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

1. Privacy and Personal Information Protection Act 1998 (NSW) (No. 133 of 1998)
2. Security Industry Act 1997 (NSW) (No. 157 of 1997)
3. Workplace Surveillance Act 2005 (NSW) (No. 47 of 2005)
4. Local Government Act 1993 (NSW) (No. 30 of 1993)
5. Australian Standard AS 4806.1 – 2006, *Closed circuit television (CCTV), Part 1: Management and operation*

d. Communication/Engagement:

TSC & NSWPF: MOU to include provision for feedback from NSWPF regarding quality of footage as well as results obtained. As per recommendation of Australian Institute of Criminology (CCTV Use by Local Government: *Findings From a National Survey 2015*).

UNDER SEPARATE COVER/FURTHER INFORMATION:

- | | |
|---------------|---|
| Attachment 1. | Draft CCTV - Murwillumbah and Kingscliff CBDS and Tweed Heads South Policy Version 4.1 - September 2015 (ECM 3849974) |
| Attachment 2. | Draft Standard Operation Procedures - CCTV - Kingscliff and Murwillumbah CBD and Tweed Heads South Version 4.1 - September 2015 (ECM 3849975) |
| Attachment 3. | NSW Government (Department of Justice) Policy Statement and Guidelines (ECM 3849976) |

Attachment 4.

Australian Institute of Criminology - CCTV Use by Local Government - Findings from a National Survey (ECM 3849973)

12 [PR-CM] Extension of Approval to Operate Markets - Kingscliff, Tweed Heads and Pottsville

SUBMITTED BY: Building and Environmental Health

Valid



Supporting Community Life



Strengthening the Economy

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Supporting Community Life
2.1	Foster strong, cohesive, cooperative, healthy and safe communities
2.1.3	Provide opportunities for residents to enjoy access to the arts, festivals, sporting activities, recreation, community and cultural facilities
3	Strengthening the Economy
3.1	Expand employment, tourism and education opportunities
3.1.4	Market the Tweed as a destination for business and tourism

SUMMARY OF REPORT:

At the Council Meeting held on 18 June 2015 it was resolved:

"that subject to the endorsement by the Tweed Coast Reserves Trust, Council extends the current approvals to operate each of the markets located at Kingscliff (Jack Bayliss Park), Kingscliff (Lions Park), Tweed Heads (Recreation Ground), and Pottsville (Philip Street) from 1 July 2015 for a period of six months until 31 December 2015."

With the current review of Council's Events Strategy now well underway, it is considered appropriate that the existing approvals be extended for a further 6 months until 30 June 2016, to allow a thorough review of the consultation feedback that is received.

RECOMMENDATION:

That subject to the endorsement by the Tweed Coast Reserves Trust, Council extends the current approvals to operate each of the markets located at Kingscliff (Jack Bayliss Park), Kingscliff (Lions Park), Tweed Heads (Recreation Ground), and Pottsville (Philip Street) from 31 December 2015 for a further period of six months until 30 June 2016.

REPORT:

The current approvals to conduct the markets at:

- Kingscliff:
 - Jack Bayliss Park at Lot 2 DP 1122062,
 - Lions Park at Lot 2 DP 1122062,
- Tweed Heads - Recreation Ground at Lot 1 DP 1082080 and
- Pottsville - Philip Street Lot 7069 DP 1113590

expired on 30 June 2015, however use was extended until 31 December 2015 following the Council's resolution of 18 June 2015 being:

“that subject to the endorsement by the Tweed Coast Reserves Trust, Council extends the current approvals to operate each of the markets located at Kingscliff (Jack Bayliss Park), Kingscliff (Lions Park), Tweed Heads (Recreation Ground), and Pottsville (Philip Street) from 1 July 2015 for a period of six months until 31 December 2015.”

It is noted prior approvals to operate the markets at Tweed Heads (Anzac Memorial Precinct Lot 2 DP 1150839) was surrendered.

The conduct of the markets has historically been for a three year period. At the expiration of each three year period the Council again calls for expressions of interest from the community to determine the most suitable operator for the following specified period.

Council is currently reviewing its Events Strategy, with the aims of the strategy review to provide a framework to assist the community and guide Council in developing and supporting vibrant and successful festivals and events in the Tweed. It is considered this process may take some months to complete.

In addition, the process for calling and appointing successful market operators takes a period of time, therefore it is considered that the existing approvals be further extended until June 2016, should the current operators nominate to do so.

OPTIONS:

Allow the current approvals to lapse without any extension

1. Allow the current approvals to lapse without any extension

Officers comment:

The markets are an attraction to visitors and residents and provide income sources to the numerous stall holders involved. In addition the Market managers pay Council between 15% to 25% of total income from stall fees and several make donations to charitable groups as well.

2. Proceed with the Expressions of Interest Process

Officers comment:

The existing arrangements may not align with the outcomes of the current community consultation process and delay the implementation of those outcomes and subsequent policy strategies until 2018 to align with the next market approval period.

CONCLUSION:

It is appropriate that Council thoroughly considers the outcomes of the current community consultation as part of the Events Strategy process prior to calling for the expressions of interest to operate community markets. A 6 month extension to the existing approval will allow the markets to continue trading without interruption.

COUNCIL IMPLICATIONS:

a. Policy:

Review of Events Strategy 2011-2016

b. Budget/Long Term Financial Plan:

Should the market approvals lapse without extension Council will not receive a direct budget input of approximately \$5,000.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

13 [CNR-CM] Tenders for Aquatic Hire Operations in the Tweed Shire

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 traditionally approved four aquatic hire businesses to operate from public foreshore land at:

- Jack Evans Boat Harbour, Tweed Heads
- Cudgen Creek, Kingscliff
- Cudgera Creek, Hastings Point
- Mooball Creek, Pottsville.

These businesses hire out non-motorised recreational water craft such as canoes, paddleboards, windsurfers and the like. Tenders to operate these aquatic hire businesses will need to be called before the current licenses expire in March 2016. It is proposed that additional licenses be provided for on the Tweed River at Murwillumbah, and allowance be made for additional aquatic hire operations where suitable locations are identified on waterways in the Shire.

RECOMMENDATION:

That Council:

1. **Calls for tenders to run aquatic hire operations at the four existing locations of Jack Evans Boat Harbour, Cudgen Creek, Cudgera Creek and Mooball Creek for a period of three years.**
2. **Seeks Development Consent for a similar operation in Murwillumbah and other locations as identified. The suitability of such additional locations are to be assessed in terms of environmental and social impacts before being considered.**

REPORT:

Council has historically approved four aquatic hire operations on public foreshore land in the Tweed Shire. These businesses hire out non-motorised recreational water craft such as canoes, paddleboards, windsurfers and the like. The current locations approved for these operations are:

- Jack Evans Boat Harbour, Tweed Heads
- Cudgen Creek, Kingscliff
- Cudgera Creek, Hastings Point
- Mooball Creek, Pottsville

Following a call for tenders in 2009, the successful tenderers were awarded Aquatic Hire Licenses at three of these locations being Jack Evans Boat Harbour, Cudgen Creek and Cudgera Creek. No tender was submitted for the Mooball Creek location at Pottsville. The licenses were originally for three years however they have been extended because of redevelopment works in Jack Evans Boat Harbour and the need to prepare a comprehensive Commercial Recreation Activities on Public Open Space Policy for the Shire. The Aquatic Licenses for Cudgen Creek and Cudgera Creek were recently extended until 31 March 2016. The Jack Evans Boat Harbour operator is on a monthly licence.

There have been a number of enquiries regarding additional locations for aquatic hire operations outside these four locations. In particular there is a proposal for Budd Park at Murwillumbah, while various enquiries have been received regarding additional aquatic hire locations in the general Tweed Heads area.

The Commercial Recreation Activities on Public Open Space Policy is being developed and while the policy is yet to be completed, it is anticipated that the policy will provide for additional aquatic hire operations along Tweed Shire waterways.

Any new aquatic hire location will require development consent as such activities will be outside the thresholds established in the Policy for Non-Motorised Water Recreation Businesses adopted by Council in April 2015. It is proposed that Council seek Development Consent for an additional aquatic hire venue at Budd Park Murwillumbah, and when other potential locations are identified that consent also be sought for those operations.

Tenders will be called for the four existing locations prior to existing licenses expiring in March 2016. If Development Consent is obtained for the proposed Murwillumbah operation this will be included in this call for tenders. Similarly, if other potential locations for aquatic hire operations are identified as appropriate with consideration of environmental and social impacts, Council will seek Development Consent before calling for tenders for any such operation.

To allow the Aquatic License holders the opportunity to build a sound business model, it is proposed that the licenses be on a three year basis with the opportunity to extend this by another three years if established performance criteria are met.

OPTIONS:

1. That Council calls for tenders to run aquatic hire operations at the four existing locations of Jack Evans Boat Harbour, Cudgen Creek, Cudgera Creek and Mooball

Creek, and that Development Consent be sought for a similar operation in Murwillumbah and other locations as identified. The suitability of such additional locations are to be assessed in terms of environmental and social impacts before being considered.

2. That Council calls for tenders to run aquatic hire operations at the four existing locations of Jack Evans Boat Harbour, Cudgen Creek, Cudgera Creek and Mooball Creek, but does not seek consent for any additional sites.
3. That Council does not call for tenders for any aquatic hire operations.

CONCLUSION:

With the growth in the Tweed Shire and the resulting popularity and recreational use of the waterways, Council is receiving increasing numbers of requests for approval to operate aquatic hire businesses. This has driven the need to provide for additional aquatic hire operations on the Tweed River at Murwillumbah and other yet to be identified suitable locations, and also to formalise Aquatic Hire Licenses for the four existing locations at Jack Evans Boat Harbour, Cudgen Creek, Cudgera Creek and Mooball Creek.

COUNCIL IMPLICATIONS:

a. Policy:

A draft Commercial Recreation Activities on Public Open Space is being developed.

b. Budget/Long Term Financial Plan:

The licence fees will be determined through the tender process.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

14 [CNR-CM] Wilson Park Landscape Plan

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:

Wilson Park is located at the end of Oyster Point Road, East Banora Point. The Park was demolished for the construction of the Sexton Hill section of the Tweed Bypass and reconstructed, partially on a land bridge.

A landscape plan was developed in consultation with the community during construction; however the finish levels of the Park varied significantly from the design level requiring a redesign.

The revised plan was placed on exhibition inviting comment with no written submissions being received and a small number of phone calls received supporting the plan.

RECOMMENDATION:

That Council:

- 1. Endorses the Wilson Park Landscape Plan included in this report.**
- 2. Approves the commencement of construction.**

REPORT:

Wilson Park (The Park) is located at the end of Oyster Point Road, East Banora Point. The Park was demolished for the construction of the Sexton Hill section of the Tweed Bypass and reconstructed, partially on a land bridge over the bypass.

In 2012 Council engaged with the community with respect to a park landscape plan and the future of an existing single tennis court in the Park that was in a state of disrepair. The engagement included meetings with the East Banora Point community who presented a number of ideas and comments gathered from local residents. Two options were presented to the community based on the community input, one retaining the tennis court and the other removing the tennis court. The tennis court was subsequently retained and refurbished while the road works were being undertaken.

The implementation of the landscape plan did not proceed immediately as the Banora Point Residents Association was in negotiations with the State Government regarding the potential transfer of additional land to Council which would have influenced the final landscape design.

Additionally, the finish levels of the Park varied significantly from the design levels on which the Park landscape plan were based resulting in the plan requiring some redesign. As land negotiations between the Banora Point Residents Association and the State Government have been resolved, the amended plan was placed on exhibition inviting comment. At the close of the exhibition period, no written submissions were received with a small number of phone calls received supporting the plan.

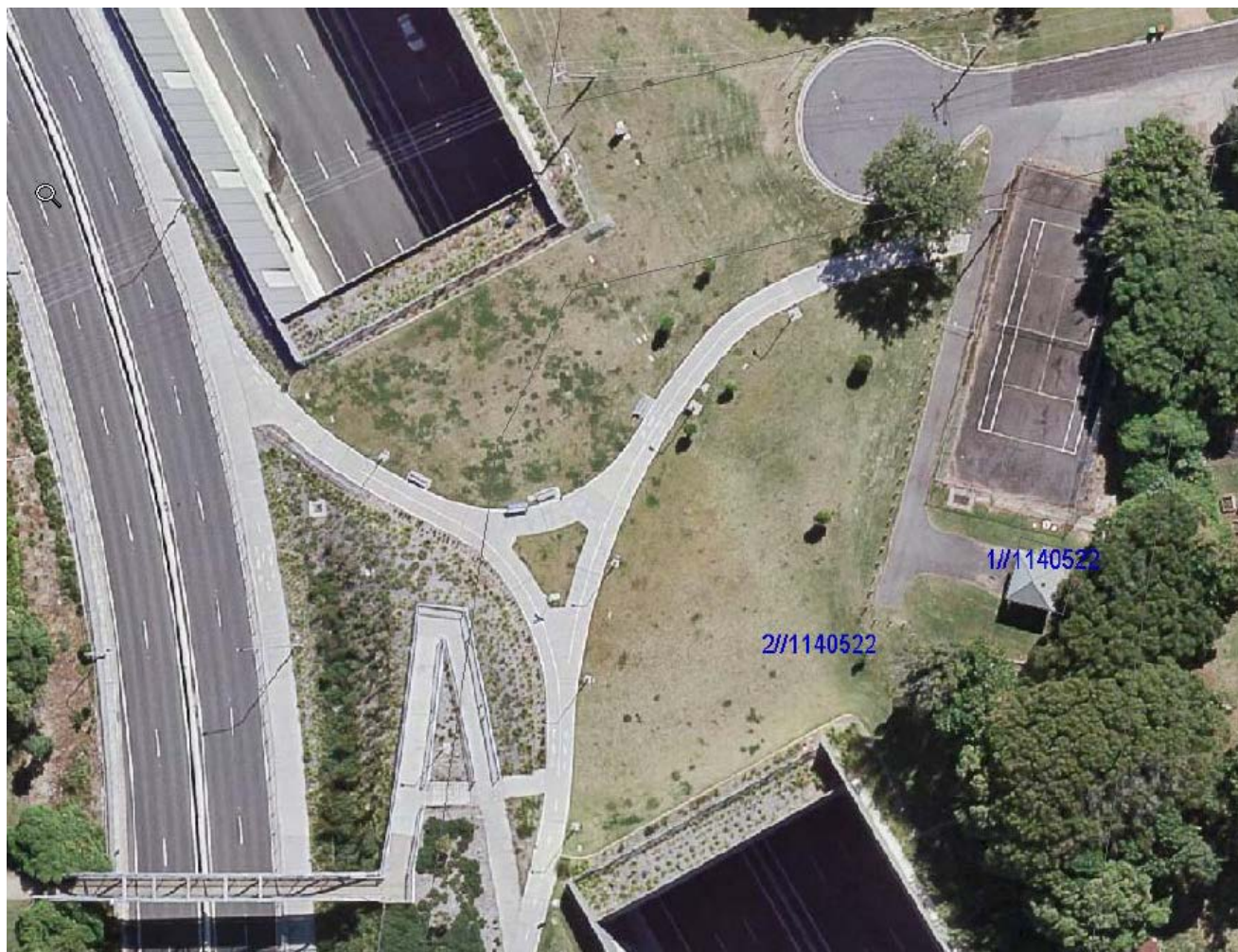
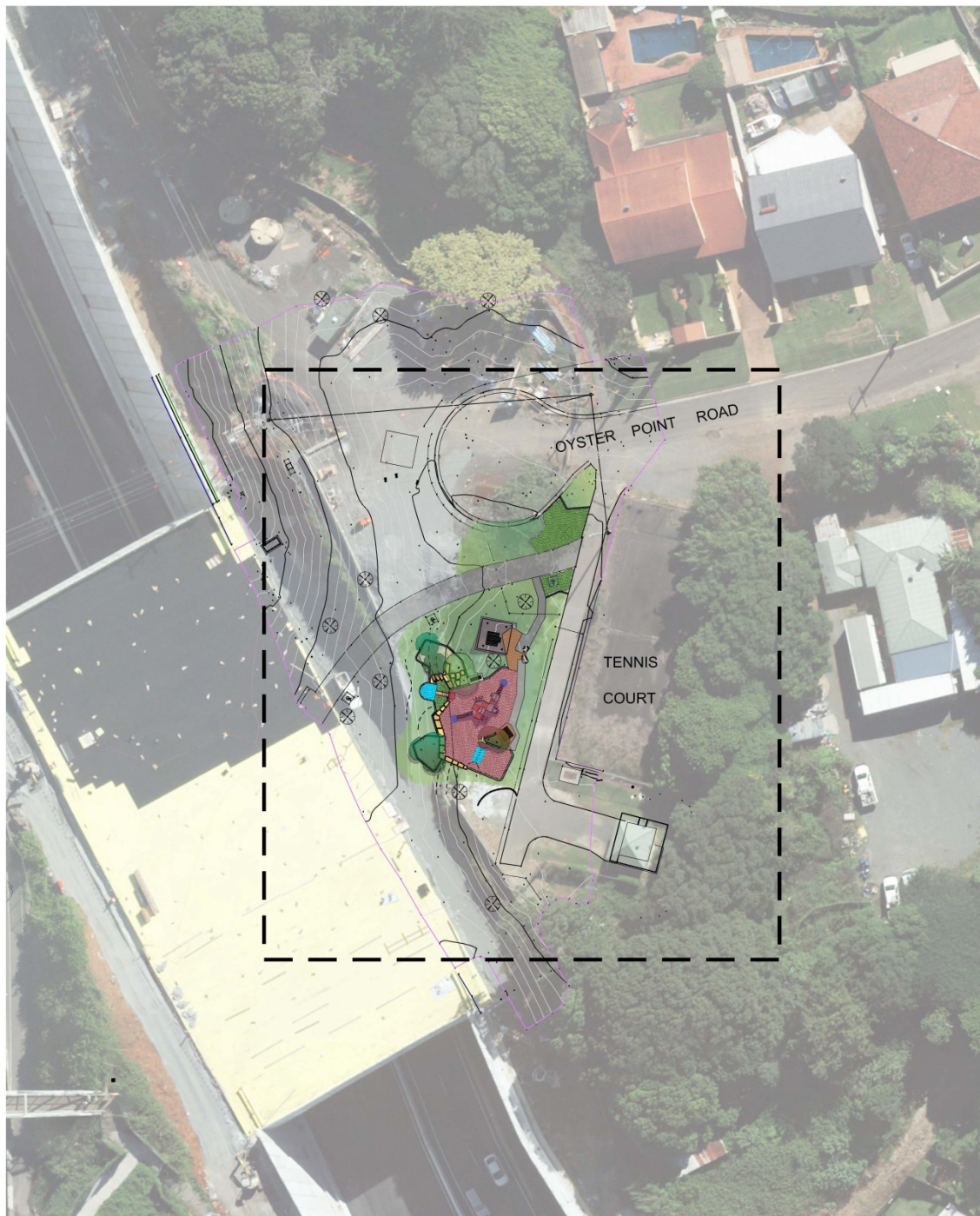


Figure 1: Aerial photo of Wilson Park



SCALE: A1 SHEET 1:125, A3 SHEET 1:250
0 2.5 5 7.5 10 12.5m



Wilson Park, East Banora Point

Landscape Location Plan *November 2014 issue A SK1*



OPTIONS:

1. Endorse the Wilson Park Landscape Plan and commence implementation.
2. Endorse the Wilson Park Landscape Plan but do not commence implementation.
3. Do not endorse the Wilson Park Landscape Plan.

CONCLUSION:

The community engagement undertaken in 2012 included meetings with the East Banora Point community who presented a number of ideas and comments gathered from local residents. The draft options plans were based on this input and were endorsed by the community. The redesign of the plan in response to the changed finish levels of the park retained the elements of the original plan and this is likely the reason why no submissions were received.

The Wilson Park rebuild has been completed for a number of years and the community of East Banora Point are keen to their park reinstated.

COUNCIL IMPLICATIONS:

a. Policy:

Nil.

b. Budget/Long Term Financial Plan:

\$100,000 for construction of the park upgrade is included in the 2014/2015 carry over works.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

A community engagement process including meetings with local community representatives and receipt of community ideas was undertaken in 2012 in the development of the original draft Wilson Park Landscape Plan. The revised plan was placed on exhibition for 21 days inviting comment including an article in the Tweed Link.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

15 [CNR-CM] Amendments to the Vegetation Vandalism on Public Land Policy

SUBMITTED BY: Natural Resource Management

Valid



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Council adopted the *Vegetation Vandalism on Public Land Policy* in November 2014. The Policy details how Council will respond to vegetation vandalism at differing levels of significance.

It was subsequently noted that the Policy referred to “temporary” and “permanent” signage without providing timeframes for the removal of the signage.

The Policy has now been amended to allocate timeframes to the installation and removal of signs and other measures such as fencing and shade screens.

RECOMMENDATION:

That Council places the amended *Vegetation Vandalism on Public Land Policy (Version 2.1)* on public exhibition for 28 days with receipt of submissions accepted for 42 days from the commencement date of exhibition.

REPORT:

Council adopted the *Vegetation Vandalism on Public Land Policy* in November 2014. The Policy details how Council will respond to vegetation vandalism at differing levels of significance.

Responses may include installation of informational signs, temporary or permanent fencing, letterbox drops to adjacent residents for ‘low significance’ events through to installation of large signs and shade screens for ‘high significance’ events (large areas of vegetation impacted or damage to large trees).

It was subsequently noted that the Policy referred to “temporary” and “permanent” signage without providing timeframes for the removal of the signage.

The Policy has now been amended to allocate timeframes to the installation and removal of signs and other measures such as fencing and shade screens.

The amended Policy now contains a new Section 4.7 as follows.

“4.7 Timeframes for Removal of Signage, Fences and Screens

Signage, fencing and screens shall be erected and removed in accordance with significance of the Vegetation Vandalism event as outlined in Table 1 - Level of Significance and Recommended Responses.”

Table 1 - Level of Significance and Recommended Responses

Significance*	Response
Low significance	A) Leave trees in place as safety allows.
	B) Undertake natural/assisted regeneration and/or revegetation works.
	C) Install small long term educational signage or temporary informative signage to assist regeneration works.
	D) Install fencing to support natural/assisted regeneration (if practical) until regeneration has restored site to previous extent or retain as permanent fencing.
	E) Issue Penalty Infringement Notice (PIN) where evidence exists (to cover rehabilitation and Council Officer(s) assessment costs).
Medium significance	A) Letterbox residents.
	B) Leave trees in place as safety allows.
	C) Undertake natural/assisted regeneration and/or revegetation works.
	D) Install large signs for a period of 12 months. The site to be monitored to determine if rehabilitation and regeneration of the site has been successful and no further incidences have occurred. This period will be extended with assessments at 6 monthly intervals should there be evidence of further vandalism.
	E) Install fencing to support natural/assisted regeneration (if practical) until regeneration has restored site to previous extent or retain as permanent fencing.

Significance*	Response
	F) Issue PIN (to cover rehabilitation and Council Officer(s) assessment costs) or consider action in Local Court or Land & Environment Court where evidence exists.
High significance	A) Letterbox residents.
	B) Leave trees in place as safety allows.
	C) Install large signs for 24 months, or if there is a large reduction in canopy cover, until rehabilitated vegetation has reached height and canopy cover of pre-existing/pre-vandalised vegetation.
	D) Install fencing to support natural/assisted regeneration (if practical) until regeneration has restored site to previous extent or retain as permanent fencing.
	E) Where vandalism has occurred to obtain views, install shade cloth screens. These screens will be removed once rehabilitated vegetation has reached the height and canopy cover of pre-existing/pre-vandalised vegetation.
	F) Prepare site rehabilitation plan and undertake restoration works (involving local residents and care groups where possible) and assess for replanting at greater density (eg. "3-for-1").
	G) Publicise damage event in the media and request public assistance to identify the perpetrator(s).
	H) Pursue action in the Local Court or Land & Environment Court where evidence exists.

*An assessment of Vegetation Vandalism as Low, Medium and High Significance is undertaken by Council staff using the Response Assessment Model methodology in the *Vegetation Vandalism on Public Land Procedure*. The criteria for assessing the significance of a Vegetation Vandalism event includes vegetation significance (age, size, ecological community); environmental effects (habitat loss, number of trees, weed spread); site prominence; occurrence of vandalism (ie. more than once in the same location); and estimated cost of replacement. These criteria are used to consistently calculate the level of significance across a range of sites and events.

Due to these changes to the Policy being significant, the amended version is required to be placed on public exhibition once more before Version 2.1 is finalised.

OPTIONS:

1. That Council places the amended Vegetation Vandalism on Public Land Policy (Version 2.1) on public exhibition for 28 days with receipt of submissions accepted for 42 days from the commencement date of exhibition.
2. That Council does not place the amended Vegetation Vandalism on Public Land Policy (Version 2.1) on public exhibition for 28 days with receipt of submissions accepted for 42 days from the commencement date of exhibition.

CONCLUSION:

Following adoption by Council of the *Vegetation Vandalism on Public Land Policy* it was noted by a Councillor that the document did not specify what the term "temporary" or

16 [CNR-CM] 2015 'Living for the Future' Home Expo Results

SUBMITTED BY: Natural Resource Management

Valid



Civic Leadership



Strengthening the Economy



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1	Civic Leadership
1.1	Ensure actions taken and decisions reached are based on the principles of sustainability
1.1.2	Create a sustainable, social and environmentally aware community through education
3	Strengthening the Economy
3.1	Expand employment, tourism and education opportunities.
3.1.4	Assist employment generating business to establish or expand in the Tweed
4	Caring for the Environment
4.1	Protect the environment and natural beauty of the Tweed
4.1.2	Protect, regulate and maintain natural assets (the coastline, coastal and inland waterways, biodiversity, bushland and scenic landscapes) for current and future generations

SUMMARY OF REPORT:

The 2015 'Living for the Future' Home Expo and related events successfully engaged over 500 people from the local community, building industry and across Council about improving environmental, social and economic outcomes for homes and community members in the Tweed. The expo provided a platform for 35 stallholders from local businesses, community groups and Council programs to set up stalls and provide advice on a wide range of sustainability and 'liveability' topics.

A Local Consultants Industry breakfast and sustainability masterclass for local government staff, led by Michael Mobbs, highlighted a range of ideas to improve sustainability outcomes in the built environment. Ideas included:

- discussing ideas and opportunities with project home building companies directly
- making a checklist of sustainability features available for people designing and building new homes, sent to new land owners when conveyancing notification is received
- bulk purchase of energy efficient lighting in conjunction with project home builders
- better use of display homes with sustainability features
- tracking the bills and perspectives of home owners with similar homes and different sustainability features.

The Home Expo day and workshops were well attended and received positive feedback from visitors and stallholders alike. It was an engaging and cost-effective way for Council to

partner with local businesses to demonstrate practical ways for people to improve the comfort, cost-effectiveness and environmental outcomes from their homes and lifestyles.

The events highlighted opportunities to:

- continue to share information about Council's planning provisions that enable sustainable housing design, land use and development in the Tweed
- continue to showcase sustainable design examples in the Tweed
- repeat the Home Expo event on an annual basis, alternating the venue between Tweed and Murwillumbah, possibly in conjunction with the Tweed River Festival.

RECOMMENDATION:

That Council:

- 1. Staff review ideas raised during the Local Consultants Industry Breakfast and Council officer masterclass with Michael Mobbs, and report back recommended options to improve sustainability outcomes from residential development in the Tweed.**
- 2. Commits to an annual budget of \$6,000 to repeat the 'Living for the Future' Home Expo event annually.**

REPORT:

Tweed Shire Council's third annual sustainability home expo incorporated a wide range of successful elements including:

- a Local Consultants Industry Breakfast, led by Michael Mobbs
- a Northern Rivers Local Government Sustainability Forum, led by Michael Mobbs
- the main Home Expo event, featuring stallholders, workshops and prizes.

Building Industry Breakfast – Friday 11 September 2015

25 representatives from the local building industry attended a breakfast at Kingscliff Beach Bowls Club to hear Mr Mobbs present on some of the sustainability initiatives he has implemented in his own home and in other commercial building projects he has been involved in.

Participants workshopped a range of sustainability initiatives they were interested in, or concerned about, including:

- interest in examples of renewable energy generation, battery storage of renewable energy and local food production in backyards and on the street verge
- questions about how energy and water efficiency initiatives would benefit renters and what would motivate landowners to invest in upfront costs of these initiatives
- the need for education of project home builders and home buyers.

Regional council staff masterclass – Friday 11 September 2015

Nine staff members from both Tweed and Lismore councils participated in a discussion with Mr Mobbs about how to achieve improved sustainability outcomes from development in the region.

Ideas included:

- discussing ideas and opportunities with project home building companies directly
- making a checklist of sustainability features available for people designing and building new homes, sent to new land owners when conveyancing notification is received
- bulk purchase of energy efficient lighting in conjunction with project home builders
- better use of display homes with sustainability features
- tracking the bills and perspectives of home owners with similar homes and different sustainability features.

The group agreed that as a next step, a wider range of Council officers should be invited to test and develop the ideas discussed, and engage in detailed discussions with building industry participants.

Home Expo Day

The third 'Living for the Future' Home Expo was held at Murwillumbah Civic Centre on Saturday 12 September from 9am – 2pm. The event attracted approximately 500 visitors, including more than 350 people who hadn't been to previous Tweed sustainability home expo events.

Over 70% of visitors shared ideas and pledges about actions they were going to do as a result of the event including:

- become a member of the Backyard Habitat for Wildlife program, which was launched at the Home Expo, and recorded 75 members signing up during the event
- be a Wildlife Friendly Pet owner
- make homes more resilient to storms
- design new homes and renovations to make the most of the local climate, be energy efficient and use building materials with a low environmental footprint
- improve backyard habitat
- enhance recycling efforts, set up a worm farm or compost bin, take e-waste to Sort Murwillumbah for recycling
- start growing food and set up vertical gardens
- do more to enhance water efficiency and reduce chemical use around the home
- improve general awareness about sustainability issues.

Workshops

Over 350 people attended nine workshops and presentations on offer at the event, including presentations from:

- Michael Mobbs, author and sustainability mentor, about making homes self-sufficient in water, wastewater, waste and energy
- Tony Hall, Adjunct Professor from Griffith University, about his book 'The Life and Death of the Australian Backyard' and the impact of housing site designs on backyards
- Ronny Matzat, designer and winner of the 2014 Northern Rivers Sustainable Design 'Green granny flats' Competition
- Cecille Weldon about the Liveability Real Estate Framework
- Michael Corke, Tweed Shire Council Biodiversity Officer, about the Backyard Habitat for Wildlife program
- Brendon Cox, NSW Fair Trading, about residential building and consumer law
- Jude Mason, Tweed Landcare Officer, about wildlife friendly pet ownership
- Lee Duke, SAE Tweed, about preparing for the end of the Solar Bonus feed-in tariff

Stallholders

35 stallholders from local businesses, community groups and Council programs set up stalls at the event to give advice on a wide range of topics including:

- innovative building systems
- passive design advice
- builders focused on sustainability principles
- healthy soils
- a new seed savers program run by the Richmond Tweed Regional Library
- State Emergency Services advice on storm readiness
- Sort Murwillumbah work-for-the-dole scheme selling e-waste jewellery and recycled timber furniture
- energy efficiency and solar power options
- locally designed solar power battery storage
- green cleaning options
- recycled glass wall coverings
- water and heat tolerant turf
- permeable paving and vertical garden vendors

Sustainable Design Competition

Following on from the success of the 2015 'Green Granny Flat' design competition, Tweed Shire Council joined other regional partners in coordinating the 2015 Northern Rivers 'Housing for Life' Sustainable Design Competition. Partners included:

- Lismore City Council
- Byron Shire Council
- The Green Building Centre
- Nimbin Neighbourhood and Information Centre
- North Coast TAFE
- Rous Water
- Byron Community College
- Dorrroughby Environment Educational Centre.

Entries had to incorporate sustainability principles and promote designs responsive to changing access and space requirements of people as their needs change through different life stages ie single inhabitants, families with children, people with disabilities and seniors. Cash prizes were offered to winners of professional, community member and youth categories.

Fifteen entries were received, and five of the best entries were on display at the Home Expo event. It was disappointing not to have received any entries from Tweed businesses.

Venue

Stallholders and visitors provided positive feedback about relocating the event to the Murwillumbah Civic Centre.

Survey feedback from both 2014 and 2015 events indicate approximately 50% of participants come from within the postcode of where the event is located.

For future events to continue to reach the greatest number of participants possible, consideration should be given to holding the event at either Tweed Heads or Murwillumbah, alternating with the location of the Tweed River Festival in the same year, eg. Tweed Heads location for the River Festival in 2016, and Murwillumbah location for the Home Expo in 2016.

Costs and benefits:

Over 30 staff members were involved in putting the event together. The bulk of the event organisation fell to the Sustainability Program Leader, due to staff from the Community and Customer Services and Urban Design programs not having as much capacity to help organise the event compared to previous years.

The event required a capital cost of \$10,000, and investment of staff time equivalent to at least \$12,000 to put together.

In addition to the \$6,000 allocated to the event from General Fund, \$2,000 was raised in sponsorship from Stockland Hundred Hills covered print media costs of promoting the event, and \$2,000 was raised in stallholder fees.

By sharing costs and benefits with commercial stallholders, Council was able to facilitate a useful service to the community while raising the profile of environmental opportunities. At a

capital cost to Council of \$10 per visitor, the event was a cost-effective capital investment and resulted in an extensive reach and engagement with the community for the staff time invested.

A recurring budget item of \$6,000 for annual Home Expo events, and programing of staff time from Community and Cultural Services, Customer Services, Planning and Regulatory Services and Natural Resource Management teams is recommended to ensure sufficient financial and staff resources are available to deliver future Home Expo events.

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

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

Recommendations for future events, if budget and staff resources allow and if a quality event can be maintained with positive feedback from attendees, an annual repeat of the event is recommended. As new people join the community and as members of the community move through different phases of tenure in their home, from renting, owning, renovating etc., there will be ongoing opportunities to reach new visitors about sustainable homes and sustainable living using the cost-effective home expo format.

The Home Expo event also contributes to creating a sustainability culture within the community.

A comprehensive review of the event based on stallholder and visitor feedback has identified a range of opportunities to improve the delivery and reach of the expo, such as:

- earlier engagement with Councillors to identify local stallholders, keynote speakers etc.
- investigate opportunities to work in partnership to deliver the event eg. Fair Trading NSW, Green Building Industry of Australia
- continue to seek a greater diversity of stallholders demonstrating more innovative approaches
- provide information in other formats where industries aren't represented by stallholders eg. rainwater tanks, composting, insulation, solar power battery storage
- continue to promote more hands-on demonstrations
- continue to model and promote more stories of local community members' own experiences
- continue to emphasise the effectiveness of small actions that can be done on a low budget.

OPTIONS:

1. Continue to support an annual 'Living for the Future' and Home Expo event.
 2. Do not support an annual 'Living for the Future' and Home Expo event.
-

CONCLUSION:

The 2015 'Living for the Future' Home Expo was well attended and received positive feedback from visitors and stallholders alike. It was an engaging and cost-effective way for Council to partner with local businesses to help people with practical ways to improve the comfort, cost-effectiveness and environmental outcomes from their homes and lifestyles.

The event highlighted opportunities to:

- continue to share information about Council's planning provisions that enable sustainable housing design, land use and development in the Tweed
- continue to showcase sustainable design examples in the Tweed
- repeat the event on an annual basis, alternating the venue between Tweed and Murwillumbah in conjunction with the Tweed River Festival.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

\$10,000 costs, \$2,000 received in sponsorship, \$2,000 received in stallholder fees.

c. Legal:

Yes, legal advice has been received in developing the event in previous years.

d. Communication/Engagement:

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

Community and stallholder feedback received via workshop evaluations, prize registration forms and stallholder evaluation forms.

UNDER SEPARATE COVER/FURTHER INFORMATION:

- | | |
|---------------|---|
| Attachment 1. | Workshop Notes – Local Consultants Breakfast Forum with Michael Mobbs (ECM 3849474) |
| Attachment 2. | Workshop Notes – Council Staff Sustainability Master class with Michael Mobbs (ECM 3849487) |
-

17 **[CNR-CM] Commonwealth Home Support Program - Funding Agreement Offer**

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
-

SUMMARY OF REPORT:

Council is in receipt of a letter from Department of Social Service offering grant funding of \$539,317.12 for the provision of services under the Commonwealth Home Support Programme (CHSP) for the period 1 November 2015 to 30 June 2018.

The various services are consistent with the services that have been previously delivered by the Community Services team under the Commonwealth Home and Community Care (HACC) program and Council's Community Options Program as well as sector support and development through the Seniors Information Project Officer role at Banora Point Community Centre. This funding and these services target support towards frail older people (65 years and over or 50 years and over for Aboriginal and Torres Strait Islander people), to maximise their independence at home and in the community for as long as they choose or are able to do so.

RECOMMENDATION:

That Council:

1. **Accepts the grant funds of \$539,317.12 under the Commonwealth Home Support Programme (CHSP) for the period 1 November 2015 to 30 June 2018.**
2. **Amends its Budget and Long Term Financial Plan to reflect the acceptance of the grant funding and the associated expenditure.**
3. **Executes the documents under the Common Seal of Council.**

REPORT:

Council is in receipt of a letter from Department of Social Service offering grant funding of \$539,317.12 for the provision of services under the Commonwealth Home Support Programme (CHSP) for the period 1 November 2015 to 30 June 2018 as per the table below:

Year	Description of Service	Amount	Total
2015-2016	Allied Health and Therapy Services	\$12,784.26	\$51,137.06
2016-2017		\$19,176.40	
2017-2018		\$19,176.40	
2015-2016	CHSP Personal Care	\$13,428.45	\$53,713.81
2016-2017		\$20,142.68	
2017-2018		\$20,142.68	
2015-2016	CHSP Transport	\$4,972.15	\$19,888.59
2016-2017		\$7,458.22	
2017-2018		\$7,458.22	
2015-2016	Domestic Assistance	\$7,460.93	\$29,843.71
2016-2017		\$11,191.39	
2017-2018		\$11,191.39	
2015-2016	Flexible Respite	\$12,433.07	\$49,732.29
2016-2017		\$18,649.61	
2017-2018		\$18,649.61	
2015-2016	Goods Equipment and Assistive Technology	\$16,687.28	\$66,749.12
2016-2017		\$25,030.92	
2017-2018		\$25,030.92	
2015-2016	Home Modifications	\$8,951.63	\$35,806.51
2016-2017		\$13,427.44	
2017-2018		\$13,427.44	
2015-2016	Meals	\$2,485.40	\$9,941.60
2016-2017		\$3,728.10	
2017-2018		\$3,728.10	
2015-2016	Social Support - Individual	\$14,919.83	\$59,679.31
2016-2017		\$22,379.74	
2017-2018		\$22,379.74	
2015-2016	Specialised Support Services - LTCM	\$59,400.00	\$59,400.00
2015-2016	Service System Development – Sector Support and Development	\$41,370.05	\$103,425.12
2016-2017		\$62,055.07	
			<u>\$539,317.12</u>

Funding for each year is as follows:

Year	Amount (\$)
2015-2016	194,893.05
2016-2017	203,239.57
2017-2018	141,184.50

These services are consistent with the services that have been previously delivered by the Community Services team under the Commonwealth Home and Community Care (HACC) program and Council's Community Options Program as well as sector support and development through the Seniors Information Project Officer role at Banora Point Community Centre. This funding and these services target support towards frail older people (65 years and over or 50 years and over for Aboriginal and Torres Strait Islander people), to maximise their independence at home and in the community for as long as they choose or are able to do so.

OPTIONS:

1. Accept the grant funding and continue to support the community with these services.
2. Decline the grant funding and cease this type of support.

CONCLUSION:

That Council continues to support the Community Services team to provide CHSP services to the community.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Grant funding.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Department of Social Services Grant offer (ECM 3846953)

18 [CNR-CM] Tweed Byron Koala Connections Status Update

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

SUMMARY OF REPORT:

Council resolved in June 2012 to accept a Department of Sustainability, Environment, Water, Population and Communities Biodiversity Fund grant of \$2,017,000 awarded to Tweed and Byron Shire Councils to implement the project *Linking Koala Habitat and Endangered Ecological Communities*. The project, known as Tweed Byron Koala Connections is managed and administered by Tweed Shire Council.

The project is now in its final year of implementation and this report provides a status update to the end of June 2015.

Implementation of the project has been highly successful to date based on achieving all project delivery targets as per the grant agreement, on ground outcomes, innovative solutions and community involvement. The success of the project has been recognised through selection as a finalist in the Natural Capital Category of the 2015 Banksia Sustainability Awards, pending announcement of the winner of the category on 13 November 2015.

The project to date has successfully demonstrated that genuine, effective results are achievable through whole of community involvement. By integrating involvement of land owners and managers on all tenures and from all relevant agencies, Tweed Byron Koala Connections is achieving highly significant conservation outcomes, community awareness and support.

RECOMMENDATION:

That Council receives and notes this report on the successful progress of the Tweed Byron Koala Connections project.

REPORT:

Council resolved in June 2012 to accept a Department of Sustainability, Environment, Water, Population and Communities Biodiversity Fund grant of \$2,017,000 awarded to Tweed and Byron Shire Councils to implement the project *Linking Koala Habitat and Endangered Ecological Communities*. The project, known as Tweed Byron Koala Connections is managed and administered by Tweed Shire Council.

The project is now in its final year of implementation and this report provides a status update to the end of June 2015.

Implementation of the project has been highly successful to date based on achieving all project delivery targets as per the grant agreement, on ground outcomes, innovative solutions and community involvement.

The project involves an integrated approach to addressing the threats impacting koalas and working throughout the landscape to increase the extent and quality of koala habitat. The primary measures for success of the project are number of trees planted, hectares of habitat under restoration and number of landholders involved. The outcomes to date for these measures are presented in Figure 1.

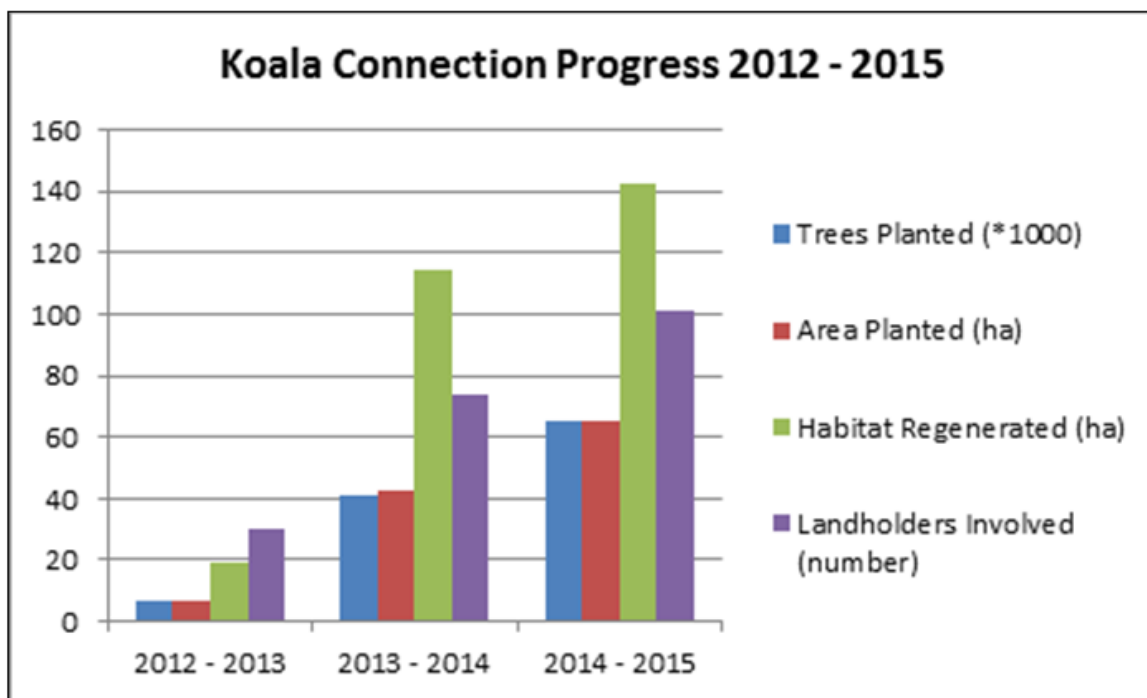


Figure 1: Cumulative progress against key deliverables to June 2015

Some of the other key outcomes of the project to date include:

- Planting of 64,000 trees a year ahead of schedule to maximise the available maintenance period
- Planting survival rates of greater than 90% as revealed through regular monitoring
- Koalas using planted trees less than 18 months old at three separate sites
- More than 140 hectares of existing but degraded habitats under active regeneration
- Monitoring of pest animals has recorded some previously undocumented presence of koalas and provided critical information on wild dog and fox activity

- Tweed Shire Council's first 'koala road' combines on ground action including the use of variable message signing, pavement treatment and community engagement
- Collaboration with the NSW Rural Fire Service and National Parks and Wildlife Service to provide innovative solutions to fire management issues
- Use of a project management model based on shared services across the two local government areas that guarantees on ground outcomes are maximised

A detailed summary of the project status is provided as Attachment 1. This document was prepared as the nomination submission for Tweed Byron Koala Connections in the Natural Capital Category of the 2015 Banksia Sustainability Awards. The nomination was successful and the project has been selected as a finalist in this award with the winners to be announced on Friday 13 November 2015. This award program is one of the longest running, most prestigious and highest regarded in Australia. Selection as a finalist in this award recognises the national significance of the project as supported by previous awards received including the 2014 Green Globe Award and selection as a finalist in the 2015 World Environment Day Award.

On ground works during the final year (to June 2016) of the project are focussed on maintenance of plantings and additional habitat regeneration. Additional project activities that will be progressed and finalised include:

- Publication of fire management plan and hazard reduction burn guidelines for Tweed Coast koala habitat
- Tweed Byron Koala Connections Forum to share lessons learned with other land managers and conservation practitioners (Friday 6 May 2016)
- Monitoring and control of vertebrate pest species at priority sites
- Monitoring, evaluation and reporting of on ground works
- Identification of future funding opportunities to continue and expand koala recovery works
- Continued integration with the implementation program for the Tweed Coast Comprehensive Koala Plan of Management and draft Byron Coast Comprehensive Koala Plan of Management

The project to date has successfully demonstrated that genuine, effective results are achievable through whole of community involvement. By integrating involvement of land owners and managers on all tenures and from all relevant agencies, Tweed Byron Koala Connections is achieving highly significant conservation outcomes, community awareness and support.

OPTIONS:

That Council receives and notes this report on the successful progress of the Tweed Byron Koala Connections project.

CONCLUSION:

The project to date has successfully demonstrated that genuine, effective outcomes are achievable through whole of community involvement. By integrating involvement of land owners and managers on all tenures and from all relevant agencies, Tweed Byron Koala Connections is achieving highly significant conservation outcomes.

COUNCIL IMPLICATIONS:

a. Policy:

Tweed Coast Comprehensive Koala Plan of Management.

b. Budget/Long Term Financial Plan:

This is a grant funded project (\$2,017,000) with Council's contribution being provided through the Biodiversity Program. The project will be finalised in June 2016 with ongoing actions incorporated into implementation of the Tweed Coast Comprehensive Koala Plan of Management.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

Tweed Byron Koala Connections has a highly successful and effective community engagement approach. Collaboration with key stakeholders, relevant government agencies, community organisations and interested individuals is coordinated through the project Steering Committee. Specific engagement activities are delivered relevant to project focus issues. To date this has included workshops and other events addressing issues such as fire management, habitat restoration, monitoring and evaluation and site specific case studies. Numerous tree planting working bees, site visits and general field activities have also been undertaken throughout the Tweed and Byron coast areas. Members of the project team have also delivered presentations at numerous regional, state and national meetings and conferences providing key outcomes and lessons learnt to a diverse audience.

Council has successfully received national recognition in the field of koala conservation and recovery. This is highly significant and details of how this has been achieved are presented in this report and attachment.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Tweed Byron Koala Connections 2015 Banksia Sustainability Awards Nomination (ECM 3846619)

19 [CNR-CM] Richmond Tweed Regional Library and Tweed Library Buildings

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:

Tweed Shire libraries are part of the Richmond Tweed Regional Library (RTRL) in agreement with Lismore City Council, Ballina and Byron Shire Councils. The libraries report to the RTRL Committee quarterly and Tweed Shire Council is represented on the Committee by Mayor, Councillor Katie Milne and Councillor Carolyn Byrne.

Tweed Shire Council provides an annual member contribution to the RTRL for staff, programs and operations and in addition directly provides the library buildings at Tweed Heads, Murwillumbah and Kingscliff. The member contribution to the RTRL for Tweed Shire Council in 2015-2016 was \$2,259,200.

Tweed Shire Council and the RTRL Committee have previously resolved to review the business partnership model of the RTRL once the State Government had announced the outcomes of the recent Local Government reforms. The NSW State Library has recently conducted research on regional management models for public libraries and this provides timely background for a review of the RTRL business model.

This report and its attachments are provided to ensure Council has current information on Library annual data comparative to other NSW public libraries, the proposed formula for the 2016-2017 member Council budget contributions, the 2015 -2016 budget, and an update on library infrastructure.

The RTRL has drafted an Internet Access Policy for adoption in all libraries in the Region. The policy is to ensure library clients are aware of their responsibilities when they use internet facilities in RTRL libraries.

RECOMMENDATION:

That Council receives the libraries report and recommends to the Richmond Tweed Regional Library (RTRL) that:

- 1. Terms of Reference are developed with constituent councils to commence the review of the business model for the RTRL.**
- 2. The proposed RTRL Member Council contribution formula for the 2016-2017 budget is approved by Tweed Shire Council.**

REPORT:

Background

Tweed Shire libraries are part of the Richmond Tweed Regional Library (RTRL) in agreement with Lismore City Council, Ballina and Byron Shire Councils. Tweed Shire Council provides an annual member contribution to the RTRL for staff, programs and operations and in addition directly provides the library buildings at Tweed Heads, Murwillumbah and Kingscliff. The member contribution to the RTRL for Tweed Shire Council in 2015-2016 was \$2,259,200.

This report is to provide Council with an update on:

1. RTRL library services August 2015 reports,
2. Proposed RTRL Member Council contribution formula 2016 - 2017 budget,
3. Status report on Tweed Shire Library buildings, and an
4. Update regarding service delivery models for regional libraries.

1. RTRL library services

The Richmond Tweed Regional Library (RTRL) Committee meets quarterly. The most recent meeting of the RTRL Committee was on 14 August 2015. The Committee Papers are attached to this report (Attachment 1).

The reports to this meeting included annual report data and comparative statistics from 2009/10 to 2013/14. The comparative statistics for NSW Public Libraries identify a steady decline in physical stock as the introduction of eBooks, eAudio and ready access to online information has increased. To manage this, libraries are realigning their collection development budgets to purchase more electronic formats.

The Tweed Council Area report highlights the diversity of programs and services that are provided by the library and the partnerships with a wide range of community organisations to ensure broad participation and outreach in the community. Of note in the attached quarterly report is the Tweed library housebound delivery service that is assisted by Meals on Wheels Kingscliff and Palm Beach Currumbin Lioness Club. The Palm Beach Currumbin Lionesses won the national 2015 Lioness Club Fonnies Award in recognition for their exemplary humanitarian service in delivering items to housebound library patrons.

2. Draft Internet Access Policy

The RTRL has drafted a policy for Internet Access (Attachment 2). The policy will apply to all libraries within the RTRL and has been developed to ensure that library clients are aware of their responsibilities when they use internet facilities in the libraries.

3. Proposed RTRL Member Council contribution formula 2016-2017 budget

The member Council contribution formula for the 2015-2016 operational budget has been forwarded by Lismore City Council as a basis for review and a decision for the 2016-2017 budget contributions at the RTRL 27 November 2015 meeting. The proposed funding formula was applied to the 2015-2016 budget and the worksheets are attached to this report as a guide to the proposed method and budget for 2016-2017. (Attachment 3).

The contribution formula will apply the population data in Table 1 to establish the proportion for each Council.

Table 1. Estimated Resident Population, Local Government Areas, New South Wales and Member Council Contributions 2015-2016

	2015/2016	Percentage of Regional Population	Member Council contributions 2015/2016
Local Government Area			
Ballina (A)	42335	19.74	\$1,296,700
Byron (A)	33448	15.59	\$1,221,400
Lismore (C)	45040	21.00	\$1,477,600
Tweed (A)	93674	43.67	\$2,259,200
Total	214498		\$6,254,900

Source: Australian Bureau of Statistics: Regional Population Growth, Australia, 2012-13 (cat. no. 3218.0) 03/04/14

The majority of revenue to fund recurrent service comes from member council contributions which was \$6,254,900 in 2015/16. Some revenue is generated from fees and charges and interest on investments, this income is used for Head Office expenses.

The RTRL prepares an annual line item budget for the delivery of library services to the Ballina, Byron, Lismore and Tweed local government areas. To calculate the amount of the annual member council contributions, a funding formula is applied. The funding formula uses five cost drivers and associated variables. The application of the funding formula typically results in varying percentage increases in annual member council contributions. This occurs if individual member council service levels are unchanged.

The funding formula uses the following cost drivers and variables:

Branch costs

- Each member council is to pay all direct staffing costs associated with the provision of RTRL services in its area.

Mobile library costs

- Each member council is to pay a percentage of all costs associated with the mobile library. The percentage is based on the total number of mobile library opening hours in each member Council area.

Library resources costs

- Each member council is to pay a percentage of all RTRL costs associated with library resources. The percentage is based on the total estimated population in each member council area.

Computer system costs

- Each member council is to pay a percentage of all costs associated with the computer systems. The percentage is based on the total number of computers in each member council area.

Headquarters costs

- Each member council is to pay a percentage of all net costs associated with headquarters. The percentage is based on the total estimated population in each member Council area.

The bookmobile was purchased in 2005 for \$456,143. It's written down depreciated value at 30 June 2015 was \$178,600. The Scania prime mover was purchased in 2007 for \$140,862. It's written down value at 30 June 2015 was \$57,800. Both the bookmobile and

prime mover are due for replacement in the near future. At 30 June 2015, there was \$255,700 in the reserve fund for the replacement of the bookmobile and prime mover, which is considerably less than the anticipated replacement cost.

The mobile library currently services stops in Fingal Head, Pottsville, Burringbar, Bilambil Heights, Bogangar and Tyalgum on a fortnightly roster.

Tweed Shire Council has adopted a Community Infrastructure Framework which will provide a basis to plan for a network to support library services across the Shire based on the population distribution and future growth. As the mobile library is nearing a date for renewal it would be timely to undertake a thorough review of alternative models for providing library services to smaller and more remote communities.

4. Library buildings

Tweed Shire Council is responsible for the provision and management of the library buildings in Tweed Heads, Kingscliff and Murwillumbah.

The public floor area for the Tweed Heads Library is currently only 35 per cent of the standard recommended by the State Library of NSW for the library's catchment population in the Tweed Urban North District. Council has therefore prioritised the redevelopment of the Tweed Heads Library to approximately double the internal library space within the existing Civic Centre Building. Council submitted an application for funding to the State Library Infrastructure Fund in late October 2015 to assist with the refurbishment. Work on the library expansion is expected to commence in early 2016.

There are plans for the Murwillumbah Library to provide an outdoor extension on the eastern wall of the library for children and young people as part of the planned landscaping improvements surrounding the library. The Cancer Institute NSW has provided a grant of \$26,300 (including GST) through the Evidence to Practice Grant – Shade Provision. This grant will provide for a shade structure over the deck to ensure the space is safe and comfortable for library members.

5. Regional Models

Tweed Shire libraries have been part of the Richmond Tweed Regional Library (RTRL) since 1973 in agreement with Lismore City Council, Ballina and Byron Shire Councils.

There have been ongoing discussions between members of the RTRL Committee to determine a new business model and partnership agreement that comply with the *Library Act (1939)* and the *NSW Local Government Act (1993)*. The RTRL Committee meeting on 10 May 2013 noted “the recommendations from Tweed, Lismore, Byron and Ballina Councils and the consensus agreement for the development of a partnership business model” but determined “not to proceed at this time pending the review of Local Government”.

Tweed Shire Council subsequently considered a report on the financial implications of various models for the provision of library services at the Council Meeting on 18 July 2013 and resolved that pending the recommendations/outcome of the NSW Local Government Reform Proposals:

1. Council continues to participate in the Richmond Tweed Regional Library; and

2. Further develops a business model for the Library service in conjunction with the other constituent councils.

The RTRL Committee at its Meeting on 15 May 2015 resolved unanimously that “RTRL staff work with their member councils to assist with their response to Fit for the Future. Following the determination of Fit for the Future, RTRL reviews arrangements with member councils and reports to the November meeting.” The meeting for the RTRL is currently scheduled for 27 November 2015.

Local Government Reforms in NSW require that Councils conduct business with a view to sustainable financial management of assets and service levels. The discussion about the models for library service provision will necessarily be informed by a review of existing services and programs, staff, and infrastructure and assets. It will be important to identify the operational efficiencies that can be achieved at a regional level and the benefits that are optimised at local service locations.

The State Library recently conducted a review of regional models and the report, *Regional Library Management Models-Draft Literature Review, Prepared for the State Library of NSW by UTS Centre for Local Government 2015*, outlines the models under Sections 11 and 2 of the *Library Act (1939)* providing background to the issues arising for joint library service as identified through consultation and research. There were over 17 regional libraries in NSW in 2012 with the remainder being library services provided by individual Local Governments. The Riverina Regional Library in particular has been identified as having achieved improvements in service by transitioning from one regional model to another under the provisions of the *Library Act (1939)* and the RTRL staff have been investigating the details of the transition planning that the Riverina region implemented.

There are three public library models formalised under the *Library Act (1939)*. The RTRL is enabled under Section 12(1) which provides for one council to operate and manage library services on behalf of the two or more Councils party to the agreement (a regional library model). There is another Section 12(2) which provides for councils to identify specific components of library service on behalf of the Council’s part to the agreement (a cooperative library model). The *Library Act (1939)* also formalises a standalone library model where Councils accept independent responsibility for the provision of library services within their local government boundaries.

The terms of reference for a review of the RTRL regional library model have not yet been developed, although resolutions of both Tweed Shire Council and the RTRL Committee require this commence following State Government announcements on the Local Government reforms. It is important to ensure that a contemporary analysis is undertaken to establish what services can be provided most efficiently at a regional level and what services can be delivered most effectively at the point of access for the community through individual libraries.

OPTIONS:

Option 1:

1. Council receives the report and recommends to the RTRL that:
 - (a) Terms of Reference be developed with constituent Councils to commence the review of the business model for the RTRL.

- (b) The proposed RTRL Member Council contribution formula for the 2016-2017 budget is approved by Tweed Shire Council.
2. Council receives and notes the report.
 3. Council refers the report to staff and requests further information from the officers.

CONCLUSION:

Previous resolutions of Tweed Shire Council and the recommendations of the RTRL Committee have indicated agreement that the review of the business partnership model for the libraries should be conducted at the time of announcements about the outcomes of the Local Government reforms. It is now timely to commence a review to better enable Council to make informed decisions about library service provision both for the Shire and the greater region.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

Lismore City Council on behalf of RTRL will apply the Internet Access Policy to libraries in Tweed Shire.

b. Budget/Long Term Financial Plan:

Council's budget allocation for the library in 2015-2016 of \$2,259,200 is attached to this report.

The proposed formula will be applied to develop a 2016-2017 budget proposal for consideration at an RTRL budget meeting early in 2016 when the calculation of the Council contributions will be presented to a special budget meeting for member Council approvals.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

- | | |
|---------------|--|
| Attachment 1. | RTRL Committee meeting papers of 14 August 2015. (ECM3751320) |
| Attachment 2. | RTRL draft Internet Access Policy. (ECM3849086) |
| Attachment 3. | RTRL proposed funding formula, 2015-2016 budget and worksheets. (ECM3849118) |
-

20 [CNR-CM] Tweed Regional Art Gallery - Fees and Charges

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:

On 17 September 2015, Council considered amendments to the adopted 2015/2016 Fees and Charges for the hire of Tweed Regional Art Gallery facilities and an advanced proposal for the 2016/2017 Fees and Charges. The first amendment proposed was for the Nancy Fairfax Artist in Residence Studio Rental Fee to be increased from \$230 per week to \$300 per week to commence from 1 July 2016. The second amendment was for the introduction of a new Gallery Café Function Fee of \$5.00 per person (up to 50 persons) or \$10.00 per person (over 50 persons) up to a maximum of \$500 in conjunction with the second term of the existing licence to operate the Gallery Café.

Council resolved that the fees and charges be placed on public exhibition for 28 days inviting submissions in accordance with Sections 608 and 610F of the Local Government Act 1993. The fees and charges were placed on public exhibition from 22 September to 19 October 2015 and no submissions were received during this time.

RECOMMENDATIONS:

That Council adopts the:

1. **Fee of \$300 being the weekly rental for the Nancy Fairfax Artist in Residence Studio for the 2016/2017 financial year.**
2. **2015/2016 Gallery Café Function Fee of \$5.00 per person (up to 50 persons) or \$10.00 per person (over 50 persons) up to a maximum of \$500 in conjunction with the second term of the existing licence to operate the Gallery Café.**

REPORT:

This report recommends the adoption of amendments to Fees and Charges for the Tweed Regional Art Gallery. On 17 September 2015 Council resolved to place two amendments to the Fees and Charges on public exhibition for 28 days inviting submissions in accordance with Section 608 and 610F of the Local Government Act 1992.

The two changes proposed for Fees and Charges for the Tweed Regional Art Gallery are:

- A new fee for functions that are not ancillary to the operations of the Gallery is proposed to be included in the 2015/2016 Fees and Charges to be implemented in conjunction with the second term of the existing licence to operate the Gallery Café.
- An increase in the fee for the Nancy Fairfax Artist in Residence Studio to be effective from 1 July 2016. This fee is being proposed in advance for the 2016/2017 Fees and Charges to enable advance bookings for the studio at the proposed amended rate.

The fee increase from \$230 per week to \$300 per week for the Nancy Fairfax Artist in Residence Studio will offset some of the costs associated with maintaining the facility and also the Artist in Residence program.

The new function fee, in conjunction with the café licence, will allow the Gallery Café to host functions that are not ancillary to the Gallery operations in the licensed area of the Gallery.

No submissions have been received following the advertising of the proposed fees and charges, and this report is to recommend adoption of the amendments.

OPTIONS:

1. Council adopts the fee of \$300 being the weekly rental for the Nancy Fairfax Artist in Residence Studio for the 2016/2017 financial year, taking into account no public submissions received during the 28 day exhibition period.
2. Council does not adopt an increase in the rent for the Nancy Fairfax Artist in Residence Studio.
3. Council adopts the 2015/2016 Gallery Café Function Fee of \$5.00 per person (up to 50 persons) or \$10.00 per person (over 50 persons) up to a maximum of \$500 in conjunction with the second term of the existing licence to operate the Gallery Café, taking into account no public submissions received during the 28 day exhibition period.
4. Council does not adopt the 2015/2016 Gallery Café Function Fee.

CONCLUSION:

As no submissions were received following the advertisement of the proposed changes, it is recommended that the amendments to the 2015/2016 Fees and Charges and the advanced notice for 2016/2017 Fees and Charges be adopted. Council adoption of the proposed fee increase would also be supporting an economic benefit to the Gallery by assisting the Gallery to maintain the Nancy Fairfax Artist in Residence Studio and the Artist in Residence Program.

COUNCIL IMPLICATIONS:

a. Policy:

Tweed Regional Gallery Nancy Fairfax Artist in Residence Studio Fee Paying Application Guidelines and Fee Paying Application Form will require updating.

b. Budget/Long Term Financial Plan:

If accepted, the fees will cover the maintenance costs currently absorbed by the Gallery, and generate additional income to augment the Gallery's Artist in Residence Program.

c. Legal:

Not Applicable.

d. Communication/Engagement:

The proposed fee has been placed on public exhibition for 28 days and no submissions were received by Council.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

21 [CNR-CM] Demolition of RSL Hall, Kennedy Drive, Tweed Heads West

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:

Completion of the redevelopment of the Tweed Regional Museum Murwillumbah in 2014 and construction of a Museum collection store in 2012 ensured previously at risk collections located in aging buildings across Museum sites were appropriately housed in conditions fully compliant with workplace and public health and safety requirements.

However, significant health and safety issues remain in relation to the RSL Hall, part of the Tweed Regional Museum complex at Kennedy Drive, Tweed Heads West. The presence of asbestos in the building and accelerated deterioration due to age necessitated the building's closure to the public and volunteers in June 2014. At that time collection items were removed and access to the building restricted.

Council officers explored detailed options for repair and/or replacement of the Hall, taking on board input from the Tweed Heads Historical Society. The Hall was relocated to the current site in 1987 and was known to contain asbestos. It does not have formal heritage significance and repair is not considered viable due to cost. Demolition is therefore proposed. The need to proceed with demolition is now urgent as the building has continued to deteriorate over the past 16 months and remaining collections and Historical Society belongings still inside require removal for safekeeping and to facilitate access.

Approval is sought to proceed with preparation of a Development Application and subsequent demolition of the RSL Hall. Indicative costings have been prepared and sufficient funds carried over from the 2014/2015 Museum operational budget to undertake work.

A review of the 2004 Memorandum of Understanding between Council and the Societies in relation to development of the Tweed Regional Museum has been ongoing throughout 2015. As part of this consultation process, Historical Society and Museum Advisory Committee members have been informed that, due to a range of issues, including significant and continuing constraints on Council resources, previous plans for a second Tweed Regional

Museum facility at Tweed Heads, or any other location in the Tweed will not be possible in the foreseeable future.

A Museum Service Agreement (2016 – 2017) between Council and the Societies has been developed and provided to Museum Advisory Committee and Historical Society members. It is due to be finalised during November and a report regarding the Agreement and related issues will be submitted to the December 2015 meeting of Council.

Options for a replacement building for the RSL Hall in Kennedy Drive, sufficient to provide the Historical Society with research and office space, are still under consideration and will be addressed following implementation of the Museum Service Agreement between Council and the Societies from January 2016. Further advice regarding options for a new building will be provided to Council following that time.

RECOMMENDATION:

That Council:

- 1. Approves preparation of a Development Application for demolition of the RSL Hall, Kennedy Drive, Tweed Heads West.**
- 2. Approves, subject to consent, demolition of the RSL Hall in accordance with Council's Procurement Policy.**
- 3. Notes that it will not pursue construction of a second Museum development at Flagstaff Hill or any other site in the medium term.**
- 4. Notes that members of the Museum Advisory Committee and the Historical Societies of Tweed Heads, Murwillumbah and Uki & South Arm have been formally advised that Council is not in a position to pursue construction of a new Museum facility.**

REPORT

Background

The Memorandum of Understanding (MOU) between Council and the Historical Societies of Tweed Heads, Murwillumbah and Uki & South Arm (signed in 2004) anticipated a number of outcomes, including construction of a collection store and a major new Museum facility at Tweed Heads. The new Museum at Tweed Heads was intended to replace the current site at Kennedy Drive, Tweed Heads West. This vision for a new showcase facility at Tweed Heads has not been realised. In the current environment of Councils across NSW working toward improving their financial sustainability, a second major Museum development is not considered fiscally responsible.

Since 2004 Council has however, delivered on other outcomes anticipated in the MOU including: construction of a dedicated Museum collection storage facility, a significantly expanded and refurbished Tweed Regional Museum at Murwillumbah; employment of professional staff (in 2015 three full-time employees), and provision of annual operational support for the Museum, which involves direct support to the Historical Societies.

Barriers to realising the new Museum building at Flagstaff Hill have included issues arising from the need to negotiate an appropriate lease on Crown Land, unresolved Native Title Claim, and escalation of building costs (estimated at more than \$7m). In addition, reallocation of NSW government grant funds previously secured by Council for the Museum facility at Tweed Heads was redirected to the Margaret Olley Art Centre, the Museum collection store and redevelopment of Museum facilities at Murwillumbah. A facility at Tweed Heads, at Flagstaff Hill or at any other site, is therefore not realisable in Council's medium term planning cycle (ie. 10-20 years).

In 2014 significant deterioration of the RSL Hall at Kennedy Drive, which contains significant amounts of asbestos, necessitated its closure to the public, staff and volunteers (June 2014). Extensive investigation has recommended demolition as the most appropriate solution.

The Hall was relocated to the current site in 1987. Asbestos was known to be present at that time, limiting its lifespan. The Hall does not have formal heritage significance.

Current situation

The need to proceed with demolition of the RSL Hall is now urgent as the building has continued to deteriorate over the past 16 months and Museum collection and Historical Society belongings still inside require removal for safekeeping and to facilitate access.

Approval is sought to proceed with preparation of a Development Application and subsequent demolition of the RSL Hall. Detailed costings (as at October 2015) have been prepared and sufficient funds have been carried over from the 2014/2015 Museum budget to complete the work.

OPTIONS:

1. Support preparation of a Development Application, and subject to consent, demolition of the RSL Hall at Kennedy Drive, Tweed Heads West.

2. Not support demolition of the RSL Hall.

CONCLUSION:

Council is not able to pursue a new Museum building at Tweed Heads, Flagstaff Hill or any other location in the Shire due to unresolved planning and permission issues and limited resources. The RSL Hall, part of the Museum complex at Kennedy Drive Tweed Heads West, has been closed to the public and volunteers since June 2014 due to the presence of asbestos and its poor and deteriorating condition. Repair of the Hall is not viable. There is a need to proceed with demolition of the Hall as a priority due to continuing deterioration over the past 16 months and the need to remove remaining items to storage and make the site safe. Options for a replacement building are still under consideration and will be addressed following implementation of the Museum Service Agreement from January 2016 with further advice provided to Council.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Estimated costs as contained within the Confidential Attachment will be met from 2015/2016 roll overs within the Tweed Regional Museum operational budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

Extensive consultation with members of the Museum Advisory Committee (MAC) and the Tweed Heads Historical Society have been undertaken during 2015 in relation to Museum facilities and resources as part of the review of the 2004 Memorandum of Understanding and development of a new Museum Service Agreement 2016-2017. Extensive correspondence between Council officers and the Tweed Heads Historical Society, together with face to face briefings have also taken place. MAC and Society members have been formally advised of the significant and continuing constraints on Council resources and consequent inability to fund capital and operational costs associated with additional Museum facilities in the foreseeable future. They have also been advised of the need to proceed with demolition of the RSL Hall.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Supplementary Information (ECM3856579)

22 [CNR-CM] Composition of Community Halls 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 16 October 2014 Council resolved to form the Community Halls Advisory Committee to improve the sustainability of Council's nine community halls and to assist community hall management committees to comply with and improve on governance and management practices. On 16 April 2015, Council endorsed the composition of the Community Halls Advisory Committee however, subsequent to this; Council received notice from Limpinwood Community Hall Association to advise proposed delegates for Council's Community Hall Advisory Committee have changed following its Annual General Meeting.

RECOMMENDATION:

Council endorses the following appointments to the Community Halls Advisory Committee:

Community Hall Management Committee	Nominated Delegate
Limpinwood Community Hall Committee	Pamela Gray Russell Costin (First Alternate Delegate) Claire Masters (Second Alternate Delegate)

REPORT:

On 18 June 2015, Council endorsed the composition of the Community Halls Advisory as follows:

Community Hall Management Committee	Nominated Delegate
Chillingham Community Hall Committee	Maree Edwards John Logan (alternate) Gwenda Shoobridge (alternate)
Crabbes Creek Community Hall Committee	Reg (Arthur Reginald) Robinson Margaret Hulbert (alternate) Tracy Butler (alternate)
Crystal Creek Community Hall Committee	Agnes Nesci Ben Law (alternate)
Doon Doon Community Hall Committee	Steve Sweetnam Desiree Saunders (alternate) Barry Saunders (alternate)
Fernvale Community Hall Committee	Rick Dobbie Peter Hurcombe (alternate)
Limpinwood Community Hall Committee	Russell Costin Claire Masters (alternate)
Piggabeen Community Hall Committee	Marlene Protheroe Kathy Jobson (alternate) Geoff Davis (alternate)
Pottsville Beach Community Hall Committee	Janet Tkachenko Kaye Seiler (alternate) Ruth Clarke (alternate)
Tumbulgum Community Hall Committee	Ann Carkery Brian Breckenridge (alternate) Sue Breckenridge (alternate)

On 14 August 2015, Council received notice from the Limpinwood Community Hall Committee to advise proposed delegates for Council's Community Hall Advisory Committee have changed following its Annual General Meeting to:

- Pamela Gray
- Russell Costin (alternate)
- Claire Masters (alternate)

OPTIONS:

1. That Council appoints delegates to the Community Hall Advisory Committee from Limpinwood Community Hall as nominated by the management committee.
2. That Council does not appoint delegates to the Community Hall Advisory Committee from Limpinwood Community Hall as nominated by the management committee.

CONCLUSION:

Council resolved to form an Advisory Committee to oversee management and operations of community hall management committees. Composition of the committee includes a primary

and up to two alternate delegates from each of the nominated community hall management committees, a member (and alternate) from Council's elected body and a staff member in attendance in an ex officio capacity. Appointments to the Community Hall Advisory Committee will be amended from time to time as membership of individual Community Hall Management Committees change following annual general meetings or resignations of committee members.

COUNCIL IMPLICATIONS:

a. Policy:

Community Halls v1.1.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Representation from Limpinwood Hall Management Committee was noted at the Community Halls Advisory Committee Meeting on 24 August 2015.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM THE DIRECTOR ENGINEERING

23 [E-CM] Cancellation of Positive Covenants - 316 Casuarina Way, Kingscliff

SUBMITTED BY: Design

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

DA14/0480 was an application for the subdivision of Lot 24 DP 1162599 into two parcels, and two dwellings at 316 Casuarina Way at Kingscliff.

A s96 application was lodged to stage the development, the Statement of Environment Effects stated that the staging was to allow flexibility to sell the allotment for the second dwelling as vacant land and allow construction of the second dwelling by a third party.

The s96 application was approved on 19 June 2015.

Condition 96 of the original approval, as well as the s96 approval, required the release of two Positive Covenants that were registered on the title.

Council is the benefitting authority for these Positive Covenants and Council is also empowered to release, vary or modify these covenants when they were created by the registration of DP 1162588 and DP 1162599.

As the Positive Covenants are required to be released as a condition of consent, it is recommended that Council approve their release and to resolve to execute the documents necessary for their release under the Common Seal of Council.

RECOMMENDATION:

That:

1. Council approves the release of Positive Covenant sixthly referred to in DP 1162588 over Lot 318 in DP 1162588;
-

2. Council approves the release of Positive Covenant tenthly referred to in DP 1162599 over Lot 24 in DP 1162599; and
3. All documentation be executed under the Common Seal of Council.

REPORT:

DA14/0480 is an application for the subdivision of Lot 24 DP 1162599 into two parcels and two dwellings at 316 Casuarina Way at Kingscliff.

A s96 application was later lodged to stage the development, the Statement of Environment Effects stated that the staging was to allow flexibility to sell the allotment for a second dwelling as vacant land and allow construction of the second dwelling by a third party.

The s96 application was approved on 19 June 2015.

Condition 96 of the original approval, as well as the s96 approval, required the release of two Positive Covenants that were registered on the title as a condition of consent in an earlier subdivision.

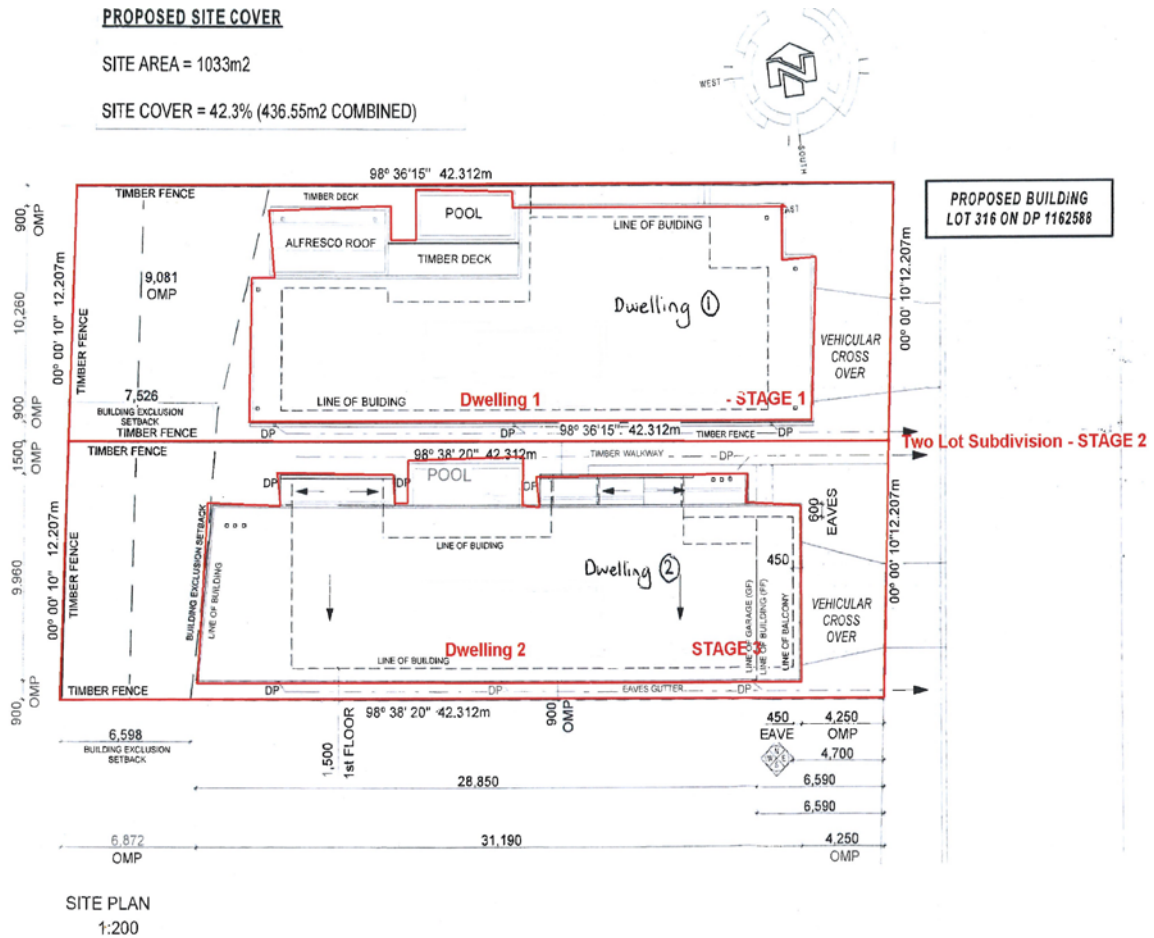
The Positive Covenants related to the management and development of Lot 24 in accordance with vegetation management and maintenance of property requirements in accordance with Planning for Bushfire Protection Guidelines.

The Positive Covenants required a 5 metre setback from the western boundary of the parcel to act as an inner asset protection zone.

The applicant supplied a Bushfire Safety Authority report which was approved by the Rural Fire Service who then advised Council to include a consent condition that the proposed development was to comply with that report. This had the effect of rendering the Positive Covenants redundant.

Figure 1 below shows an excerpt from the approved plans for the dwellings, showing the inclusion of a building exclusion setback area, being 6.598 metres wide at the southern boundary of the proposed southern parcel and broadening to 7.526 on its northern boundary. In the proposed northern parcel, that setback starts at 7.526 and expands in width to a greater degree, see Figure 1 below.

Figure 1 shows the dwelling footprints on each proposed parcel, as well as the staging of the development:



Council is the benefitting authority for these Positive Covenants and Council was also empowered to release, vary or modify these covenants when they were created by the registration of DP 1162588 and DP 1162599.

As the Positive Covenants are required to be released as a condition of consent, it is recommended that Council approve their release and to resolve to execute the documents to effect their release under the Common Seal of Council.

OPTIONS:

1. To approve the release of Positive Covenants created over the relevant parcel; or
2. To not approve the release of Positive Covenants created over the relevant parcel.

CONCLUSION:

The necessity for the Positive Covenants over the subject land has been assessed and deemed no longer necessary. Consent condition 96 imposes alternative and approved setbacks and management standards for bush fire management on the subject land, it is recommended Council approves the release of the Positive Covenants that are registered on Lot 24 DP 1162599.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

No financial implications arise as a result of this report.

c. Legal:

d. Communication/Engagement:

Inform - We will keep you informed.

No public notification is required for this action, notification of the development was given to adjoining property owners and relevant authorities.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

24 [E-CM] Water Supply Augmentation - Selection of Preferred Option

SUBMITTED BY: Water and Wastewater

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

There is a requirement for Council to select a preferred option, for the augmentation of Tweed District Water Supply, in the immediate future. This is required so that an additional water source is commissioned by 2026 and Council can fulfil its obligations to prepare a new Developer Servicing Plan.

The following options have been considered:

- Raise Clarrie Hall Dam
- Build Small Byrrill Creek Dam
- Build Small Byrrill Creek Dam and raise it at a later date
- Build Large Byrrill Creek Dam
- Link to SEQ Water
- Link to Gold Coast City Council

From an analysis of various impacts the raising of Clarrie Hall Dam is most advantageous to Council and its community.

If Council continue to delay a decision on a preferred Tweed District Water Supply augmentation option, there may be insufficient time prior to 2026 to implement any of the dam options. This will force Council to link to SEQ Water or Gold Coast City Council neither of which are preferred options.

RECOMMENDATION:

That Council adopts the raising of Clarrie Hall Dam as the preferred option for the augmentation of the Tweed District Water Supply.

REPORT:

Issue

There is a requirement to augment the Tweed District Water Supply by 2026. If the preferred option is to be a dam, the planning, environmental assessment and construction of the dam, such that it can provide the increase in secure yield required by 2026, will take 10 years.

Further, there is a government requirement to revise Council's Developer Servicing Plans (s64 charges). The Developer Servicing Plans cannot be completed until Council has selected a preferred option for the water supply augmentation.

To address these two issues a decision, by Council, on a preferred option for the augmentation of the Tweed District Water Supply is required in the immediate future.

Background

Studies undertaken for Tweed Shire Council by Hydrosphere - to estimate the future demand for water, and NSW Urban Water Services - to estimate the secure yield of Tweed District Water Supply as impacted by climate change, demonstrate a requirement to augment the Tweed District Water Supply by 2026.

Council has previously considered options to augment the Tweed District Water Supply but as yet has no preferred option for the augmentation of the water supply.

OPTIONS:

Consistent with Council resolutions the options of raising Clarrie Hall Dam and links to SEQ Water have been considered. In addition to these options, Byrrell Creek Dam(s) and links to Gold Coast City Council have also been considered. Therefore the options considered are:

- Raise Clarrie Hall Dam
- Build Small Byrrell Creek Dam
- Build Small Byrrell Creek Dam and raise it at a later date
- Build Large Byrrell Creek Dam
- Link to SEQ Water
- Link to Gold Coast City Council

Raise Clarrie Hall Dam

A study has been undertaken by NSW Public Works to determine the optimum size of Clarrie Hall Dam. It determined the optimum size of the dam was 43,000 ML based on raising the dam wall height by 8.5m to a dam wall height of 70m AHD.

The secure yield of the Raised Clarrie Hall Dam has been estimated by NSW Urban Water Services after undertaking stream flow estimation for both present flows and flows adjusted for climate change, and modelling the behaviour of the dam within licenced operating conditions. The modelling estimated the 2030 secure yield as 22,700ML/a. The Raised Clarrie Hall Dam would be able to provide adequate water supply to Tweed Shire until approximately 2046.

Cost estimates for the dam have been prepared by NSW Public Works. Those estimates were amended to include environmental assessment, project management and contingency for preconstruction.

As many of the factors influencing the cost of raising Clarrie Hall Dam are known, there is a higher degree of certainty with the cost estimates and there is only a small probability they could increase relative to other options. To address this, the estimates were subsequently amended by NSW Public Works using @Risk software to determine mean probable cost. The estimated mean probable cost to Raise Clarrie Hall Dam is \$43.44M.

As the dam already exists there would be little or no additional operating costs for the raised dam.

Build Small Byrrill Creek Dam

This option consists of the construction of a small Byrrill Creek Dam with capacity of 16,300 ML.

The secure yield of the dam in conjunction with the existing Clarrie Hall Dam has been modelled by NSW Urban Water Services. The modelling estimated the 2030 secure yield as 15,800 ML/a. The dam, in conjunction with the existing Clarrie Hall Dam, would be able to provide adequate water supply to Tweed Shire until approximately 2035.

Cost estimates for the dam have been prepared by NSW Public Works. Those estimates were amended to include a fish ladder, environmental assessment, project management and contingency for preconstruction.

As many of the factors influencing the cost of constructing the small Byrrill Creek Dam are unknown, there is a low degree of certainty with the cost estimates. That is, there is a large probability the cost could increase significantly. To address this, the estimates were subsequently amended by NSW Public Works using @Risk software to determine mean probable cost. The estimated mean probable cost to construct the small Byrrill Creek Dam is \$54.35M.

In the longer term, operating costs for the dam would be similar and in addition to the present operating costs of Clarrie Hall Dam.

Build Small Byrrill Creek Dam then Raise the Dam Wall

This option consists of the construction of Small Byrrill Creek Dam with capacity of 16,300 ML and then approximately 9 years later, raising the wall of the dam to provide a dam with a capacity of 36,000 ML.

The secure yield of the raised dam, in conjunction with the existing Clarrie Hall Dam, has been modelled by NSW Urban Water Services. The modelling estimated the 2030 secure yield of the raised dam as 20,950ML/a. The dam would require raising in 2035 and after raising and in conjunction with the existing Clarrie Hall Dam, would be able to provide adequate water supply to Tweed Shire until approximately 2044.

Cost estimates for the small dam and then raising the dam have been prepared by NSW Public Works. Those estimates were amended to include a fish ladder, environmental assessment, project management and contingency for preconstruction.

As many of the factors influencing the cost of constructing and then raising Byrrill Creek Dam are unknown, there is a low degree of certainty with the cost estimates. That is, there is a large probability the cost could increase significantly. To address this, the estimates were subsequently amended by NSW Public Works using @Risk software to determine mean probable cost. The estimated mean probable cost to construct the small Byrrill Creek Dam then raise it is \$105.17M.

In the longer term, operating costs for the dam would be slightly above and in addition to the present operating costs of Clarrie Hall Dam.

Build Large Byrrill Creek Dam

This option consists of building a Byrrill Creek Dam with a capacity of 36,000 ML.

The secure yield of the dam in conjunction with the existing Clarrie Hall Dam has been modelled by NSW Urban Water Services. The modelling estimated the 2030 secure yield as 20,950 ML/a. The dam, in conjunction with the existing Clarrie Hall Dam, would be able to provide adequate water supply to Tweed Shire until approximately 2044, the same as the raised Byrrill Creek Dam.

Cost estimates for the small dam and then raising the dam have been prepared by NSW Public Works. Those estimates were amended to include a fish ladder, environmental assessment, project management and contingency for preconstruction.

As many of the factors influencing the cost of constructing the large Byrrill Creek Dam are unknown, there is a low degree of certainty with the cost estimates. That is, there is a large probability the cost could increase significantly. To address this, the estimates were subsequently amended by NSW Public Works using @Risk software to determine mean probable cost. The estimated mean probable cost to construct the large Byrrill Creek Dam is \$81.86M.

In the longer term, operating costs for the dam would be similar, slightly above and in addition to the present operating costs of Clarrie Hall Dam.

Link to SEQ Water

This option consists of the construction of a pipeline, capable of transferring up to 20ML/day, from adjacent to the Tugun Desalination Plant to Piggabeen Road and a pump station.

The secure yield of this option in conjunction with the existing Clarrie Hall Dam has been modelled by NSW Urban Water Services. The modelling estimated the 2030 secure yield as 14,650 ML/a. The pipeline, in conjunction with the existing Clarrie Hall Dam would be able to provide adequate water supply to Tweed Shire until approximately 2034. Modelling by NSW Urban Water Services indicated that an average of 3,600 ML would be drawn from SEQ Water.

Cost estimates for the link have been prepared by MWH and updated to present day dollars by NSW Public Works. Many of the factors influencing the cost of constructing the link are known and hence there is a reasonable degree of certainty in costs. As with previous options to address risk the estimates were subsequently amended by NSW Public Works using @Risk software to determine mean probable cost. The estimated mean probable cost to construct the pipeline is \$13.64M.

In addition to this SEQ Water have indicated that they would seek a "buy in" of \$25.5M making the mean probable cost to construct the pipeline plus buy in is \$39.14M. In the longer term, operating costs consist of:

• Pump Station operation	\$ 650,000 pa
• Water Cost @ \$1500/ML for 3,600 ML/a	\$ 5,400,000 pa
• Annual Access Charge	\$ 13,600,000 pa
• Total	\$ 19,650,000 pa

As many of the factors influencing the cost of this option are well known, there is only a small probability of significantly increased costs when compared with all options.

Further, larger pipelines were considered. The larger pipelines attracted significantly larger "buy-in" costs and significantly higher Annual Access Charges making the larger pipelines less financially acceptable than the 20ML/day pipeline.

Link to Gold Coast City Council

This option is basically the same as the option above with the exception that no buy in cost is forecast. At this point no access charges are forecast and the price of water is \$3.77/kL in accordance with Gold Coast City Council's Fees and Charges.

In the longer term, operating costs consist of:

• Pump Station operation	\$ 650,000 pa
• Cost of Water @ \$3.77/kL for 3,600 ML/a	\$ 13,572,000 pa
• Total	\$ 14,222,000 pa

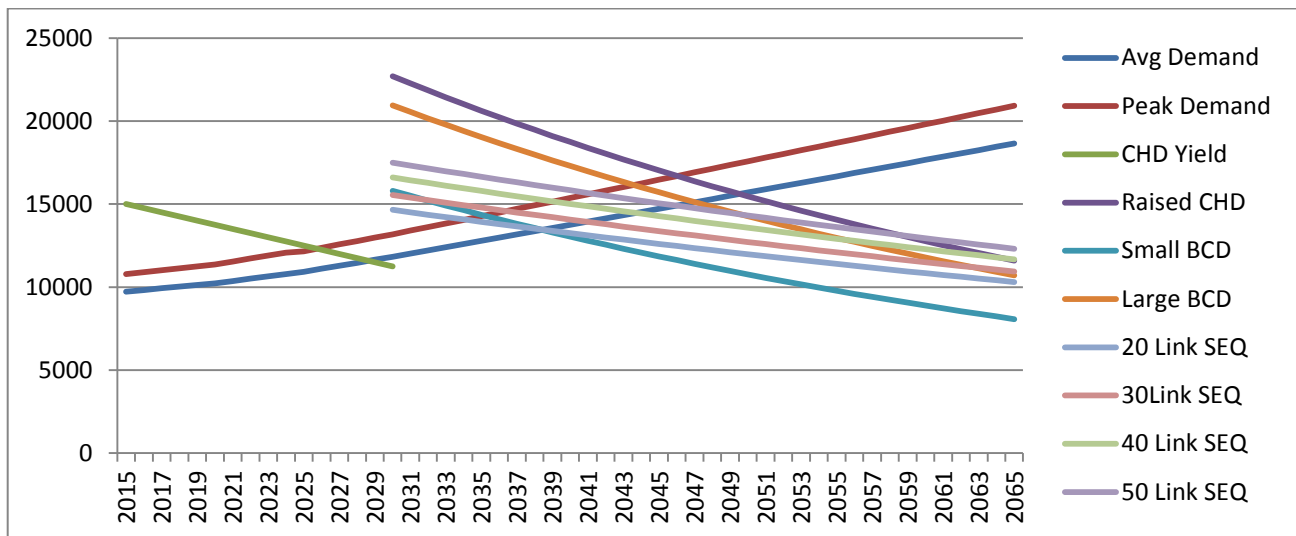
As many of the factors influencing the cost of this option are well known, there is only a small probability of significantly increased costs when compared with all options.

Larger pipelines were considered. Because the cost of water from Gold Coast City Council is significantly greater than the cost of production of water by Tweed Shire Council increasing the pipeline capacity and drawing more water from Gold Coast City Council would cause the cost of water in Tweed to rise further. This would make the larger pipelines less financially acceptable than the 20ML/day pipeline.

COMPARISON OF OPTIONS:

Longevity

Longevity is based on when a further supply augmentation would be required after the implementation of the given option. This was determined by comparing the forecast demand as determined by Hydrosphere and the secure yield of the options.



The longevity of each option is determined as the point at which peak demand exceeds secure yield and is tabulated in Table 1.

Table 1: Longevity of Water Supply Augmentation Options:

Option	New Supply required by
Raise Clarrie Hall Dam	2046
Small Byrriil Creek Dam	2035
Staged Byrriil Creek Dam	2044
Large Byrriil Creek Dam	2044
Link to SEQ Water	2034
Link to Gold Coast City Council	2034

Cost

The mean probable cost of the options and longevity are compared in Table 2.

Table 2: Mean Probable Cost, Mean Probable NPV and Longevity:

Option	Mean Probable Capital Cost \$M	Mean Probable NPV @7% \$M	Longevity after 2026 Years
Raise Clarrie Hall Dam	\$ 43.33	\$ 34.07	20
Small Byrrill Creek Dam	\$ 54.35	\$ 43.42	9
Stage Byrrill Creek Dam	\$ 105.17	\$ 76.16	18
Large Byrrill Creek Dam	\$ 81.86	\$ 70.75	18
Link to SEQ Water	\$ 39.14	\$ 222.46	8
Link to Gold Coast City Council	\$ 13.64	\$ 149.45	8

Financial Impact

The financial impact of each option was considered by HydroScience. After completion of the further cost analysis by NSW Public Works the financial impacts of each of the options was determined using the methodology of HydroScience. The assessment considered both the impact on Developer Charges and the impact on a Typical Residential Bill.

Table 3: Financial Impact of Water Supply Augmentation Options:

Option	Increase in Typical Residential Bill	Net Impact on Developer Charges based on average mean ^{Note 1}
Raise Clarrie Hall Dam	0	\$ 3,649
Small Byrrill Creek Dam	\$ 7.55	\$ 9,397
Stage Byrrill Creek Dam	\$ 10.00	\$ 9,425
Large Byrrill Creek Dam	\$ 10.00	\$ 9,702
Link to SEQ Water	\$ 370.00	\$ 5,725
Link to Gold Coast City Council	\$ 284.00	\$ 1,099

Note 1:

The Net Impact on Developer Charges was based on the Equivalent Annualised Annuity of each option adjusted by the reduction in existing Developer Charges by the removal of previously forecast water supply augmentation work.

Based on current charges Water Usage Charges, Typical Residential Bill and Developer Charges would increase as shown in Table 4

Table 4: Gross Typical Residential Bill and Developer Charges for Water Supply Augmentation Options:

Option	Water Usage Charge \$/kL	Typical Residential Bill	Developer Charges ^{Note 2}
Raise Clarrie Hall Dam	\$ 2.70	\$ 572.00	\$ 16,777
Small Byrill Creek Dam	\$ 2.73	\$ 579.55	\$ 22,525
Stage Byrill Creek Dam	\$ 2.73	\$ 582.00	\$ 22,553
Large Byrill Creek Dam	\$ 2.73	\$ 582.00	\$ 22,830
Link to SEQ Water ^{Note 1}	\$ 5.12	\$ 942.00	\$ 18,853
Link to Gold Coast City Council ^{Note 1}	\$ 3.91	\$ 856.00	\$ 14,227

Note 1:

Present consumption determined from (TRB - access)/2.7. Usage Charge calculated from (TRB - access)/consumption. In these two cases the typical user charge exceeds the user charge for water at Gold Coast City Council of \$3.77/kL.

Note 2:

Consistent with Note 1 Table 3 the actual developer charges will need to be recalculated as part of the revision to the Developer Servicing Plan. That revision will also take into account the lower growth rates which have been experienced as well as new costings and strategies for servicing.

Previous Community Consultation

In 2010 a Community Working Group considered and assessed the options of:

- Raise Clarrie Hall Dam
- New Byrill Creek Dam
- Pipeline to SEQ Water

The options were assessed on the criteria of Environmental Impact and Social Impacts of the options. The Community Working Group assessed the options on the rating of:

- I can live with this option
- I don't know / am not sure
- I cannot live with this option

The results of the assessment are set out below:

Table 5: Community Working Group Assessment of Options based on Environmental Impact:

Option	Raise Clarrie Hall Dam	New Byrill Creek Dam	Pipeline to SEQ Water
I can live with this option	9	2	1
I don't know / am not sure	1	0	6
I cannot live with this option	1	8	3

Table 6: Community Working Group Assessment of Options based on Social Impact:

Option	Raise Clarrie Hall Dam	New Byrrell Creek Dam	Pipeline to SEQ Water
I can live with this option	6	2	1
I don't know / am not sure	2	1	5
I cannot live with this option	1	6	2

The results show that more people (15) can "live with" the raising of Clarrie Hall Dam than can "live with" New Byrrell Creek (4). Fewest (2) can "live with" Pipeline to SEQ Water.

Similarly, the results show that the fewest people (2) "cannot live with" Raise Clarrie Hall Dam compared to fourteen (14) who "cannot live with" with Byrrell Creek Dam and five (5) who could not live with Pipeline to SEQ Water.

Subtracting "cannot live with" numbers from "can live with" ranks the options in order of preference as:

- Raise Clarrie Hall Dam (13)
- Pipeline to SEQ Water (-3)
- New Byrrell Creek Dam (-10)

Previous Studies

In 2008 and 2009, a series of studies were undertaken to compare options for the augmentation of the Tweed District Water Supply.

The studies, through a Multi Criteria Analysis, ranked the options. The ranking was:

- Raising Clarrie Hall Dam
- Pipeline to SEQ Water
- New Byrrell Creek Dam

The studies recommended the preferred option for augmenting the Tweed District Water Supply as the raising of Clarrie Hall Dam.

Water Sharing Plan

It was confirmed by the relevant Minister in December 2010 that Clause 48 of the Water Sharing Plan for the Tweed River specifically prevents NSW Office of Water from approving water supply work in the Byrrell Creek Water Source.

Subsequent to that date, the new Minister in October 2011, advised that it was her belief that the inclusion of Clause 48 would not impact on any proposal to construct a major water storage on Byrrell Creek, as the provisions of the EP&A Act for major projects would apply. It should be noted that this is not a legal opinion.

Advice from Office of Water, also in October 2011, advised that Clause 48 of the Water Sharing Plan would not impact on a proposal to build Byrrell Creek Dam, because such a

proposal may fall under the provisions of the SEPP on State and Regional Development. The SEPP considers dam proposals in excess of \$30m to be state significant infrastructure.

Advice from NSW Planning is that the status of the Water Sharing Plan against the SEPP and legislation is unclear. Were the Water Sharing Plan to be taken into consideration in any development assessment, it is possible Clause 48 could take precedence over the SEPP. It is also possible the provisions of the SEPP could take precedence over the Water Sharing Plan. As the matter is contestable in the Land and Environment Court and no precedence exists, it is unclear whether the Water Sharing Plan impacts on the proposal to build Byrrell Creek Dam.

No differentiation between options can be determined and as such the Water Sharing Plan is not considered further, except in that it poses a significant risk within the planning process with probable significant cost and time implications.

Environmental Impact Assessment

In any environmental assessment of a proposal, alternatives must be considered. Any environmental assessment of the alternatives of links to SEQ Water, links to GCCC and Byrrell Creek Dam would be assessed against an alternative of raising Clarrie Hall Dam on the criteria of impact on the natural environment, social environment and economic environment.

Environmental studies, community consultation and economic analysis has consistently shown Clarrie Hall Dam has less environmental impact than Byrrell Creek Dam, is more readily accepted by the community and provides the best economic outcomes for Tweed Shire. As such it is anticipated any Environmental Impact Assessment will find raising Clarrie Hall Dam the preferred option.

For Council to do otherwise may cause State Government intervention in Council's decision making process on this matter.

Risk

Risk to Residential Development

Any increase in the Developer Charges will have an adverse impact on the cost of residential development. In simple demand terms, this will reduce the demand for land and hence development within the Shire. Similarly, high user charges will act as a disincentive for people to live in the Shire if user charges are higher than on the Gold Coast.

To mitigate the risk to development of residential land, Developer Charges need to be kept as low as possible while maintaining the financial viability of Council's water and sewerage services. Similarly, user charges need to be kept as low as possible while maintaining the financial viability of Council's water and sewerage services.

The option with both the second lowest Developer Charges and lowest user charges is Raise Clarrie Hall Dam. This option will result in Developer Charges more than \$6,000 less than other dam options.

Risks to Commercial and Industrial Development

Risks to maintaining and developing commercial and industrial development within Council, primarily, centred on cost. In essence, if the cost of doing business on the Gold Coast is less than the cost of doing business in Tweed Shire, businesses will move out of the Shire.

When considering costs the total cost of water and sewerage services is compared. Gold Coast City Council's costs are \$3.77/kl for water. This can be compared to the present Tweed Shire Council charges of \$2.70.

The options of Link to SEQ Water and Link to Gold Coast City Council would place the cost of water above the cost of water from other options and are therefore considered a risk to continued commercial and industrial development within Tweed Shire. The present usage charge at Gold Coast City Council is \$3.77 /kL. With the Link to SEQ Water or the Link to Gold Coast City Council the usage charges would be \$5.12 and \$3.91 respectively.

Risk to Low Income Residents

Low income residents such as pensioners are those persons most adversely impacted by the increase in cost of essential services. Increases in the cost of water from the present \$2.70/kL to \$3.91 or over \$4.00kL are considered unacceptable. Therefore the options of Link to SEQ Water and Link to Gold Coast City Council are considered unacceptable.

Cost Uncertainty

NSW Public Works was engaged to undertake an assessment of cost uncertainty. This was undertaken using @Risk software using a Monte Carlo based assessment methodology. The results are shown in Table 7.

Table 7: Mean Probable and Maximum Capital Costs for Water Supply Augmentation Options:

Option	Mean Probable Capital Cost \$M	Maximum Capital Cost \$M
Raise Clarrie Hall Dam	\$ 43.44	\$ 55.22
Small Byrill Creek Dam	\$ 54.35	\$ 67.71
Staged Byrill Creek Dam	\$ 105.17	\$ 130.78
Large Byrill Creek Dam	\$ 81.86	\$ 105.26
Link to SEQ Water	\$ 39.14	\$ 43.20
Link to Gold Coast City Council	\$ 13.64	\$ 17.70

The Mean Probable and Maximum Net Present Values of each of the option are shown in Table 8.

Table 8: Mean Probable NPV and Maximum NPV for Water Supply Augmentation Options:

Option	Mean Probable NPV \$M	Maximum NPV \$M
Raise Clarrie Hall Dam	\$ 34.07	\$ 43.24
Small Byrrell Creek Dam	\$ 43.42	\$ 57.60
Staged Byrrell Creek Dam	\$ 76.16	\$ 85.53
Large Byrrell Creek Dam	\$ 70.75	\$ 90.57
Link to SEQ Water	\$ 222.46	\$ 222.74
Link to Gold Coast City Council	\$ 149.45	\$ 151.73

The Developer Charges in Table 9 were determined using the HydroScience methodology.

Table 9: Typical Residential Bill, Mean Probable Developer Charges and Maximum Developer Charges for Water Supply Augmentation Options.

Option	Water Usage Charge \$/kL	Mean Probable Developer Charge	Maximum Developer Charges
Raise Clarrie Hall Dam	\$ 2.70	\$ 16,777	\$ 18,220
Small Byrrell Creek Dam	\$ 2.73	\$ 22,525	\$ 25,157
Stage Byrrell Creek Dam	\$ 2.73	\$ 22,553	\$ 25,266
Large Byrrell Creek Dam	\$ 2.73	\$ 22,830	\$ 26,213
Link to SEQ Water	\$ 5.12	\$ 18,853	\$ 19,433
Link to Gold Coast City Council	\$ 3.91	\$ 14,227	\$ 14,816

Other items that may impact on the cost of options which cannot be assessed at this stage include:

The likely requirement for compensatory habitat for areas inundated by Byrrell Creek Dam and a raised Clarrie Hall Dam are as yet undefined.

Presently unknown environmental conditions at the Byrrell Creek site may require further expenditure on studies and environmental measures. This is exacerbated because ECO-SURE have found high conservation areas both upstream and down-stream of the proposed dam wall.

There are 26 registered cultural heritage sites within the Byrrell Creek Dam catchment. There are most probably, further unknown cultural heritage issues requiring further expenditure on studies and protection measures.

There are 21 registered cultural heritage sites within the Clarrie Hall Dam area. Five (5) sites were inundated in 1983, a further five (5) would be inundated if Clarrie Hall Dam was raised. The area has been well studied and the risk of discovering further cultural heritage sites is low.

The construction of Byrrell Creek Dam would result in the partial inundation of nine (9) properties. Four (4) houses would be inundated. Two properties will be severed. The construction would require major road reconstruction of Byrrell Creek Road. As negotiations to address these items have yet to be undertaken there is no certainty as to the cost of these items and escalation could well occur.

The raising of Clarrie Hall Dam would result in the partial inundation of twenty-four (24) properties. Three (3) houses would be inundated. Three (3) properties would be impacted by road realignment. Discussions with the property owners impacted by any raising of Clarrie Hall Dam occurred in 2010/11.

Legal action.

Time Uncertainty

There is uncertainty associated with the time for completion of the water augmentation options.

Risks to time for the Links to SEQ Water and Gold Coast City Council are centred on three aspects being - acquisition of land, entering into an agreement with the bulk supplier and environmental assessment. As the construction time for these options is short the risk associated with being able to augment the water supply by 2026 are considered very small.

Risks to time for the Raising of Clarrie Hall Dam are centred on acquisition of land, environmental assessment, including legal challenge, and construction. As Council owns the majority of land in the catchment of Clarrie Hall Dam and preliminary discussions had commenced with the remaining land owners, it is considered that the risk of time delays due to land acquisition, although they exist, are not high.

Previous studies have identified the environmental and cultural heritage risks associated with Clarrie Hall Dam. Further, there has been significant community consultation and Raising Clarrie Hall Dam was the preferred option. As with land acquisition, it is considered that the risk of time delays due to environmental assessment and planning processes, although they exist, are not high.

Clarrie Hall Dam is an existing dam and the construction required to raise the dam can be well quantified. Further, there are no unknown ground conditions and construction access has already been established. The risk of time delays due to adverse construction conditions, although they exist, are not considered high.

Risks to time for the building of Byrrell Creek Dam are also centred on acquisition of land, environmental assessment, including legal challenge, and construction. Council owns the majority of land in the catchment/inundation area of Byrrell Creek Dam but Council has not commenced discussion with the remaining land owners on the acquisition of their land. It is considered there is a higher risk of time delays due to land acquisition at Byrrell Creek than there is for land acquisition at Clarrie Hall Dam.

Previous studies have identified significant environmental and cultural heritage risks associated with Clarrie Hall Dam. Further, there has been significant community opposition to building Byrrill Creek Dam which may lead to an increased probability of legal challenge. The Fine Screening Assessment estimated that fulfilling the planning obligations for Byrrill Creek Dam would take approximately 2 years longer than fulfilling the planning obligations for Raising Clarrie Hall Dam. It considered that the risk of time delays due to environmental assessment and planning processes are high.

Building Byrrill Creek Dam is a greenfield project and the risks associated with such a project are not as well understood as the risks of Raising Clarrie Hall Dam. Issues such as ground conditions and construction access are unknown. The risk of time delays due to adverse construction conditions are higher than other options.

In general, the time risks for the building of Byrrill Creek Dam are significantly higher than the time risks associated with other options.

It should be noted that if a decision on a preferred option for water supply augmentation is delayed, there may be insufficient time prior to 2026 to construct a new dam or Raise Clarrie Hall Dam. This will force Council to link to SEQ Water or Gold Coast. The risk of this occurring is greater with Byrrill Creek Dam options due to time uncertainty.

Council Resolutions

On 19 October 2010 it was resolved that Council:

- "1. Monitors and resources demand management actions with the aim of achieving at least BASIX/WELS reductions and reports to Council annually on progress.*
- 2. Adopts Byrrill Creek Dam as the preferred option for augmenting the Tweed District Water Supply.*
- 3. Proceeds with the Planning Approvals process and Detailed Design in relation to Byrrill Creek Dam.*
- 4. Pursues dialog with the relevant South East Queensland water authorities in parallel as an alternative augmentation option and as an emergency drought option."*

On 18 October 2011 it was resolved by Council that:

".....parts 2 and 3 of Minute 688 from the meeting held 19 October 2010, Item 24 – Tweed District Water Supply Augmentation Options – Selecting a Preferred Option, being:

- 2. Adopts Byrrell Creek Dam as the preferred option for augmenting the Tweed District Water Supply.*
- 3. Proceeds with the Planning Approvals process and Detailed Design in relation to Byrrell Creek Dam.*

be rescinded".

On 15 May 2012 it was resolved that Council places a "moratorium on any dam proposal at Byrrell Creek for a period of the next twenty (20) years, effective from 15 May 2012."

This places Council in a position where it has no preferred option to augment the Tweed District Water Supply and any dam proposal at Byrrell Creek cannot be considered until May 2032.

Given that a new water supply is required by 2026 it removes Byrrell Creek Dam from any further consideration unless Council resolves otherwise.

SUMMARY:

There is a requirement for Council to determine a preferred option for the augmentation of Tweed District Water Supply in the immediate future. This is required so that an additional water source is commissioned by 2026 and Council can fulfil its obligations to prepare a new Developer Servicing Plan.

The following options have been considered:

- Raise Clarrie Hall Dam
- Build Small Byrrell Creek Dam
- Build Small Byrrell Creek Dam and raise it at a later date
- Build Large Byrrell Creek Dam
- Link to SEQ Water
- Link to Gold Coast City Council

From an analysis of various impacts the Raising of Clarrie Hall Dam is most advantageous to Council and its community.

An assessment of each option as compared to the option of Raising of Clarrie Hall Dam is given below:

Build Small Byrrell Creek Dam:

- Shorter life than Raising Clarrie Hall Dam.
- Higher typical residential bill than Raising Clarrie Hall Dam.
- Developer Charges are approximately \$6,000 higher than Raising Clarrie Hall Dam.

- Raising Clarrie Hall Dam was preferred by the Community Working Group.
- Raising Clarrie Hall Dam was the preferred option from previous studies.
- Poses a greater risk to residential development than Raising Clarrie Hall Dam.
- Poses a greater risk to commercial and industrial development than Raising Clarrie Hall Dam.
- Poses no significant increase in risk to low income residents.
- Has a higher cost uncertainty than Raising Clarrie Hall Dam.
- Has a higher time uncertainty than Raising Clarrie Hall Dam.
- Is precluded by Council resolutions.

Build Staged Byrrill Creek Dam:

- Similar life than Raising Clarrie Hall Dam (one to two years less).
- Higher typical residential bill than Raising Clarrie Hall Dam.
- Developer Charges are approximately \$6,000 higher than Raising Clarrie Hall Dam.
- Raising Clarrie Hall Dam was preferred by the Community Working Group.
- Was not considered in previous studies.
- Poses a greater risk to residential development than Raising Clarrie Hall Dam.
- Poses a greater risk to commercial and industrial development than Raising Clarrie Hall Dam.
- Poses no significant increase in risk to low income residents.
- Has a higher cost uncertainty than Raising Clarrie Hall Dam.
- Has a higher time uncertainty than Raising Clarrie Hall Dam.
- Is precluded by Council resolutions.

Build Large Byrrill Creek Dam:

- Similar life than Raising Clarrie Hall Dam (one to two years less).
- Higher typical residential bill than Raising Clarrie Hall Dam.
- Developer Charges are approximately \$6,000 higher than Raising Clarrie Hall Dam.
- Raising Clarrie Hall Dam was preferred by the Community Working Group.
- Raising Clarrie Hall Dam was the preferred option from previous studies.
- Poses a greater risk to residential development than Raising Clarrie Hall Dam.
- Poses a greater risk to commercial and industrial development than Raising Clarrie Hall Dam.
- Poses no significant increase in risk to low income residents.
- Has a higher cost uncertainty than Raising Clarrie Hall Dam.
- Has a higher time uncertainty than Raising Clarrie Hall Dam.
- Is precluded by Council resolutions.

Link to SEQ Water:

- Shorter life than Raising Clarrie Hall Dam.
- Very much higher typical residential bill than Raising Clarrie Hall Dam.
- Developer Charges are approximately \$2,000 higher than Raising Clarrie Hall Dam.
- Raising Clarrie Hall Dam was preferred by the Community Working Group.
- Raising Clarrie Hall Dam was the preferred option from previous studies.
- Poses a much greater risk to residential development than Raising Clarrie Hall Dam.

- Poses a much greater risk to commercial and industrial development than Raising Clarrie Hall Dam.
- Poses very significant increase in risk to low income residents.
- Has a similar cost uncertainty to Raising Clarrie Hall Dam although cost may be influenced by other parties.
- Has a similar time uncertainty to Raising Clarrie Hall Dam.

Link to Gold Coast City Council:

- Shorter life than Raising Clarrie Hall Dam.
- Very much higher typical residential bill than Raising Clarrie Hall Dam.
- Developer Charges lower than Raising Clarrie Hall Dam.
- Raising Clarrie Hall Dam was preferred by the Community Working Group.
- Raising Clarrie Hall Dam was the preferred option from previous studies.
- Poses a risk to residential development than Raising Clarrie Hall Dam.
- Poses a much greater risk to commercial and industrial development than Raising Clarrie Hall Dam due to high usage charges.
- Poses very significant increase in risk to low income residents.
- Has a similar cost uncertainty to Raising Clarrie Hall Dam although cost may be influenced by other parties.
- Has a similar time uncertainty to Raising Clarrie Hall Dam.

The table Comparison of Water Supply Augmentation Options attached, summarises this report.

CONCLUSION:

There is a requirement for Council to determine a preferred option for the augmentation of Tweed District Water Supply in the immediate future. This is required so that an additional water source is commissioned by 2026 and Council can fulfil its obligations to prepare a new Developer Servicing Plan.

From an analysis of various impacts the Raising of Clarrie Hall Dam is most advantageous to Council and its community.

If Council continues to delay a decision on a preferred water supply augmentation option, there may be insufficient time prior to 2026 to construct a new dam or Raise Clarrie Hall Dam. This will force Council to link to SEQ Water or Gold Coast City Council. The risk of this occurring is greater with Byrill Creek Dam options due to time uncertainty.

COUNCIL IMPLICATIONS:

a. Policy:

The current adopted position of Council as at 15 May 2012 is that Council places a "moratorium on any dam proposal at Byrill Creek for a period of the next twenty (20) years, effective from 15 May 2012."

Council has an Asset Management Plan for water which details levels of service and is presently updating its Strategic Business Plan for Water Supply in accordance with best practice guidelines.

b. Budget/Long Term Financial Plan:

Significant budget variation dependent on the preferred option which will impact Developer Contributions for any new development as well as user charges for existing users, as detailed within the body of this report.

c. Legal:

As per the Report.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Comparison of Water Supply Augmentation Options
(ECM 3849961).

25 [E-CM] Murwillumbah CBD - Underground Power Supply Investigation

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:

At its meeting on 16 July 2015 Council resolved the following:

" that Council staff prepares an estimate of the cost and any other likely constraints to the undergrounding of the power supply to the Murwillumbah central business district with a brief report to a future Council meeting."

In accordance with the resolution an investigation has been undertaken into the feasibility of replacing the overhead power supply and connections within the Murwillumbah CBD to an underground supply. The area investigated is shown on Diagram 1 below.

The planning estimate to underground the power in the streets shown in Diagram 1 and the associated connections is approximately \$7.31 Million.

RECOMMENDATION:

That:

1. **Given the high cost of the project proposal and the potential significant impact on adjoining businesses in the area, in terms of loss of trade, pedestrian and traffic impacts, the undergrounding of power supply in the Murwillumbah CBD should not be further considered at this time.**
2. **Any opportunity to progress the project proposal in conjunction with any network upgrades by the local energy authority be investigated as they arise.**

REPORT:

INTRODUCTION:

At its meeting on 16 July 2015 Council resolved the following:

" that Council staff prepares an estimate of the cost and any other likely constraints to the undergrounding of the power supply to the Murwillumbah central business district with a brief report to a future Council meeting."

In accordance with the resolution an investigation has been undertaken into the feasibility of replacing the overhead power supply and connections within the Murwillumbah CBD to an underground supply. The area investigated is shown on Diagram 1:



DIAGRAM 1 Area Considered for Underground Power

The aim of the proposal is to improve the aesthetics of the subject area as it is expected that any infrastructure upgrade required would be undertaken by the relevant power authority.

The following photographs show the Main (Murwillumbah) Street area:



PHOTO 1 Main Street



PHOTO 2 Main Street near Queen Street



PHOTO 3 Overhead Connections

PLANNING CONCEPT ESTIMATE:

The estimate determined below is only suitable for indicative planning purposes and contains many assumptions and is not appropriate to use to seek external funding.

To obtain a detailed estimate some survey and design would be required and a suitably qualified consultant would need to be engaged to undertake preliminary design and costings.

It is assumed that a trench similar to that excavated for the recently undertaken Main Street Drainage Project is required and that the value of the pipes would equate to the cost of power cables and conduits.

Extensive cross trenching and alterations to the power supply to individual properties are also required (e.g. 77 connections in Main Street alone). This is a costly and disruptive process as the current overhead connections (see Photo 3) all need to be connected underground.

The underground power supply would likely need to be located in a traffic lane in Main Street and parking lanes in the other streets due to existing underground service constraints (see Diagram 2). Directional boring is unlikely to be feasible, henceforth the proposed construction technique would be open cut trenching.

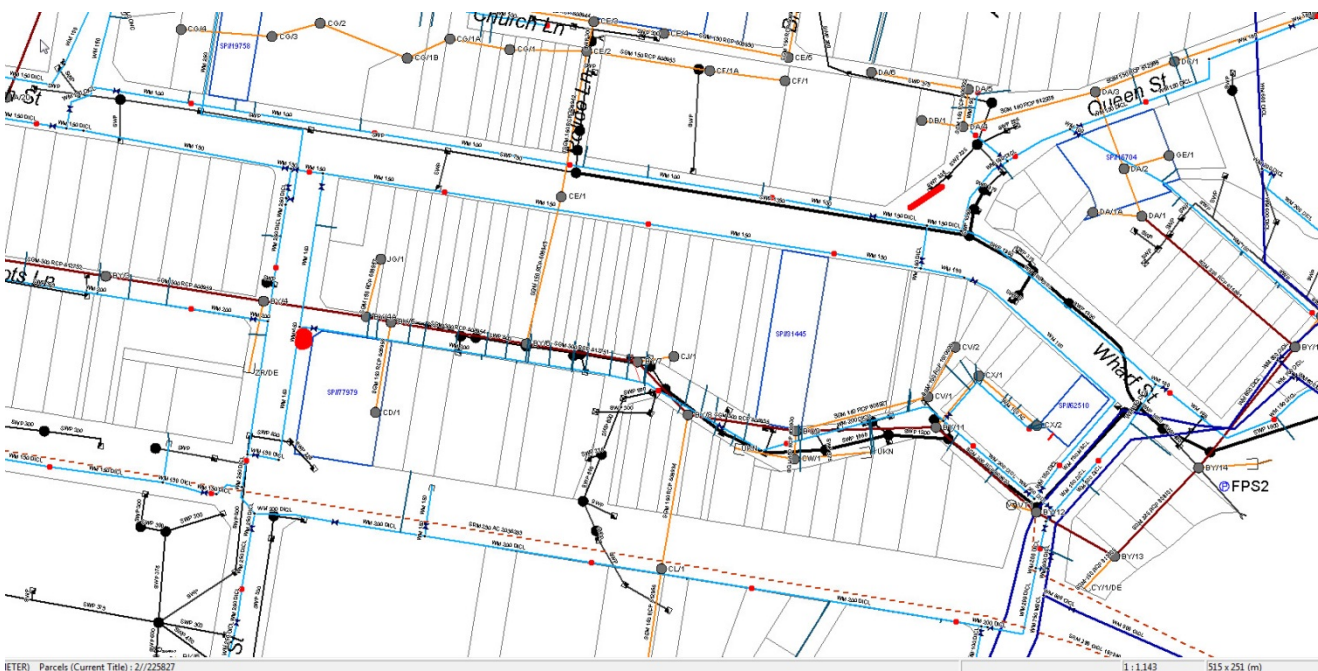


DIAGRAM 2 Underground Services (excluding telecommunication cables)

It is not possible to obtain a detailed estimate of proposals from power supply authorities, so to obtain detailed estimates experienced consultants need to be engaged. As no funds are available for this an in house indicative estimate has been prepared based on previous projects and information from supply authorities. The indicative planning cost estimate for the proposed project is as follows:

Description	Main Street(Murwillumbah Street)	Commercial Road	Wollumbin Street	Brisbane Street
Power Poles	5	1	1	1
Power Pole with Streetlight	16	3	7	3
Street Light Pole	14	2	10	4
Cross road connections	52	1	9	4
Cross footpath connections	25	4	17	3
Length (m)	500m	100m	325m	145m
Undergrounding Costs	2,000,000	400,000	1,300,000	580,000
Cross connections	1,040,000	20,000	180,000	80,000
Footpath connections	250,000	40m,000	170,000	30,000
Contingency (20%)	658,000	92,000	330,000	138,000
Total	\$3,948,000	\$552,000	\$1,980,000	\$828,000

TOTAL ESTIMATE IS \$7,308,000 for Area shown in Diagram 1

Notes:

- Undergrounding costs based on Main Street Drainage project of \$4,000/metre which includes similar size trench, backfill, restoration of road surface, traffic control etc. It is assumed the cost of the pipes would approximate the cost of six power conduits and cabling (actual costs would need to be determined by engaging suitably qualified expert in the electricity supply field).
- Cross road connections are based on 15 metres of trenching and restoration ,cabling and internal connections/upgrades per property (actual costs would need to be determined by engaging suitably qualified expert in the electricity supply field).
- If a suitably qualified expert in the electricity supply field is engaged, reductions to the above indicative estimate may be identified.

CONSTRAINTS:

There are several constraints that are considered will have major impacts on Council and the community (including business owners) as follows:

- Allocating a suitable budget will have a major impact on other Council infrastructure spending by deleting or deferring competing projects that may be considered to have greater benefits by the community
- The impact of road closures and footpath closures on local businesses will be greater than the recent storm water project in Main Street as this project will almost certainly need to be constructed in one of the traffic lanes in Main Street which would be slower as the old concrete road pavement would need to be excavated and full road closure at times are likely.

3. Traffic changes to accommodate construction, loss of parking and footpath closures will have a major impact on the community for several months.
4. Heritage and cultural Impacts of the project will need to be assessed which may complicate the approval process.
5. All property owners would need to provide consent to adjust their private power connections which may be problematic.

OPTIONS:

Other options may be available but would need to be developed and investigated as part of a more detailed concept plan and estimate. This could include dual trenches within the footpath areas which may be cheaper but have major impacts on businesses and constructability issues with shop awnings. Staging is another potential option.

Another Option is the "Do Nothing Option" where the status quo is considered the most appropriate.

There may be potential to progress the proposed project in stages in conjunction with any network upgrades being undertaken by the local power supply authority. As Council is notified of such works any opportunities could be investigated at that time.

CONCLUSION:

The estimate of \$7.31M determined above is only suitable for indicative planning purposes and contains many assumptions and is not considered refined enough to use to seek external funding.

To obtain a detailed estimate and feasibility certainty, some survey and design would be required and a suitably qualified power supply consultant would need to be engaged to undertake preliminary design and costings. This work would require an initial budget of approximately \$30,000.

There are also some major constraints impacting the above proposal that has a major impact on Council's Delivery Program in that to fund the works other projects will need to be deleted or deferred.

Traffic detours and footpath closures are likely to impact on adjoining businesses and the general community during the construction phase which would be expected to be greater than the recently completed stormwater drainage works as discussed above.

It is considered that due to the impacts on local businesses, the community and the high cost of the proposal, it is recommended that the proposal not be progressed any further at this time, however any opportunities that may arise through upgrade works by the local power authority be investigated as they arise.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Major Project funding would be required to proceed, currently investigation only. The estimate of \$7.31M determined above is only suitable for indicative planning purposes and contains many assumptions and is not considered refined enough to use to seek external funding.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM THE DIRECTOR CORPORATE SERVICES

26 [CS-CM] 2014/2015 Statutory Financial Reports/Audit Report

SUBMITTED BY: Financial Services

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Council's Statutory General Purpose and Special Purpose Financial Reports for the financial year ended 30 June 2015, have been completed and audited in accordance with Section 413 of the Local Government Act, 1993. The Reports, including significant accounting policies and associated independent Audit Report from Thomas, Noble and Russell (TNR), presents Council with a financial overview of its operations for the year 2014/2015.

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

The Financial Reports for 2014/2015 are now presented to Council for adoption.

RECOMMENDATION:

That Council adopts the 2014/2015 Statutory General Purpose and Special Purpose Financial Reports.

REPORT:

Background

Council's General Purpose Financial Report, including significant accounting policies for year ended 30 June 2015 have now been completed and the auditor's report received.

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

Legislation Requirements:

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

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

31 October of each year. (Note: This requirement has been met with Council submitting the Statements on 30 October 2015).

Council's responsibility

Council is responsible for the preparation of the financial reports and adequate disclosures. This includes the maintenance of adequate accounting records and internal controls, the selection and application of accounting policies, and the safeguarding of the assets of Council. As the Responsible Accounting Officer, the Manager Financial Services, Mr Michael Chorlton, has stated the accounting records have been maintained in accordance with Section 412 of the Act and in a manner that permitted the preparation of the General and Special Purpose Financial Reports for the year ended 30 June 2015.

Update No. 23 to the Local Government Code of Accounting Practice and Financial Reporting was issued in June of this year and is relevant to accounting periods ending 30 June 2015.

Purpose of Annual Financial Reporting

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

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

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

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

Annual Financial Reporting System

General Purpose Financial Reports

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

Income Statement

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

Statement of Comprehensive Income

Components of other comprehensive income are items of income and expense (including reclassification adjustments) that are specifically required or permitted by other Australian Accounting Standards to be included in other comprehensive income and are not recognised in profit or loss such as changes in the revaluation surplus relating to property, plant and equipment.

Statement of Financial Position

This discloses the assets, liabilities and equity of Council.

Statement of Changes in Equity

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

Statement of Cash Flow

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

Notes to the Financial Statements

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

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

Special Purpose Financial Reports

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

Special Schedules

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

Audit Mandate

Council's Auditors, Thomas Noble and Russell, have completed the audit of Council's general purpose financial reports for the year ended 30 June 2015 under Section 417 of the Local Government Act 1993.

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

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

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

Management Responsibility - Audit

The performance of an audit or the provision of an audit report does not in any way absolve or relieve management of its responsibility in the maintenance of adequate accounting policies and the preparation of financial information such as budget preparation and the

quarterly budget reviews submitted to Council. Council has strong internal management reporting practices in place that ensures all costs and income are monitored and acted upon.

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

Performance Indicators

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

Performance Indicators	2014/15	2013/14	2012/13
Operating Performance Ratio	1.63%	-10.92%	-4.52%
Own Source Operating Revenue Ratio	69.41%	69.82%	74.91%
Unrestricted Current Ratio	3.59:1	3.26:1	3.51:1
Debt Service Cover Ratio	2.94	1.93	2.07
Rates and Annual Charges Outstanding	5.05%	5.76%	7.04%
Cash Expense Cover Ratio	16.12 mths	12.49 mths	12.01 mths

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

On a consolidated funds basis Council has achieved all the key financial performance indicator benchmarks for 2014/2015.

OPTIONS:

Not Applicable.

CONCLUSION:

The financial reports for 2014/2015 are now presented to Council for adoption.

COUNCIL IMPLICATIONS:

a. Policy:

Not Applicable.

b. Budget/Long Term Financial Plan:

The 2016/2017 Long Term Financial Plan will be updated with the 2014/2015 financial results where applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

The Statutory General Purpose and Special Purpose Financial Statements and Special Schedules for the year 2014/2015 (ECM 3848988).

27 [CS-CM] Tweed Shire Council Annual Report 2014/2015

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
1.2.1	Council will be underpinned by good governance and transparency in its decision making process

SUMMARY OF REPORT:

The 2014/2015 Annual Report has been prepared as required under Sections 428 and 428A of the Local Government Act 1993 and Clause 217 of the Local Government (General) Regulation 2005 and is attached to this report for information of the Council and community.

The Annual Report documentation comprises the following:

- Tweed Shire Council Annual Report 2014/2015 which includes statutory information as prescribed within the Local Government Act and Regulations; and
- Tweed Shire Council Audited Financial Statements 2014/2015.

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

RECOMMENDATION:

That Council receives and notes the Tweed Shire Council Annual Report 2014/2015 and makes it available to the public on Council's website and notifies the Minister for Local Government of its availability.

REPORT:

The 2014/2015 Annual Report has been prepared as required under Sections 428 and 428A of the Local Government Act 1993 and Clause 217 of the Local Government (General) Regulation 2005 and is attached to this report for information of the Council and community.

The Annual Report documentation comprises the following:

- Tweed Shire Council Annual Report 2014/2015 which includes statutory information as prescribed within the Local Government Act and Regulations; and
- Tweed Shire Council Audited Financial Statements 2014/2015.

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

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

The audited Financial Statements 2014/2015 detail the income and expenditure and financial position of Council over this period as well as specific schedules and the Special Purpose Financial Reports.

OPTIONS:

That Council receives and notes the Tweed Shire Council Annual Report 2014/2015 and makes it available to the public on Council's website and notifies the Minister for Local Government of its availability.

CONCLUSION:

That Council receives and notes the Tweed Shire Council Annual Report 2014/2015 and makes it available to the public on Council's website and notifies the Minister for Local Government of its availability.

COUNCIL IMPLICATIONS:

a. Policy:

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

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Tweed Shire Council Annual Report 2014/2015 (which will be provided prior to the Council meeting)

28 [CS-CM] Quarterly Budget Review - September 2015

SUBMITTED BY: Financial Services

Valid

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

This is the first quarter statutory budget review for this financial year and summarises the estimated expenditure and income changes to the 2015/2016 Budget.

This statutory report is prepared in accordance with the Local Government (General) Regulations 2005, sections 202 and 203. Council will have a balanced budget as at 30 June 2016 in all Funds.

RECOMMENDATION:

That the:

1. Quarterly Budget Review Statement as at 30 September 2015 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 2016.

Description	Change to Vote	
	Deficit	Surplus
General Fund		
Expenses		
Employee costs	0	20,500
Materials & Contracts	262,840	0
Interest	0	71,170
Other Operating costs	0	0
Capital	1,298,507	0
Loan Repayments	0	3,698
Transfers to Reserves	73,375	0
	<u>1,614,222</u>	<u>74,868</u>

Income

Rates and Annual Charges	0	0
Interest revenue	0	0
Operating Grants & Conts	0	52,449
Capital Grants & Conts	0	1,151,807
User Charges & Fees	0	0
Other Operating Revenue	0	127,598
Loan Funds	0	0
Recoupments	0	149,500
Transfers from Reserves	0	58,000
Asset Sales	0	0
	<u>0</u>	<u>1,539,354</u>

Net Surplus/(Deficit) 0

	Deficit	Surplus
Sewer Fund		
<u>Expenses</u>		
Employee costs	0	0
Materials & Contracts	45,000	0
Interest	0	0
Other Operating costs	0	0
Capital	2,482,852	0
Loan Repayments	0	0
Transfers to Reserves	0	789,982
	<u>2,527,852</u>	<u>789,982</u>

<u>Income</u>	0	0
Rates and Annual Charges	0	0
Interest revenue	0	260,418
Operating Grants & Conts	0	0
Capital Grants & Conts	0	0
User Charges & Fees	0	0
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	0	445,383
Transfers from Reserves	0	1,032,069
Asset Sales	0	0
	<u>0</u>	<u>1,737,870</u>

Net Surplus/(Deficit) 0

Water Fund

Expenses

Employee costs	0	0
Materials & Contracts	497,117	0
Interest	0	0
Other Operating costs	0	0
Capital	1,352,324	0
Loan Repayments	0	0
Transfers to Reserves	0	56,423
	<u>1,849,441</u>	<u>56,423</u>

Income

Rates and Annual Charges	0	0
Interest revenue	0	379,943
Operating Grants & Conts	0	0
Capital Grants & Conts	0	0
User Charges & Fees	0	0
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	18,900	0
Transfers from Reserves	0	1,431,975
Asset Sales	0	0
	<hr/>	<hr/>
	18,900	1,811,918
Net Surplus/(Deficit)	<hr/>	<hr/>
		0

REPORT:

Budget Review 30 September 2015 (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.

New South Wales 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	\$	\$
	Net Effect on 2015/2016 Budget	Net Effect on LTFP
General Fund		
Elected members' insurance	16,000	16,000
Coolamon Cultural Centre	15,540	
Civic Buildings loan repayments	-74,868	-74,868
Men's Shed	10,000	
Election Expenses	73,375	30,000
Road Safety Grants	-32,449	-32,449
Home Expo		6,000
Legal matters income	-7,598	
	0	(55,317)

Detailed list of changes

In/Ex	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
1. Proposed Variations						
General						
Ex	1	Ex-Op	Elected members' insurance	42,139	16,000	To reflect actual cost
Ex	2	Ex-Capital	Regional All Access Playground	350,000	21,400	Additional allocation from Access funds
Ex	2	Ex-Op	Access funding	25,524	-16,400	Funding for above
In	2	In-TFR	Access reserve		-5,000	Funding for above
Ex	3	Ex-Op	Coolamon Cultural Centre		15,540	Preparation of heritage conservation strategy
Ex	4	Ex-Interest	Civic buildings interest repayments	488,691	-71,170	Lower debt servicing cost due to reduced borrowing program
Ex	4	Ex-Loan Reps	Civic buildings principal repayments	464,377	-3,698	Lower debt servicing cost due to reduced borrowing program
Ex	5	Ex-OpEmp	Workers Compensation insurance premium	1,308,361	-113,424	Premium advice received
Ex	5	Ex-OpEmp	Workers Compensation insurance adjustment		-405,867	Premium advice received
Ex	5	Ex-OpEmp	Workers Compensation on costs	-1,788,597	519,291	Adjust on costs for above
Ex	6	Ex-Op	Art gallery grant expenditure	57,175	10,000	Audience Engagement Project
In	6	In-OG&C	Arts NSW grants	-50,000	-10,000	Funding for above
Ex	7	Ex-Capital	Unallocated rehabilitation	4,354,450	7	Allocation of additional R2R funds
In	7	In-CG&C	Commonwealth Roads to Recovery program	-2,502,404	7	Funding for above
Ex	7	Ex-Capital	Pottsville Road	600,000	-600,000	Project completed
Ex	7	Ex-Capital	Unallocated rehabilitation	5,426,517	600,000	Re-allocation of budget for above
Ex	8	Ex-Op	Hardware leases	646,155	-100,000	Adjustment of I.T. budget
Ex	8	Ex-Op	Hardware replacement	56,705	25,000	Adjustment of I.T. budget

Council Meeting Date: Thursday 19 November 2015

Ex	8	Ex-Op	Employee costs	1,693,278	50,000	Adjustment of I.T. budget
Ex	8	Ex-Op	Hardware maintenance	109,499	25,000	Adjustment of I.T. budget
Ex	9	Ex-Op	Protect threatened fauna - Fingal		10,000	Environmental Trust project
Ex	9	Ex-Op	Vegetation Management Strategy	235,486	-10,000	Funding for above
Ex	10	Ex-Capital	Kingscliff pool		65,040	Disabled change room
In	10	In-CG&C	NSW Sport & Recreation grant		-65,040	Funding for above
Ex	11	Ex-Op	External DA Assessment	0	10,000	External assessment of DA for Men's Shed
Ex	12	Ex-Op	Speed management measures	0	14,700	Tyalgum Road
In	12	In-CG&C	Roads & Maritime Services grant	0	-14,700	Funding for above
Ex	13	Ex-TTR	Election expenses reserve	101,846	73,375	Funding estimated shortfall
Ex	14	Ex-Op	TRAG Climate control		53,000	Repair air-conditioning chillers
In	14	In-TFR	Art gallery unexpended grants		-53,000	Unexpended Waste & Sustainability grants
Ex	15	Ex-Op	Road Safety Direct Program		5,000	"Impaired Road Users"
Ex	15	Ex-Op	Road Safety Direct Program		5,000	"Safer Speeds"
In	15	In-OG&C	Road Safety Grants		-10,000	Funding for above
In	15	In-OG&C	Road Safety Grants	-15,800	-32,449	Correction of Safety Officer grant income
Ex	16	Ex-Capital	Knox Park Youth Precinct	1,566,654	20,000	Direct electricity supply
Ex	16	Ex-Op	Community Safety	86,259	-20,000	Funding for above
Ex	17	Ex-Op	Open Space Strategy		142,000	Open Space Strategy
In	17	In-Recoup	Contribution Plan 26		-80,000	Funding for above
In	17	In-Recoup	Contribution Plan 5		-42,000	Funding for above
Ex	17	Ex-Op	Sportsfield Development	47,129	-20,000	Funding for above
Ex	18	Ex-Op	Tyalgum Tennis Court		2,000	Survey work
Ex	18	Ex-Op	Advance Survey & Design	64,139	-2,000	Funding for above
Ex	19	Ex-OpOther	Telephone expenses	197,519	-102,000	Adjust I.T. budget
Ex	19	Ex-OpOther	Internet/Intranet expenses	116,390	102,000	Adjust I.T. budget
Ex	20	Ex-Capital	Tweed Heads Library		120,000	Roof replacement
In	20	In-OpOther	Refund of carbon tax		-120,000	Funding for above
Ex	21	Ex-Op	NRM Office Expenses	0	4,000	Align with actual expenditure
Ex	21	Ex-Op	Pest Management Expenses	57,971	16,500	Extended mosquito control season
Ex	21	Ex-OpEmp	Increasing Soil Carbon	46,090	-20,500	Funding for above
In	22	In-OpOther	Legal matters income		-7,598	Fines & Costs
Ex	23	Ex-Op	Kingscliff Foreshore Master Plan		65,000	Design costs
In	23	In-Recoup	Contribution Plan 26		-27,500	Funding for above
Ex	23	Ex-Op	Coastline Management Plan	2,125,256	-27,500	Funding for above
In	23	Ex-Op	Tweed Coast Holiday Parks		-10,000	Funding for above
					0	
			Sewer Fund			
Ex	24	Ex-Op	Operations		45,000	Energy review
Ex	24	Ex-Capital	Various Capital Works		2,482,852	Carried forward projects
In	24	In-Interest	Interest		-260,418	Funding adjustment
Ex	24	Ex-TTR	Transfers to Asset Replacement Res.		-789,982	Funding adjustment
In	24	In-Recoup	Transfers from Capital Contributions Res.		-445,383	Funding adjustment
In	24	In-TFR	Transfers from Asset Replacement Res.		1,032,069	Funding adjustment
					0	

Water Fund					
Ex	25	Ex-Op	Operations	497,117	Demand management
				1,352,32	
Ex	25	Ex-Capital	Various Capital Works	4	Carried forward projects
In	25	In-Interest	Interest	-379,943	Funding adjustment
Ex	25	Ex-TTR	Transfers to Asset Replacement Res.	-56,423	Funding adjustment
In	25	In-Recoup	Transfers from Capital Contributions Res.	18,900	Funding adjustment
				-	
In	25	In-TFR	Transfers from Asset Replacement Res.	1,431,97	Funding adjustment
				5	
				0	

2. Variations Arising from Council Resolutions

Ex	26	Ex-Op	Home Expo - add to Long Term Plan	0	0	Council resolution 18 Sept 2014
					0	

Summary of Votes by Type

2015/16 Variations	0
Council Resolutions	0
	0

Key to Category codes

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-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

Expenses

Employee costs	-20,500
Materials & Contracts	804,957
Interest	-71,170
Other Operating costs	0
	5,133,68
Capital	3
Loan Repayments	-3,698
Transfers to Reserves	-773,030
	5,070,24
	2

Income

Rates and Annual Charges	0
Interest revenue	-640,361
Operating Grants & Conts	-52,449
	-
	1,151,80
Capital Grants & Conts	7
User Charges & Fees	0

Other Operating Revenue	-127,598
Loan Funds	0
Recoupments	-575,983
	-
	2,522,04
Transfers from Reserves	4
Asset Sales	0
	-
	5,070,24
	2
Net	0

Summary of Votes - by Division

Corporate Services	0
Planning & Regulation	17,942
Community & Natural Resources	-72,868
Engineering	-34,449
General Manager	89,375
	0

Results by fund:

General Fund

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

Water Fund

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

Sewer Fund

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

Quarterly Budget Review Statements

Income and Expense - Consolidated Budget Review Statement for the quarter ended 30 September 2015

Original 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)	Revised Budget (000's)			

Income

Rates and Annual Charges	98,087	-	-	98,087	-	98,087	25,285
User Charges and Fees	41,375	-	-	41,375	-	41,375	10,454
Interest and Investment Revenue	7,752	-	-	7,752	640	8,392	2,935
Other Revenues	1,875	-	-	1,875	128	2,003	552
Grants & Contributions - Operating	16,273	-	-	16,273	52	16,325	7,118
Grants and Contributions - Capital	3,006	-	-	3,006	1,152	4,158	1,823

- Contributions (S94)	6,744	-	-	6,744	-	6,744	1,451
Net gain from the disposal of assets	-	-	-	-	-	-	-
Total Income	175,112	-	-	175,112	1,972	177,084	49,618

Expense

Employee costs	51,595	-	-	51,595	(21)	51,574	11,980
Borrowing Costs	12,976	-	-	12,976	(71)	12,905	1,858
Materials & Contracts	47,452	-	-	47,452	804	48,256	8,744
Depreciation	42,058	-	-	42,058	-	42,058	10,515
Legal Costs	447	-	-	447	-	447	94
Consultants	385	-	-	385	-	385	62
Other Expenses	15,293	-	-	15,293	-	15,293	4,128
Net Loss from Disposal of Assets	-	-	-	-	-	-	-
Total Expenses	170,206	-	-	170,206	712	170,918	37,381

Net Operating Result	4,906	-	-	4,906	1,260	6,166	12,237
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Net Operating Result before capital items	1,900	-	-	1,900	108	2,008	10,414
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Funding Statement - Consolidated - Source & Application of Funds

Operating Result (Income Statement)	4,906	-	-	4,906	1,260	6,166
Add Back non-funded items:						
Depreciation	42,058	-	-	42,058	-	42,058
		-	-	-	-	-
Add non-operating funding sources						
Transfers from Externally Restricted Cash	9,912	-	-	9,912	576	10,488
Transfers from Internally Restricted Cash	10,382	-	-	10,382	2,522	12,904
Proceeds from sale of assets	3,559	-	-	3,559	-	3,559
Loan Funds Utilised	1,976	-	-	1,976	-	1,976
Repayments from Deferred Debtors	-	-	-	-	-	-
Funds Available	72,793	-	-	72,793	4,358	77,151
Funds were applied to:						
Purchase and construction of assets	31,145	-	-	31,145	5,134	36,279
Repayment of principal on loans	7,731	-	-	7,731	(4)	7,727
Transfers to Externally Restricted Cash	7,490	-	-	7,490	-	7,490
Transfers to Internally Restricted Cash	26,427	-	-	26,427	(773)	25,654
Funds Used	72,793	-	-	72,793	4,357	77,150
Increase/(Decrease) in Available Working Capital	-	-	-	-	-	-

* Includes Carried Forward Works revotes

Income and Expense- General Fund Budget Review Statement for the quarter ended 30 September 2015

Original 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)	Revised Budget (000's)			
Income						
Rates and Annual Charges			67,629		67,629	17,373
User Charges and Fees			19,270	-	19,270	5,287
Interest and Investment Revenue			3,837	-	3,837	1,537
Other Revenues			1,594	128	1,722	472
Grants & Contributions - Operating			15,417	52	15,469	7,083
Grants and Contributions - Capital			3,006	1,152	4,158	1,823
- Contributions (S64/S94)			1,722		1,722	774
Net gain from the disposal of assets			-		-	
Total Income	-	-	112,475	1,332	113,807	34,349
Expense						
Employee costs			40,643	(21)	40,622	9,452
Borrowing Costs			6,149	(71)	6,078	719
Materials & Contracts			29,017	213	29,280	6,634
Depreciation			25,959		25,959	6,490
Legal Costs			447		447	94
Consultants			94		94	58
Other Expenses			11,473	-	11,473	3,598
Net Loss from Disposal of Assets			-		-	
Total Expenses	-	-	113,782	172	113,954	27,045
Net Operating Result	(1,307)	-	(1,307)	1,160	(147)	7,304
Net Operating Result before capital items	(6,035)	-	(4,313)	8	(4,305)	5,481

Original 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)	Revised Budget (000's)			

Funding Statement - General Fund - Source & Application of Funds

Operating Result (Income Statement)	(1,307)	-	-	(1,307)	1,160	(147)
Add Back non-funded items:						
Depreciation	25,959			25,959	-	25,959
Add non-operating funding sources						
Transfers from Externally Restricted Cash	1,374			1,374	150	1,524
Transfers from Internally Restricted Cash	1,317			1,317	58	1,375
Proceeds from sale of assets	3,559			3,559	-	3,559
Loan Funds Utilised	1,976			1,976	-	1,976
Internal charges				-		-
Repayments from Deferred Debtors				-		-
Funds Available	32,878	-	-	32,878	1,368	34,246
Funds were applied to:						
Purchase and construction of assets	21,916			21,916	1,299	23,215
Repayment of principal on loans	3,867			3,867	(4)	3,863
Transfers to Externally Restricted Cash	2,468			2,468		2,468
Transfers to Internally Restricted Cash	4,627			4,627	73	4,700
Funds Used	32,878	-	-	32,878	1,368	34,246
Increase/(Decrease) in Available Working Capital	-	-	-	-	-	-

Income and Expense- Sewer Fund Budget Review Statement for the quarter ended 30 September 2015

Original 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)	Revised Budget (000's)			

Income

Rates and Annual Charges	25,366		25,366		25,366	6,636
User Charges and Fees	1,343		1,343		1,343	694
Interest and Investment Revenue	2,500		2,500	260	2,760	933
Other Revenues	16		16		16	2
Grants & Contributions - Operating	470		470	-	470	35
Grants and Contributions - Capital			-		-	
- Contributions (S64/S94)	1,458		1,458	-	1,458	279
Net gain from the disposal of assets			-		-	
Total Income	31,153	-	31,153	260	31,413	8,579

Expense

Employee costs	6,563		6,563		6,563	1,502
Borrowing Costs	2,291		2,291		2,291	-
Materials & Contracts	8,674		8,674	44	8,718	1,055
Depreciation	9,266		9,266		9,266	2,317
Legal Costs			-		-	
Consultants	145		145		145	2
Other Expenses	2,503		2,503	-	2,503	265
Net Loss from Disposal of Assets			-		-	
Total Expenses	29,442	-	29,442	44	29,486	5,141

Net Operating Result

	1,711	-	1,711	216	1,927	3,438
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Net Operating Result before capital items

	1,711	-	1,711	216	1,927	3,438
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Original 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)	Revised Budget (000's)			

Funding Statement - Sewer Fund - Source & Application of Funds

Operating Result (Income Statement)	1,711	-	-	1,711	216	1,927
Add Back non-funded items:						
Depreciation	9,266	-	-	9,266	-	9,266
Add non-operating funding sources						
Transfers from Externally Restricted Cash	3,899			3,899	445	4,344
Transfers from Internally Restricted Cash	6,150			6,150	1,032	7,182
Proceeds from sale of assets				-		-
Loan Funds Utilised				-	-	-
Repayments from Deferred Debtors				-		-
Funds Available	21,026	-	-	21,026	1,693	22,719
Funds were applied to:						
Purchase and construction of assets	6,765			6,765	2,483	9,248
Repayment of principal on loans	2,606			2,606		2,606
Transfers to Externally Restricted Cash	1,458			1,458		1,458
Transfers to Internally Restricted Cash	10,197			10,197	(790)	9,407
Internal charges				-		-
Funds Used	21,026	-	-	21,026	1,693	22,719
Increase/(Decrease) in Available Working Capital	-	-	-	-	-	-

Income and Expense- Water Fund Budget Review Statement for the quarter ended 30 September 2015

Original 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)	Revised Budget (000's)			
Income						
Rates and Annual Charges			5,092		5,092	1,276
User Charges and Fees			20,762	-	20,762	4,473
Interest and Investment Revenue			1,415	380	1,795	465
Other Revenues			265		265	78
Grants & Contributions - Operating			386	-	386	
Grants and Contributions - Capital			-		-	
- Contributions (S64/S94)			3,564	-	3,564	398
Net gain from the disposal of assets			-		-	
Total Income			31,484	380	31,864	6,690
Expense						
Employee costs			4,389		4,389	1,026
Borrowing Costs			4,536		4,536	1,139
Materials & Contracts			9,761	497	10,258	1,055
Depreciation			6,833		6,833	1,708
Legal Costs			-		-	
Consultants			146		146	2
Other Expenses			1,317		1,317	265
Net Loss from Disposal of Assets			-		-	
Total Expenses			26,982	497	27,479	5,195
Net Operating Result			4,502	(117)	4,385	1,495
Net Operating Result before capital items			4,502	(117)	4,385	1,495

Original 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)	Revised Budget (000's)			

Funding Statement - Water Fund - Source & Application of Funds

Operating Result (Income Statement)	4,502	-	-	4,502	(117)	4,385
Add Back non-funded items:						
Depreciation	6,833	-	-	6,833	-	6,833
Add non-operating funding sources						
Transfers from Externally Restricted Cash	4,639			4,639	(19)	4,620
Transfers from Internally Restricted Cash	2,915			2,915	1,432	4,347
Proceeds from sale of assets				-		-
Loan Funds Utilised				-	-	-
Repayments from Deferred Debtors				-		-
Funds Available	18,889	-	-	18,889	1,296	20,185
Funds were applied to:						
Purchase and construction of assets	2,464			2,464	1,352	3,816
Repayment of principal on loans	1,258			1,258		1,258
Transfers to Externally Restricted Cash	3,564			3,564		3,564
Transfers to Internally Restricted Cash	11,603			11,603	(56)	11,547
Internal charges				-		-
Funds Used	18,889	-	-	18,889	1,296	20,185
Increase/(Decrease) in Available Working Capital	-	-	-	-	-	-

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 30 September 2015 and should be read in conjunction with other documents in the QBRS.

Capital Budget Review Statement - Consolidated - for the quarter ended 30 September 2015

Original 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)	Revised Budget (000's)			

Capital Funding **

Rates and other untied funding	11,296		11,296	152	11,448	2,361
Capital Grants & Contributions	3,004		3,004	1,137	4,141	854
Internal Restrictions (Reserves)	10,109		10,109	3,414	13,523	2,789
External Restrictions						
- s64 & s94 funds	8,851		8,851	426	9,277	1,913
Other Capital Funding Sources						
- loans	1,976		1,976		1,976	408
Income from sale of assets						
- plant and equipment	3,559		3,559		3,559	734
- Land,Buildings,Furniture,Fittings						
Total Capital Funding	38,795		38,795	5,129	43,924	9,059

Capital Expenditure

New Assets

- Plant and Equipment						11
- Land,Buildings,Furniture,Fittings						732
- Roads, Bridges, Footpaths	148		148		148	560
- Drainage						
- Water & Sewer Infrastructure	2,061		2,061		2,061	248
- Other	300		300	41	341	637
<u>Renewals (Replacement)</u>						
- Plant and Equipment	8,416		8,416		8,416	1,048
- Land,Buildings,Furniture,Fittings	100		100	185	285	358
- Roads, Bridges, Footpaths	8,841		8,841	1,072	9,913	892
- Drainage						19
- Water & Sewer Infrastructure	3,339		3,339	3,835	7,174	766
- Other	4		4		4	
<u>Upgrades</u>						
- Plant and Equipment						
- Land,Buildings,Furniture,Fittings						1
- Roads, Bridges, Footpaths	3,006		3,006		3,006	1,361
- Drainage	1,100		1,100		1,100	880
- Water & Sewer Infrastructure	3,749		3,749		3,749	744
- Other						24
Loan Repayments (principal)	7,731		7,731	(4)	7,727	778
Total Capital Expenditure	38,795		38,795	5,129	43,924	9,059

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 30 September 2015 and should be read in conjunction with other documents in the QBRs.

* Note: includes carried forward works revotes

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

Cash and Investments Budget Review Statement for the quarter ended 30 September 2015

Original Budget (000's)	Approved Changes				Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual * YTD (000's)
	Roll- Overs (000's)	Sep Review (000's)	Dec Review (000's)	Revised Budget (000's)			

Unrestricted

5,185				5,185		5,185	4,011
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Externally restricted

RTA Contributions	0			0		0	130
Developer contributions	27,869			27,869		27,869	27,534
Domestic waste management	15,280			15,280		15,280	15,280
Special Rates	202			202		202	260
Special purpose grants	0			0		0	2,764
Water Supplies	43,208			43,208		43,208	37,206
Sewerage Services	63,105			63,105		63,105	69,022
Other	23,405			23,405		23,405	21,961
Total Externally restricted	173,069	0	0	173,069	0	173,069	174,157

Internally restricted

Employee Leave entitlements	11,581			11,581		11,581	11,581
Unexpended loans	0			0		0	7,000
Unexpended grants	0			0		0	3,000
7 Year Plan	0			0		0	4,000
Works Carried Forward	0			0		0	11,000
Replacement of Plant and Vehicles	3,111			3,111		3,111	3,000
Tip improvements	9,093			9,093		9,093	9,159
Asset renewals	8,716			8,716		8,716	8,000
Other	6,687			6,687		6,687	6,000
Total Internally restricted	39,188	0	0	39,188	0	39,188	62,740

Total Restricted

212,257	0	0	0	212,257	0	212,257	236,897
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Total cash and investments

217,442	0	0	0	217,442	0	217,442	240,908
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Available cash

5,185	0	0	0	5,185	0	5,185	4,011
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* Note: figures in the Actual YTD are estimates only. Detailed calculations of funding results and cash restrictions are performed annually.

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:

	(000's)
Total restricted funds	236,897
Total invested funds as per September Investment Report	239,548
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 15 October 2015.

Reconciliation of cash and investments:

	(000's)
Cash and investments as per above	240,908
Cash on hand and at bank	1,360
Investments	<u>239,548</u>
	240,908

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 30 September 2015 and should be read in conjunction with other documents in the QBRs.

Key Performance Indicators Budget Review Statement for the quarter ended 30 September 2015

Note that KPIs will be distorted by the short reporting period (3 months), and by the fact that detailed calculations are only prepared on an annual basis.

These ratios should therefore be viewed with caution.

	Amounts	Indicator
1. Unrestricted Current Ratio		
	(000's)	
<u>Current assets less all external restrictions</u>	<u>49,332</u>	3.4:1
Current liabilities	14,571	
Target:		2:1

Purpose:

To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

Comment:

Higher than it would be for the annual calculation, as expenditure throughout the year will run down cash and receivables.

	Amounts	Indicator
2. Debt Service Ratio		
	(000's)	
<u>Debt Service Cost</u>	<u>2,636</u>	6.51%
Selected operating income	40,465	
Target:		15%

Purpose:

To assess the impact of loan principal and interest repayments on the discretionary revenue of Council.

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 30 September 2015 and should be read in conjunction with other documents in the QBRS.

Budget Review Contracts and Other Expenses for the quarter ended 30 September 2015

PART A-Contracts Listing		Contract value	Commencement	Duration of	Budgeted
Contractor	Contract detail & purpose	\$	date	contract	(Y/N)
Nil					

PART B - Consultancy and Legal expenses		Expenditure	Budgeted
Expense		YTD \$	(Y/N)
Consultancies		74,717	Y
Legal expenses		98,874	Y

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 30 September 2015 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 30/9/2015 indicates that Council's projected financial position at 30/6/2016 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 21/10/2015
“Responsible Accounting Officer”
Manager Financial Services
Tweed Shire Council

OPTIONS:

Not Applicable

CONCLUSION:

Refer to Statutory Statement above.

COUNCIL IMPLICATIONS:

a. Policy:

Not Applicable.

b. Budget/Long Term Financial Plan:

As detailed in the report.

c. Legal:

No-Legal advice has not been received.

Attachment of Legal Advice-Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

29 [CS-CM] Corporate Quarterly Performance Report 1 July to 30 September 2015

SUBMITTED BY: Corporate Governance

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

The Corporate Quarterly Report for the period 1 July to 30 September 2015 is presented to Council for consideration.

This report and accompanying attachments detail the progress of the 2015/2016 Operational Plan activities up to 30 September 2015.

RECOMMENDATION:

That Council receives and notes the Corporate Quarterly Performance Report as at 30 September 2015.

REPORT:

At the Council meeting held 18 June 2015 the Operational Plan 2015/2016 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.

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 2015/2016 plan and following adoption by Council will be made available via the Integrated Planning and Reporting Framework page on Council's website.

COUNCIL IMPLICATIONS:

a. Policy:

Being reported in accordance with requirements associated with Integrated Planning and Reporting Framework.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

In line with the impacts of the adopted Operational Plan.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Corporate Quarterly Performance Report for the period 1 July to 30 September 2015 (ECM 3856034)

**30 [CS-CM] Monthly Investment and Section 94 Developer Contribution Report
for Period Ending 31 October 2015**

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 **\$237,390,208** invested as at **31 October 2015** and the accrued net return on these funds was **\$640,947** or **3.24%** annualised for the month.

RECOMMENDATION:

That in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 31 October 2015 totalling \$237,390,208 be received and noted.

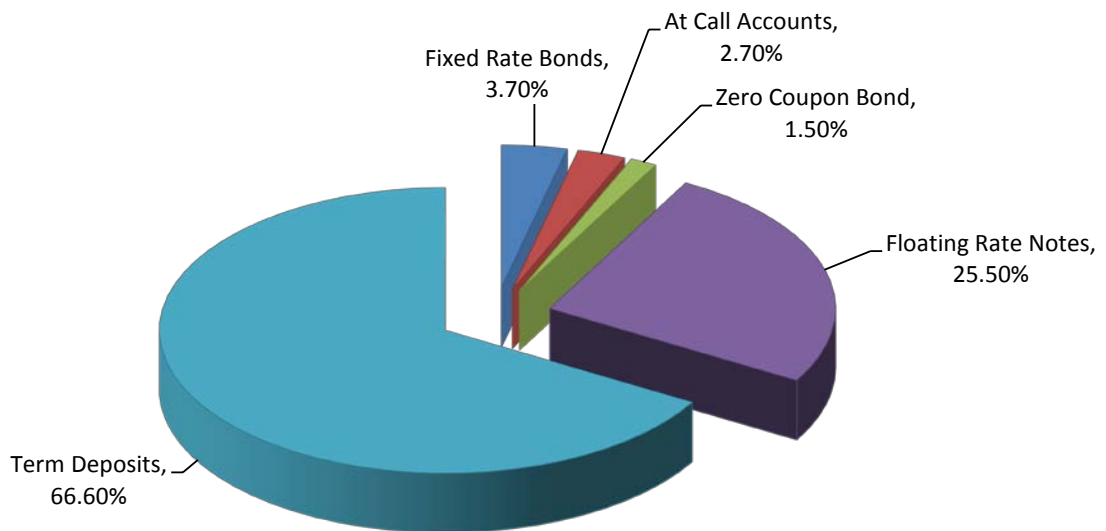
REPORT:

1. Restricted Funds as at 1 September 2015

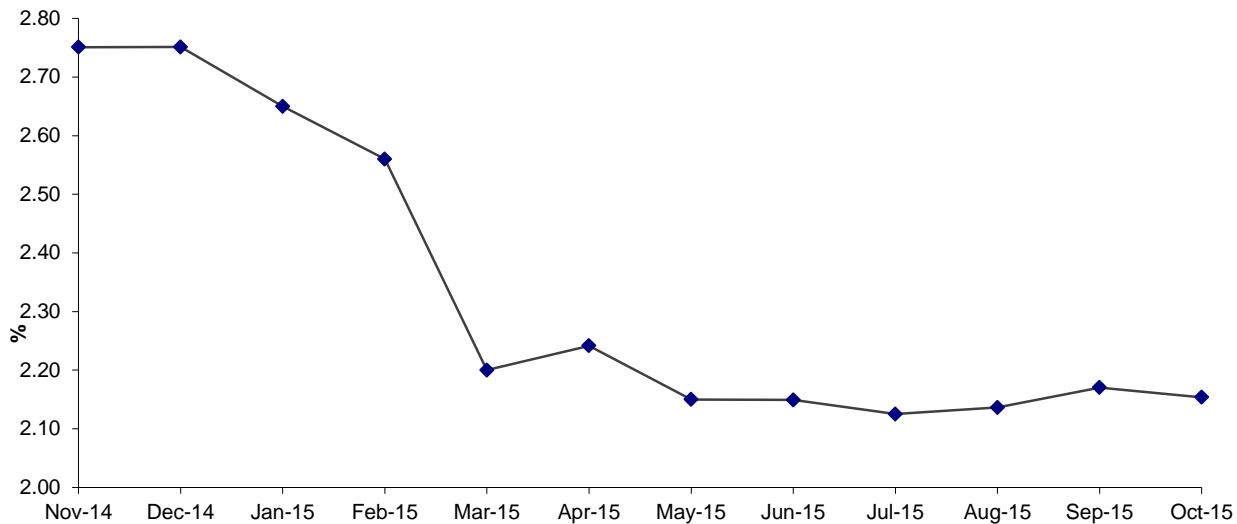
Description	(\$'000)			Total
	General Fund	Water Fund	Sewer Fund	
Externally Restricted (Other)	4,010	32,944	61,499	98,453
Crown Caravan Parks	18,283			18,283
Developer Contributions	26,759	2,651		29,410
Domestic Waste Management	13,981			13,981
Grants	2,923			2,923
Internally Restricted (Other)	43,083			43,083
Employee Leave Entitlements	11,330			11,330
Grants	3,169			3,169
Unexpended Loans	9,415			9,415
Total	132,953	35,595	61,499	230,047

Note: Restricted Funds Summary updated September 2015, corresponding with the Annual Financial Statements as at 30 June 2015

2. Investment Portfolio by Category



3. Investment Rates - 90 Day Bank Bill Rate



4. Bond and Floating Rate Note Securities

	Counterparty	Face Value	Market Value	% Return on Face Value	Investment Type	Maturity Date
	AMP (Morgans) (6/18)	1,000,000.00	1,008,090.00	3.03	FRN	06-Jun-18
	AMP (RIMSEC) (05/17)	2,500,000.00	2,532,350.00	3.25	FRN	29-May-17
	ANZ (04/20)	1,600,000.00	1,593,728.00	2.96	FRN	17-Apr-20
	ANZ (11/18)	1,000,000.00	1,011,770.00	3.03	FRN	06-Nov-18
*	ANZ Green Bond (06/20)	2,000,000.00	2,038,600.00	3.25	Fixed Rate Bond	03-Jun-20
*	Bendigo (FIIG) (11/15)	1,000,000.00	1,008,670.00	3.58	FRN	02-Nov-15
*	Bendigo (RBS) (05/17)	3,000,000.00	3,042,480.00	3.34	FRN	17-May-17
*	Bendigo (RBS) (11/18)	1,000,000.00	1,017,800.00	3.42	FRN	14-Nov-18
*	Bendigo (Westpac) (Aug 2020)	3,000,000.00	3,006,660.00	3.24	FRN	18-Aug-20
*	Bendigo (Westpac) (Aug 2020)	2,000,000.00	2,004,440.00	3.24	FRN	18-Aug-20
*	Bendigo (Westpac) (Aug 2020)	1,000,000.00	1,002,220.00	3.24	FRN	18-Aug-20
*	BOQ (06/18)	1,000,000.00	1,041,460.00	4.00	Fixed Rate Bond	12-Jun-18
*	BOQ (06/18)	1,000,000.00	1,005,480.00	3.18	FRN	12-Jun-18

	Counterparty	Face Value	Market Value	% Return on Face Value	Investment Type	Maturity Date
*	BOQ (11/19)	2,000,000.00	2,008,460.00	3.22	FRN	06-Nov-19
	CBA (04/19)	1,000,000.00	1,003,840.00	3.03	FRN	24-Apr-19
	CBA (07/20)	2,000,000.00	1,995,200.00	3.04	FRN	17-Jul-20
	CBA (08/16)	1,000,000.00	1,014,520.00	3.30	FRN	02-Aug-16
	CBA (10/19)	2,000,000.00	2,001,400.00	2.99	FRN	18-Oct-19
	CBA (CBA) (10/18)	2,000,000.00	2,004,360.00	2.92	FRN	19-Oct-18
	CBA Bond (04/19)	1,000,000.00	1,047,320.00	4.25	Fixed Rate Bond	24-Apr-19
	CBA/Merrill Lynch Zero Coupon Bond (01/18)	4,000,000.00	3,624,000.00	7.17	Fixed Rate Bond	22-Jan-18
*	CUA (03/17)	1,000,000.00	1,006,280.00	3.49	FRN	20-Mar-17
*	CUA (03/17) (CBA)	1,000,000.00	1,006,280.00	3.49	FRN	20-Mar-17
*	CUA (12/17) ANZ	1,000,000.00	1,003,980.00	3.38	FRN	22-Dec-17
	Heritage (Morgans) (05/18)	2,000,000.00	2,013,460.00	3.30	FRN	07-May-18
	Heritage (RBS/RIMSEC) (06/17)	1,500,000.00	1,591,500.00	7.25	Fixed Rate Bond	20-Jun-17
	Heritage (Westpac) (05/18)	1,000,000.00	1,006,730.00	3.30	FRN	07-May-18
	ING Bond(RBS) (08/16)	1,000,000.00	1,020,640.00	4.25	Fixed Rate Bond	23-Aug-16
	Macquarie (ANZ) (10/18)	1,000,000.00	1,000,560.00	3.20	FRN	26-Oct-18
	Macquarie (RIMSEC) (03/20)	2,000,000.00	2,001,620.00	3.24	FRN	03-Mar-20
*	ME Bank (04/18)	1,000,000.00	1,007,370.00	3.44	FRN	17-Apr-18
*	ME Bank (ANZ) (11/17)	1,000,000.00	1,005,710.00	3.14	FRN	17-Nov-17
*	ME Bank (CBA) (11/16)	1,000,000.00	1,011,000.00	3.38	FRN	28-Nov-16
*	ME Bank (Morgans) (11/16)	1,000,000.00	1,011,000.00	3.38	FRN	28-Nov-16
	NAB (06/16)	2,000,000.00	2,019,460.00	3.36	FRN	21-Jun-16
*	NPBS (Morgans) (02/18)	1,000,000.00	1,003,350.00	3.23	FRN	27-Feb-18
	Rabo (Morgans) (02/20)	2,000,000.00	2,007,100.00	3.20	FRN	11-Feb-20

	Counterparty	Face Value	Market Value	% Return on Face Value	Investment Type	Maturity Date
	Rabo (RBS) (09/18)	1,000,000.00	1,008,430.00	3.31	FRN	25-Sep-18
*	Suncorp (04/19)	2,000,000.00	2,013,540.00	3.26	FRN	23-Apr-19
*	Suncorp (11/19)	1,000,000.00	1,003,390.00	2.84	FRN	05-Nov-19
*	Suncorp (CBA) (08/19)	1,000,000.00	1,002,190.00	3.08	FRN	20-Aug-19
*	Suncorp (NAB) (08/20)	3,000,000.00	3,007,440.00	3.39	FRN	20-Oct-20
*	Suncorp Covered (RIMSEC) (12/16)	2,000,000.00	2,087,800.00	4.75	Fixed Rate Bond	06-Dec-16
*	Westpac (JP Morgans) (02/19)	2,000,000.00	2,022,060.00	3.06	FRN	25-Feb-19
*	Westpac (07/20)	2,000,000.00	1,991,920.00	3.04	FRN	28-Jul-20
*	Westpac (RBS) (02/17)	1,000,000.00	1,023,280.00	3.79	FRN	20-Feb-17
*	Westpac (WBC)	1,000,000.00	1,001,270.00	3.22	FRN	28-Oct-20
	Total	72,600,000.00	72,890,208.00	3.50		
LEGEND		ABS = Asset Backed Security				
Investment Type		Bond = Fixed Rate Bond FRN = Floating Rate Note				
Counterparty		Bendigo = Bendigo & Adelaide Bank		NPBS - Newcastle Permanent Building Society		
AMP = AMP Bank		Heritage = Heritage Bank		ME = Members Equity Bank		
ANZ = ANZ Bank		ING = ING Bank		RaboDirect = Rabo Bank		
BOQ = Bank of Queensland		Investec = Investec Bank		Rural = Rural Bank (previously Elders Bank)		
CBA = Commonwealth Bank		Macquarie = Macquarie Bank		Suncorp = Suncorp Metway Bank		
CUA = Credit Union Australia		NAB = National Australia Bank		WBC = WBC Banking Corporation		

5. Term Deposits

	Counterparty	Lodged or Rolled	Interest Due	Maturity Date	Principal	% Yield
	Rabo Bank (Mar 2017) (RIMSEC)	04-Mar-14	07-Mar-17	07/03/2017	2,000,000.00	4.15
	P&N Bank (RIMSEC) (Sept 2017)	22-Sep-14	21-Sep-17	21/09/2017	1,000,000.00	4.00
	RaboDirect (Curve) (Nov 2016) annual interest	11-Nov-14	11-Nov-15	22/11/2016	1,000,000.00	6.30
*	Auswide Bank Bank (Dec 2016)	08-Dec-14	08-Dec-15	13/12/2016	3,000,000.00	3.76
*	Bendigo Bank (Dec 2015)	09-Dec-14	15-Dec-15	15/12/2015	2,000,000.00	3.45
	RaboDirect (Curve) (Jan 2015)	13-Jan-15	15-Jan-19	15/01/2019	1,000,000.00	4.00
*	Auswide Bank (Curve) (Feb 2017)	03-Feb-15	07-Feb-17	07/02/2017	1,000,000.00	3.50
	RaboDirect (Curve) (Feb 2017) annual interest	10-Feb-15	10-Feb-16	14/02/2017	1,000,000.00	3.40
	NAB (Feb 2016)	17-Feb-15	16-Feb-16	16/02/2016	2,000,000.00	3.17
	BCU (Feb 2017)	19-Feb-15	18-Feb-16	21/02/2017	1,000,000.00	3.20
*	BOQ (Feb 2016)	23-Feb-15	23-Feb-16	23/02/2016	3,000,000.00	4.05
*	MEB (Curve) (Mar 2016)	25-Feb-15	25-Feb-16	01/03/2016	2,000,000.00	4.07
*	Bankwest (Mar 2016)	17-Mar-15	15-Mar-16	15/03/2016	1,000,000.00	3.00
	RaboDirect (RIMSEC) (Mar 2016) annual interest	22-Mar-15	22-Mar-16	22/03/2016	1,000,000.00	7.15
*	Auswide Bank (RIMSEC) (Mar 2016)	25-Mar-15	22-Mar-16	22/03/2016	1,000,000.00	3.06
*	Macquarie Bank (RIMSEC) (Feb 2016)	13-May-15	08-Feb-16	08/02/2016	1,000,000.00	3.00
	CBA May (2020)	19-May-15	19-May-16	19/05/2020	2,000,000.00	3.41

	NAB (May 2016)	20-May-15	20-May-16	24/05/2016	3,000,000.00	4.00
*	BOQ (Jan 2016)	02-Jun-15	12-Jan-16	12/01/2016	2,000,000.00	3.00
*	Suncorp Bank (Dec 2015)	10-Jun-15	08-Dec-15	08/12/2015	2,000,000.00	3.00
*	Bankwest (Nov 2015)	23-Jun-15	10-Nov-15	10/11/2015	2,000,000.00	3.00
*	Suncorp (Jan 2016)	25-Jun-15	19-Jan-16	19/01/2016	3,000,000.00	3.05
	Rural Bank (Curve) (Jul 2016)	01-Jul-15	05-Jul-16	05/07/2016	1,000,000.00	3.00
	RaboDirect (Curve) (Jul 2016)	28-Jul-15	26-Jul-16	26/07/2016	1,000,000.00	5.40
*	MEB (Jul 2016)	29-Jul-15	29-Oct-15	26/07/2016	2,000,000.00	3.75
	NAB (Feb 2020)	04-Aug-15	03-Nov-15	03/02/2020	1,000,000.00	3.70
*	BOQ (Aug 2017)	05-Aug-15	08-Aug-16	08/08/2017	2,000,000.00	3.00
*	IMB (Nov 2017)	05-Aug-15	05-Nov-15	06/11/2017	1,000,000.00	2.99
	RaboDirect (Curve) (Aug 2019)	07-Aug-15	07-Aug-16	13/08/2019	2,000,000.00	4.30
	AMP (RIMSEC) (May 2016)	11-Aug-15	10-May-16	10/05/2016	3,000,000.00	2.90
*	Bendigo (Curve) (Feb 2017)	11-Aug-15	09-Feb-16	14/02/2017	2,000,000.00	2.95
*	BOQ (Aug 2015)	11-Aug-15	06-Aug-16	08/08/2017	3,000,000.00	3.00
*	BOQ (Aug 2016)	11-Aug-15	06-Aug-16	08/08/2017	1,000,000.00	3.00
	ING (RIMSEC) (Feb 2020)	11-Aug-15	11-Nov-15	11/02/2020	1,000,000.00	3.34
	NAB (Aug 2015)	11-Aug-15	16-Feb-16	16/02/2016	4,000,000.00	2.95
	NAB (May 2020) annual interest	12-Aug-15	12-Nov-15	12/02/2020	2,000,000.00	3.40
	CBA (Feb 2020)	13-Aug-15	13-Nov-15	13/02/2020	1,000,000.00	3.05
	NAB (Aug 2015)	18-Aug-15	16-Feb-16	16/02/2016	1,000,000.00	2.95
*	Westpac (Feb 2016)	18-Aug-15	18-Nov-15	18/02/2016	2,000,000.00	3.35
	CBA May (2020)	19-Aug-15	19-Nov-15	19/05/2020	1,000,000.00	3.01

	Rabo (RIMSEC) (Feb 2018)	19-Aug-15	18-Aug-16	20/02/2018	3,000,000.00	3.00
	Rabo Bank (Curve) (Aug 2018)	21-Aug-15	21-Aug-16	21/08/2018	2,000,000.00	4.10
*	BOQ (Feb 2016)	24-Aug-15	23-Nov-15	23/02/2016	1,000,000.00	3.72
*	Suncorp (Aug 2015)	25-Aug-15	23-Feb-20	23/02/2020	2,000,000.00	2.85
*	Suncorp (Aug 2015)	25-Aug-15	23-Feb-20	23/02/2020	2,000,000.00	2.85
*	Westpac (Aug 2020)	25-Aug-15	24-Aug-16	25/08/2020	2,000,000.00	3.00
	Rabo (Curve) (Aug 2018)	26-Aug-15	26-Aug-16	28/08/2018	3,000,000.00	3.00
*	Bendigo Bank (Sept 2019)	01-Sep-15	03-Sep-16	03/09/2019	1,000,000.00	4.15
*	Maitland MBS (RIMSEC) (Mar 2016)	01-Sep-15	01-Mar-16	01/03/2016	2,000,000.00	3.00
	Rabo Bank (Curve) (Sept 2019)	01-Sep-15	01-Sep-16	03/09/2019	1,000,000.00	4.05
	Rural Bank (Curve) (Mar 2016)	01-Sep-15	01-Mar-16	01/03/2016	3,000,000.00	2.90
*	Suncorp (Sept 2015)	01-Sep-15	01-Dec-15	01/12/2015	3,000,000.00	2.80
*	BOQ (Mar 2016)	02-Sep-15	01-Mar-16	01/03/2016	1,000,000.00	2.85
	CBA (Dec 2015)	03-Sep-15	08-Dec-15	08/12/2015	2,000,000.00	2.82
	QLD PCU (RIMSEC) (Mar 2016)	03-Sep-15	05-Sep-16	04/09/2018	1,000,000.00	3.05
	Rural Bank (Curve) (Mar 2016)	03-Sep-15	08-Mar-16	08/03/2016	1,000,000.00	2.85
	NAB (Sept 2016)	04-Sep-15	04-Sep-16	06/09/2016	4,000,000.00	4.25
*	Bankwest (Dec 2015)	08-Sep-15	08-Dec-15	08/12/2015	3,000,000.00	2.80
*	Bendigo Bank	08-Sep-15	14-Mar-17	14/03/2017	1,000,000.00	2.80
	Gateway CU (RIMSEC)	08-Sep-15	07-Jun-16	07/06/2016	2,000,000.00	2.86
*	Westpac (Dec 2018)	08-Sep-15	08-Dec-15	08/12/2018	2,000,000.00	3.00

*	Investec (RIMSEC) (Jun 2016)	10-Sep-15	10-Dec-15	14/06/2016	1,000,000.00	3.29
*	BOQ (Jan 2016)	15-Sep-15	19-Jan-16	19/01/2016	2,000,000.00	2.80
	NAB (Mar 2016)	15-Sep-15	22-Mar-16	08/03/2016	4,000,000.00	3.15
*	Suncorp (Mar 2016)	15-Sep-15	22-Mar-16	22/03/2016	4,000,000.00	2.92
*	Westpac (Sept 2015)	15-Sep-15	15-Dec-15	15/12/2015	3,000,000.00	2.83
*	BOQ (Sept 2015) annual interest	21-Sep-15	22-Mar-16	22/03/2016	2,000,000.00	2.95
*	BOQ (Sept 2016) quarterly interest	21-Sep-15	21-Dec-15	20/09/2016	2,000,000.00	3.48
	NAB (Dec 2019)	21-Sep-15	21-Dec-15	17/12/2019	2,000,000.00	3.24
	NAB (Mar 2016)	24-Sep-15	22-Mar-16	22/03/2016	2,000,000.00	3.00
*	IMB (Jan 2020)	06-Oct-15	06-Jan-16	06/01/2020	1,000,000.00	3.17
*	Westpac (Apr 2016) quarterly interest	07-Oct-15	07-Jan-16	07/04/2016	2,000,000.00	3.47
*	Westpac (Jan 2016)	12-Oct-15	11-Jan-16	11/01/2016	8,000,000.00	3.43
*	Bendigo Bank (Curve) (April 2017)	13-Oct-15	13-Oct-16	18/04/2017	2,000,000.00	3.00
	NAB (Jan 2020)	16-Oct-15	18-Jan-16	21/01/2020	2,000,000.00	3.75
	NAB (Oct 2016)	21-Oct-15	23-Nov-15	18/10/2016	2,000,000.00	2.97
*	Investec (July 2016)	26-Oct-15	25-Jan-16	26/07/2016	2,000,000.00	3.25
*	Bankwest (Oct 2015)	27-Oct-15	23-Feb-16	23/02/2016	1,000,000.00	2.85
	Defence Bank (Curve) (Oct 2017)	27-Oct-15	26-Oct-16	24/10/2017	1,000,000.00	3.00
	ING (RIMSEC) (Jan 2019)	29-Oct-15	29-Jan-16	29/01/2019	2,000,000.00	2.99
*	Suncorp (Jan 2016)	02-Jul-16	27-Jan-16	27/01/2016	2,000,000.00	3.05

	Total	158,000,000.00	3.36
LEGEND	Counterparties		
AMP = AMP Bank	Macquarie = Macquarie Bank	WBC = Westpac Bank	
ANZ = ANZ Bank	NAB = National Australia Bank		
Auswide = Auswide Bank	ME = Members Equity Bank		
BOQ = Bank of Queensland	NPBS = Newcastle Permanent Building Society		
CBA = Commonwealth Bank	P&N = P&N Bank		
Heritage = Heritage Bank	RaboDirect = Rabo Bank		
ING = ING Bank	Rural = Rural Bank		
Investec = Investec Bank	Suncorp = Suncorp Metway Bank		

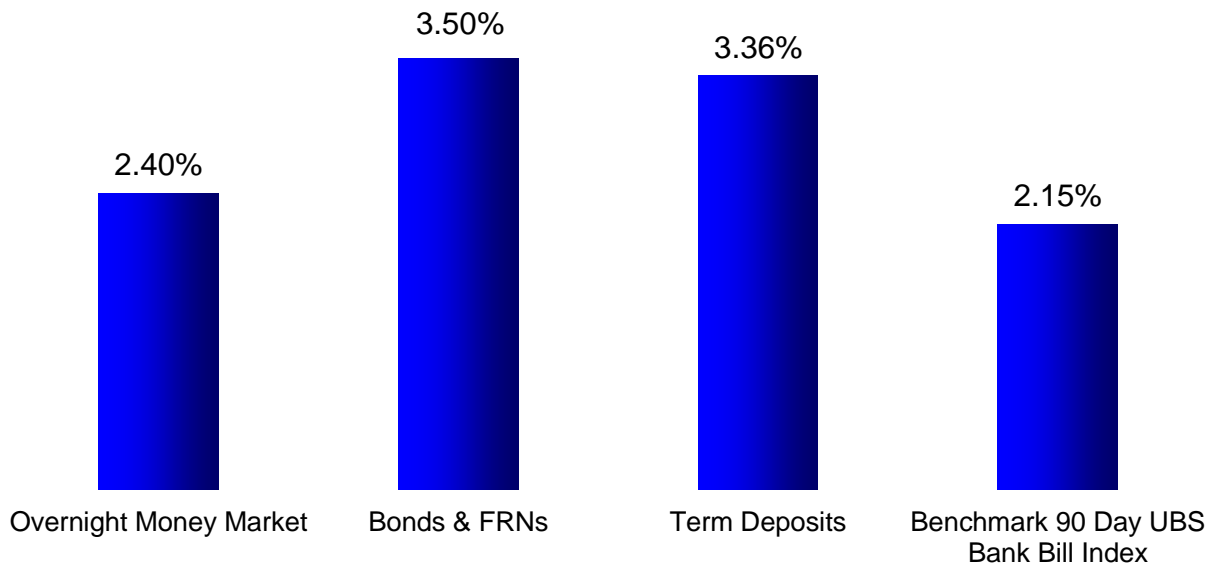
6. Ethical Investments

* Ethical Financial Institutions highlighted
\$130,211,676 which represents **54.85%** of the total portfolio
 Source: Australian Ethical - www.australianethical.com.au

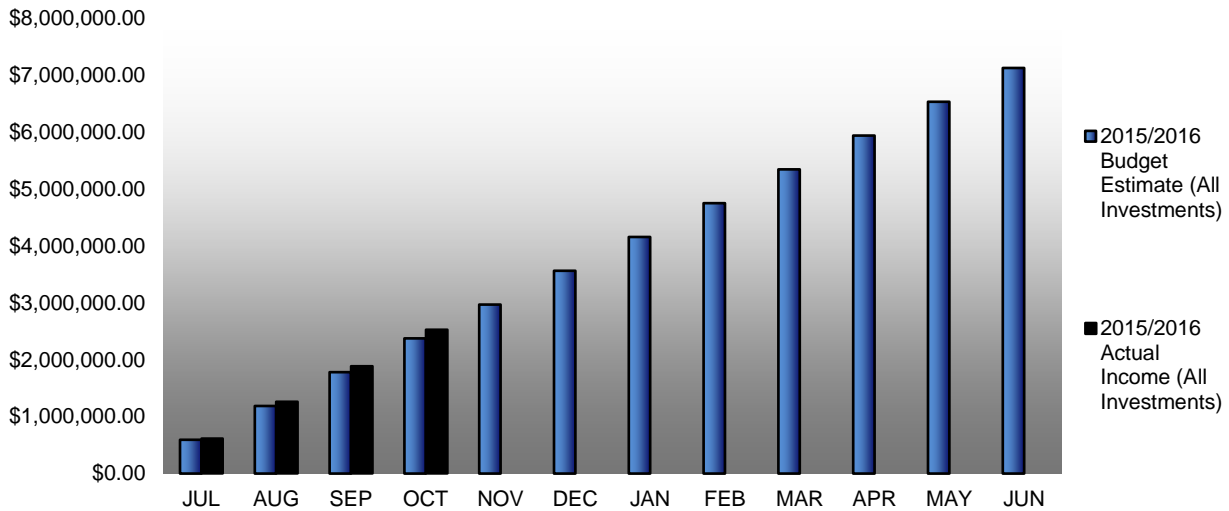
7. Performance by Category

Category	Face Value	Market Value	Weighted Average Return	Above or (Below) 90 day BBSW Benchmark
Overnight Money Market	6,500,000.00	6,500,000.00	2.40%	0.25%
Bonds & FRNs	72,600,000.00	72,890,208.00	3.50%	1.34%
Term Deposits	158,000,000.00	158,000,000.00	3.36%	1.20%
Benchmark 90 Day UBS Bank Bill Index	237,100,000.00	237,390,208.00	2.15%	0.93%

Performance by Category Compared with Benchmark



8. Total Portfolio Income v Budget



9. Investment Policy Diversification and Credit Risk

Long-Term Credit Ratings	Investment Policy Limit	Actual Portfolio	Short-Term Credit Ratings	Investment Policy Limit	Actual Portfolio
AAA Category	100%	0.88%	A-1+	100%	14.53%
AA Category	100%	25.87%	A-1	100%	10.95%
A Category	60%	16.32%	A-2	60%	16.85%
BBB Category	20%	5.75%	A-3	0%	0.00%
Unrated	10%	1.27%	Unrated	10%	7.58%

Market Value by Security Rating Group (Short Term)



Market Value by Security Rating Group (Long Term)



10. Term to Maturity

Maturity Profile	Actual % Portfolio	Policy Limits
Less than 365 days	47.84%	Minimum 40%
More than 365 days and less than 3 years	26.56%	Maximum 60%
3 years and less than 5 years	25.60%	Maximum 35%
Total	100.00%	

Market Value by Term Remaining

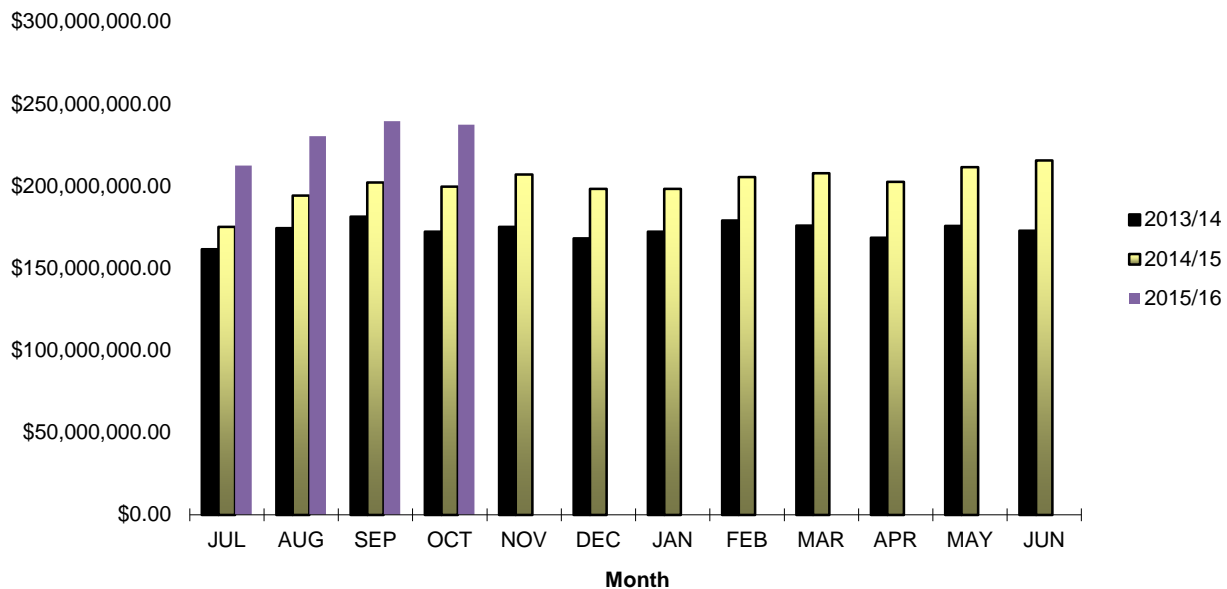


11. Investment Alternatives Explained

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

Investment Product	Maturity Range	Usual term to maturity	Major Benefits	Major risks
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	

12. Monthly Comparison of Total Funds Invested



13. Section 94 Developer Contributions - Monthly Balances & Receipts

Contribution Plan	Plan Description	End of Month Balance	Contributions Received for Month
1	DCP3 Open Space	4,295,561	
2	Western Drainage	608,312	
3	DCP3 Community Facilities	1,656	
4	TRCP Road Contributions	11,660,976	418,278
5	Open Space	364,658	16,750
6	Street Trees	192,548	297
7	West Kingscliff	462,949	3,587
10	Cobaki Lakes	-1,370	
11	Libraries	2,054,719	24,665
12	Bus Shelters	88,241	1,804
13	Cemeteries	63,498	3,395
14	Mebbin Springs	91,560	
15	Community Facilities	1,050,410	40,897
16	Surf Lifesaving	399,698	113
18	Council Administration/Technical Support	1,146,407	53,453
19	Kings Beach	743,521	
20	Seabreeze Estate	764	
21	Terranora Village	33,049	1,702
22	Cycleways Shirewide	252,604	13,075
23	Carparking Shirewide	1,428,773	
25	SALT	1,138,034	
26	Open Space Shire wide	931,896	131,785
27	Tweed Heads Masterplan	178,360	
28	Seaside City	276,797	3,201
91	DCP14	109,574	
92	Public Reserve Contributions	137,363	
95	Bilambil Heights	535,822	
	Total	28,246,381	713,003

14. Australian and World Economy and Cash Rate

At its 3 November meeting the Reserve Bank of Australia (RBA) left the cash rate unchanged at 2 per cent.

According to the RBA "the global economy is expanding at a moderate pace, with some further softening in conditions in the Asian region, continuing US growth and a recovery in Europe. Key commodity prices are much lower than a year ago, in part reflecting increased supply, including from Australia. Australia's terms of trade are falling.

The US Federal Reserve is expected to start increasing its policy rate over the period ahead but some other major central banks are continuing to ease monetary policy. Volatility in financial markets has abated somewhat for the moment. While credit costs for some emerging market countries remain higher than a year ago, global financial conditions overall remain very accommodative.

In Australia, the available information suggests that moderate expansion in the economy continues. While GDP growth has been below longer-term averages for some time, business surveys suggest a gradual improvement in conditions over the past year. This has been accompanied by stronger growth in employment and a steady rate of unemployment.

Inflation is low and should remain so, with the economy likely to have a degree of spare capacity for some time yet. Inflation is forecast to be consistent with the target over the next one to two years, but a little lower than earlier expected.

In such circumstances, monetary policy needs to be accommodative. Low interest rates are acting to support borrowing and spending. While the recent changes to some lending rates for housing will reduce this support slightly, overall conditions are still quite accommodative. Credit growth has increased a little over recent months, with growth in lending to investors in the housing market easing slightly while that for owner-occupiers appears to be picking up. Dwelling prices continue to rise in Melbourne and Sydney, though the pace of growth has moderated of late. Growth in dwelling prices has remained mostly subdued in other cities. Supervisory measures are helping to contain risks that may arise from the housing market.

In other asset markets, prices for commercial property have been supported by lower long-term interest rates, while equity prices have moved in parallel with developments in global markets. The Australian dollar is adjusting to the significant declines in key commodity prices.

At its meeting the RBA Board "judged that the prospects for an improvement in economic conditions had firmed a little over recent months and that leaving the cash rate unchanged was appropriate at this meeting. Members also observed that the outlook for inflation may afford scope for further easing of policy, should that be appropriate to lend support to demand. The Board will continue to assess the outlook, and hence whether the current stance of policy will most effectively foster sustainable growth and inflation consistent with the target."

Council's Investment Portfolio

Council's investment portfolio is conservatively structured in accordance with Office of Local Government guidelines with 69% of the portfolio held in cash and term deposits. Term deposits and bonds particularly are paying just above average margins over the 90 day bank bill rate.

Banks demand for term deposits funds has diminished since the start of the 2015/16 financial year in conjunction with the low cash rate and new banking capital requirements. This lack of demand for funds is highlighted by the lowering of many "at call" rates to less than the RBA cash rate and compressed margins above the 90 day bank bill benchmark for term deposits.

Lack of bank demand for term deposits and the historic low cash rate is translating to lower total investment yields. This continues to present difficulties obtaining reasonable investment income without risking capital.

All investment categories out-performed the UBS 90 day bank bill benchmark this month. The investment portfolio again benefited this month from higher yielding bonds and term deposits purchased before interest rate margins began contracting. Overall, the investment portfolio has returned an average 0.93% pa above the 90 day UBS bank bill index for the last month.

Source: RBA Monetary Policy Decision

15. Investment Summary

GENERAL FUND	CORPORATE FIXED RATE BONDS	12,451,320.00		
	FLOATING RATE NOTES	60,438,888.00		
	ASSET BACKED SECUR	0.00		
	FUND MANAGERS	0.00		
	TERM DEPOSITS	47,000,000.00		
	CALL ACCOUNT	6,500,000.00	126,390,208.00	
WATER FUND	TERM DEPOSITS	47,000,000.00		
	FUND MANAGERS	0.00	47,000,000.00	
SEWERAGE FUND	TERM DEPOSITS	64,000,000.00		
	FUND MANAGERS	0.00	64,000,000.00	
TOTAL INVESTMENTS			237,390,208.00	

It should be noted that the General Fund investments of **\$126 million** are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

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

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

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



Responsible Accounting Officer
 Manager Financial Services
 Tweed Shire Council

OPTIONS:

Not Applicable.

CONCLUSION:

Not Applicable.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

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

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

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

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

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

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

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

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

31 [CS-CM] Proposed Amendment of Council's Secondary Employment Policy

SUBMITTED BY: Director

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:

Legal advice recently received in relation to a secondary employment matter at Council, recommends that secondary employment requests be valid for a maximum of 12 months, with approval for ongoing secondary employment arrangements to be formally sought from the General Manager on an annual basis.

Draft amendments have been made to Council's Secondary Employment Policy to accommodate this recommendation.

RECOMMENDATION:

That Council endorses the proposed amendments to Council's Secondary Employment Policy Version 1.4 and in accordance with Section 161(2) of the Local Government Act 1993, as the amendments are not substantial, the Policy be adopted without public exhibition.

REPORT:

As per Summary of Report above

OPTIONS:

Options available to Council are as follows:

1. Endorse the recommendations of this report;
2. Amend the recommendations;
3. Not approve the recommendations.

CONCLUSION:

In accordance with the legal advice received, Council's Secondary Employment Policy is amended to incorporate the requirement for Secondary Employment approvals to be resubmitted and reviewed annually.

Under Section 161(2) of the Local Government Act 1993, the amendments are not substantial and the Policy be adopted without public exhibition.

COUNCIL IMPLICATIONS:

a. Policy:

Secondary Employment v1.3

b. Budget/Long Term Financial Plan:

Not Applicable

c. Legal:

Yes, legal advice has been received.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Draft Secondary Employment Policy V1.4 (ECM 3822246).

32 [CS-CM] Code of Conduct Complaints - 1 September 2014 to 31 August 2015

SUBMITTED BY: Corporate Governance

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

The Office of Local Government and the Administration of the Model Code of Conduct Procedure requires annual reporting of Code of Conduct Complaints made about councillors and the general manager. The report covers the period from 1 September 2014 to 31 August 2015 and as well as being submitted to the Office of Local Government by 30 November 2015, it is also to be reported to council.

This report highlights the Code of Conduct Complaints made about the councillors and the general manager for the required period.

RECOMMENDATION:

That the Code of Conduct Complaints for the period 1 September 2014 to 31 August 2015 be received and noted and the return be submitted to the Office of Local Government.

REPORT:

The Office of Local Government and the Administration of the Model Code of Conduct Procedure requires annual reporting of Code of Conduct Complaints made about councillors and the general manager. The report covers the period from 1 September 2014 to 31 August 2015 and as well as being submitted to the Office of Local Government by 30 November 2015, it is also to be reported to council.

The following information has been requested by the Office of Local Government and must be submitted as part of the collection form.

Model Code of Conduct Complaints Statistics Tweed Shire Council

Number of Complaints

- | | | |
|-----|---|---|
| 1 a | The total number of complaints received in the period about councillors and the general manager under the code of conduct | 8 |
| b | The total number of complaints finalised in the period about councillors and the general manager under the code of conduct | 8 |

Overview of Complaints and Cost

- | | | |
|-----|--|---|
| 2 a | The number of complaints finalised at the outset by alternative means by the general manager or Mayor | 5 |
| b | The number of complaints referred to the Office of Local Government under a special complaints management arrangement | 0 |
| c | The number of code of conduct complaints referred to a conduct reviewer | 2 |
| d | The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer | 1 |
| e | The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer | 0 |
| f | The number of finalised code of conduct complaints investigated by a conduct reviewer | 1 |
| g | The number of finalised code of conduct complaints investigated by a conduct review committee | 0 |

h	Number of finalised complaints investigated where there was found to be no breach	0
i	Number of finalised complaints investigated where there was found to be a breach	0
j	Number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	1
k	Number of complaints being investigated that are not yet finalised	0
l	The total cost of dealing with code of conduct complaints within the period made about councillors and the general manager including staff costs	\$13,500

Preliminary Assessment Statistics

3	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:	
a	To take no action	1
b	To resolve the complaint by alternative and appropriate strategies	1
c	To refer the matter back to the general manager or the Mayor, for resolution by alternative and appropriate strategies	0
d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	0
e	To investigate the matter	0
f	To recommend that the complaints coordinator convene a conduct review committee to investigate the matter	0

Investigation Statistics

4	The number of investigated complaints resulting in a determination that there was no breach , in which the following recommendations were made:	
a	That the council revise its policies or procedures	<input type="text" value="0"/>
b	That a person or persons undertake training or other education	<input type="text" value="0"/>
5	The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:	
a	That the council revise any of its policies or procedures	<input type="text" value="0"/>
b	That the subject person undertake any training or other education relevant to the conduct giving rise to the breach	<input type="text" value="0"/>
c	That the subject person be counselled for their conduct	<input type="text" value="0"/>
d	That the subject person apologise to any person or organisation affected by the breach	<input type="text" value="0"/>
e	That findings of inappropriate conduct be made public	<input type="text" value="0"/>
f	In the case of a breach by the general manager, that action be taken under the general manager's contract for the breach	<input type="text" value="0"/>
g	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993	<input type="text" value="0"/>
h	In the case of a breach by a councillor, that the matter be referred to the Office for further action	<input type="text" value="0"/>
6	Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures	<input type="text" value="0"/>

Categories of misconduct

7 The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:

a	General conduct (Part 3)	0
b	Conflict of interest (Part 4)	0
c	Personal benefit (Part 5)	0
d	Relationship between council officials (Part 6)	0
e	Access to information and resources (Part 7)	0

Outcome of determinations

8	The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation	0
9	The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by the Office	0

For the previous reporting period – 1 September 2013 to 31 August 2014 there were 18 Code of Conduct Complaints received.

OPTIONS:

This reporting and the submission of the collection form is a mandatory requirement and there are no other options available.

CONCLUSION:

That the Code of Conduct Complaints for the period 1 September 2014 to 31 August 2015 be received and noted and the return be submitted to the Office of Local Government.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Conduct Administration (Procedure) v1.0
Code of Conduct (Model) v1.9

b. Budget/Long Term Financial Plan:

Due allowance is made within the budget for expenditure incurred on Code of Conduct Complaint investigations.

c. Legal:

The Code of Conduct and the Administration of the Model Code of Conduct Procedure contains confidentiality conditions that do not allow the details of the Code of Conduct Complaints to be released.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

33 [CS-CM] Legal Services Register for the Period 1 July to 30 September 2015

SUBMITTED BY: Corporate Governance

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

The Legal Services Report 1 July to 30 September 2015 provides the status of legal instructions for the current or recently completed matters which have been issued to legal panel providers. This Report includes payments to various legal providers, as well as payments for barristers and consultants where applicable.

The net amount for legal instructions for the period 1 July to 30 September 2015 is \$98,008.

The principal legal instructions that relate to this quarter include:

• 2698- Homestead Caravan Park - Compliance	\$17,500
• 2763 - Hacienda Caravan Park - Compliance	\$1,135
• 2773 - Prospero/Colin Street Murwillumbah - Compliance	\$14,538
• 2791 - DA14/0164 – 27-37 Bells Boulevard, Salt - Defence	\$5,052
• 2792 - DA13/0401 - Cylinders Drive, Kingscliff - Defence	\$11,067
• 2794 - DA15/0201 - 40 Creek Street, Hastings Point - Class 1 Appeal	\$18,688
• Local Government Act – Advice	\$17,046
• Local Government Act – Advice, extension of Waste Services Contract	\$1,520
• District Court Appeal - Defence	\$3,990
• Review of Release of Documents - Advice	\$2,841
• Tanglewood Sewage Treatment Plant - Class 2 Appeal	\$4,631

Total legal expenditure for the period 1 July to 30 September 2015 is \$98,008.

RECOMMENDATION:

That the Legal Services Register report for the period 1 July to 30 September 2015 be received and noted.

REPORT:

Expenditure incurred on legal instructions for the period 1 July to 30 September 2015 follows:

Category 1 Planning and Environmental Law	Category 2 Local Government Law	Category 3 Commercial/Property Law	Category 4 District/Local Court
\$55,111	\$21,407	\$0	\$21,490

A summary of payments to each of the Legal Service Providers including barristers and consultants where applicable, for current or recently completed matters is as follows:

Category 1 Planning and Environmental Law	Year to Date	Current Period 1 July to 30 September 2015
DLA Piper Australia	\$4,631	\$4,631
HWL Ebsworth Lawyers	\$5,052	\$5,052
Lindsay Taylor Lawyers	\$11,067	\$11,067
Maddocks Lawyers	\$0	\$0
Marsdens Law Group	\$18,688	\$18,688
Sparke Helmore Lawyers	\$14,538	\$14,538
Wilshire Webb Staunton Beattie Lawyers	\$0	\$0
Other		
Stacks/The Law Firm	\$1,135	\$1,135
Sub Total	\$55,111	\$55,111

Category 2 Local Government Law (litigation and advice)	Year to Date	Current Period 1 July to 30 September 2015
DLA Piper Australia	\$2,841	\$2,841
Lindsay Taylor Lawyers	\$1,520	\$1,520
Local Government Legal	\$0	\$0
Maddocks Lawyers	\$6,197	\$6,197
Marsdens Law Group	\$0	\$0
Prevention Partners NSW	\$10,849	\$10,849
Other		
Sub Total	\$21,407	\$21,407

Category 3 Commercial/Property Law	Year to Date	Current Period 1 July to 30 September 2015
HWL Ebsworth Lawyers	\$0	\$0
Local Government Legal	\$0	\$0
Maddocks Lawyers	\$0	\$0
Marsdens Law Group	\$0	\$0
Sparke Helmore Lawyers	\$0	\$0
Stacks /The Law Firm	\$0	\$0
Wilshire Webb Staunton Beattie Lawyers	\$0	\$0

Sub Total	\$0	\$0
Category 4 District/Local Court	Year to Date	Current Period 1 July to 30 September 2015
DLA Piper Australia	\$0	\$0
Stacks /The Law Firm	\$17,500	\$17,500
Other	0	0
Russell Baxter Solicitor	\$3,990	\$3,990
Sub Total	\$21,490	\$21,490
Total	\$98,008	\$98,008

LEGAL SERVICES REGISTER as at 30 September 2015

Category 1 - Planning and Environmental Law					
Provider (Reference)	Description	General instructions	Costs	Comments	Current Status as at 2 November 2015
Stacks/The Law Firm (2763)	Hacienda Caravan Park.	Land and Environment Court - prosecution of van owner for ignoring Notice of Intention to issue Order. Subsequent Order.	<i>Prev. Years</i> \$30,054 15/16 \$1,135 Total \$31,189	Judgment was handed down on 30 September 2014 when the prosecution was dismissed on the basis of a technicality in how the Order was served. New civil proceedings against van owner have now commenced in the Land and Environment Court. Directions proceedings held on 24 April 2015.	In Progress. Matter heard on 1-2 July 2015- Judgment in favour of Council, respondent to carry out works and pay 75% of Council's costs of the hearing (75% of \$29,122.73 amounts to \$21,842.05). Costs not paid. Action being taken to recover costs.
Sparke Helmore Lawyers (2773)	Prospero/Colin Streets, Murwillumbah.	Class 4 Civil Enforcement action initiated against owners.	<i>Prev. Years</i> \$115,036 15/16 \$14,538 Total \$129,574	Consent Orders were issued against one of the parties. On 17 June 2015, consent orders were issued against the other party. Council at its meeting of 16 July 2015 resolved to issue contempt of the consent orders proceedings and to seek recovery of costs against both parties.	In Progress. Consent Orders for cost has been agreed by the two parties - \$20,000 and \$10,000 respectively. Fence Order matter discontinued. Road Reserve Order non- compliance being investigated.
Sparke Helmore Lawyers (2783)	137 Adcocks Road, Stokers Siding.	Council at its Planning Committee Meeting held on 4 December 2014 resolved to institute Class 4 Action for	<i>Prev. Years</i> \$4,214	Evidence being gathered for Council's Solicitor to institute action.	In Progress.

Provider (Reference)	Description	General instructions	Costs	Comments	Current Status as at 2 November 2015
		construction of illegal earthworks.			
HWL Ebsworth (2791)	DA14/0164 27-37 Bells Boulevard, Dual use of existing tourist accommodation. Class 1 Appeal in the Land and Environment Court.	9 April 2015 Planning Committee recommendation to Council to engage Solicitor to negotiate Consent Orders or enter into a S34 Agreement.	<i>Prev. Years</i> \$10,853 15/16 \$5,052 Total \$15,905	Consent Orders hearing date for 14 May 2015 was vacated. Notice of Motion seeking leave for Mantra to be adjointed was listed for 22 May 2015 and was consented to by the applicant.	In Progress. Matter was listed for case management on 12 June 2015, 31 August 2015 and 19 October 2015. Now listed for conciliation conference on 28 January 2016.
Lindsay Taylor Lawyers (2792)	DA13/0401 Cylinders Drive, Kingscliff. Applicants appeal against the refusal of Section 96 modification.	Council at its meeting on 6 August 2015 resolved to instruct its solicitors to negotiate consent orders or a Section 34 if appropriate.	15/16 \$11,067	Section 34 conference conducted on 25 August 2015.	Completed. Parties agreed to amend conditions of consent at the conference.
Marsdens Law Group (2794)	DA15/0201 40 Creek Street, Hastings Point. Defend Class 1 Appeal in Land & Environment Court.	Planning Committee meeting on 6 August 2015, resolved to defend this matter.	15/16 \$18,688	Matter was listed for a directions hearing on 10 September 2015.	In Progress. Appeal listed for Section 34 conference on 2 December 2015.
Maddocks (2795)	Unauthorised works - Existing use rights - Soorley Street, Tweed Heads South.	Provide legal opinion on existing use rights.	15/16 \$0	Letter sent to solicitors for property owner seeking answers to existing use rights questions.	In Progress.
DLA Piper (713127618)	Tanglewood Sewerage Treatment Plant Class 2 Appeal relating to Section 68 application.	Council at its meeting on 17 September 2015 resolved that it be represented at the Class 2 Appeal to meet its Statutory obligation.	15/16 \$4,631	Statement of Facts and Contentions prepared. Awaiting on Facts and Contentions in reply. Directions meeting held on 28 September 2015.	In Progress. Section 34 conference to be scheduled.

Category 2 - Local Government Law					
Provider (Reference)	Description of Matter	General Instructions	Costs to date	Comments	Current Status as at 2 November 2015
Prevention Partners NSW	Local Government Act.	Provide appropriate advice on staffing matter.	15/16 \$10,849	Advice provided in dealing with the matter.	Completed.
Lindsay Taylor Lawyers (10166)	Extension of Waste Services Contract.	Provide detailed advice on extension of Waste Services Contract.	<i>Prev. Years</i> \$3,330 15/16 \$1,520 Total \$4,850	Detailed advice received on Council's legislative powers in dealing with an extension of Waste Services Contract.	Completed.
Marsdens Law Group	7 Year Special Rate Variation.	Class 4 Appeal Land and Environment Court.	<i>Prev. Years</i> \$493,120	Appeal dismissed by Land and Environment Court 30/12/08. Court of Appeal dismissed 5/2/10 part costs awarded. Application to High Court for special leave dismissed with costs, not assessed.	In Progress. Recovery of assessed costs of \$134,058 being pursued.
Australian Financial Securities Authority / DLA Piper	Review of release of documents.	Review of released documents.	<i>Prev. Years</i> \$13,775 15/16 \$2,841 Total \$16,616	Advice provided.	Completed.
Maddocks (881769)	Local Government Act.	Provide appropriate advice and undertake investigation in dealing with matter.	15/16 \$6,197	Investigation undertaken and advice provided.	Completed.

Category 3 - Commercial/Property Law					
Provider (Reference)	Description of Matter	General Instructions	Costs to Date	Comments	Current Status as at 2 November 2015

Category 4 - District/Local Court					
Provider (Reference)	Description of Matter	General Instructions	Costs to Date	Comments	Current Status as at 2 November 2015
Stacks/The Law Firm (2698) (130331)	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>Prev. Years</i> \$48,318 15/16 \$17,500 Total \$65,818	Local court found against Council on 18 June 2013. Council appealed to Land and Environment Court. Matter held on 26 November 2013. Land and Environment Court decision of 30 January 2015 dismissed Council's two appeals and costs were awarded against Council with 28 days to pay.	In Progress. One claim for costs has been lodged with Council - \$ 7,500 paid.
Russell Baxter Solicitor	Local and District Court Appeals.	Defend Appeal issues in Local and District Court.	<i>Prev. Years</i> \$6,150 15/16 \$3,990 Total \$10,140	Appeal heard in District Court on 21 August 2015.	Completed. Appeal dismissed. Applicant to pay Council's costs of \$2,000 with six months to pay.

OPTIONS:

Not Applicable

CONCLUSION:

Legal expenses for the quarter related primarily to actions instigated in previous periods.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Total legal services budget - \$415,631

Total legal expenditure to 30 September 2015 - \$98,008

c. Legal:

As per advice and outcomes of matters.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

34 [CS-CM] In Kind and Real Donations - July to September 2015

SUBMITTED BY: Financial Services

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Details of In Kind and Real Donations for the period 1 July to 30 September 2015 are reproduced in this report for Council's information.

RECOMMENDATION:

That Council notes the total In Kind and Real Donations of \$76,172.69 for the period 1 July to 30 September 2015.

REPORT:

Council maintains a register of In Kind and Real Donations. Details of these donations for the period 1 July to 30 September 2015 are reproduced as follows:

In Kind and Real Donations -1 July to 30 September 2015			
Financial Assistance			
Amount	Recipient	Donated Item	Date
\$2,095.00	Tweed Byron Local Aboriginal Land Council	Donation - NAIDOC Week Celebrations	08/08/2015
\$12,876.00	Marine Rescue Point Danger	Budget Allocation - Annual Donation	08/07/2015
\$3,000.00	Friends of the Koala Inc	Donation - S356	24/07/2015
\$11,500.00	International Riverfoundation	Budget Allocation	28/07/2015
\$1,000.00	Tweed Shire Women's Service	Donation	04/08/2015
\$1,250.00	Wollumbin Dreaming	Donation - Cultural Kayak Journey	06/08/2015
\$5,000.00	Tweed Shire Seniors Committee	Budget Allocation	19/08/2015
\$6,000.00	Tweed Byron Life Education Action Group	Budget Allocation	19/08/2015
\$500.00	Wollumbin Dreaming	Donation - Dance Workshop	01/09/2015
\$1,944.24	Wollumbin Dreaming	Donation - Mark Olive Cooking Demonstration	07/09/2015
\$45,165.24			
Goods and/or Materials			
Amount	Recipient	Donated Item	
\$154.00	Riding for the Disabled, Stokers Siding	39 - Small Tube Stock & 21 - Native Trees	08/07/2015
\$30.00	Bilambil Pre-School	2 - Shrubs & 6 - Small Tube Stock	24/07/2015
\$84.00	St Joseph's School South Murwillumbah	24 - Small Tube Stock	06/08/2015
\$80.00	Stokers Siding Public School	20 - 6" Small Tube Stock	07/09/2015
\$120.00	Terranora Public School	30 - 6" Small Tube Stock	07/09/2015
\$40.00	ASPIRE Careers Day (Students transitioning from Primary to High School)	Printing	16/07/2015
\$24.10	Stokers Siding Craft Market	Printing	03/08/2015
\$27.00	Chillingham Community Gardens Committee	Printing	10/08/2015
\$48.00	Tweed Land Care Committee	Printing	03/09/2015
\$607.10			
Provision of Labour and/or Plant & Equipment			
Amount	Recipient	Donated Item	
\$1,018.08	Life Education Van Relocation	Provision of Labour & Council Plant	July/Aug/Sept
\$1,973.40	Tweed Banana Festival	Provision of Labour & Council Plant	Aug/Sept
\$1,672.10	Tyalgum Music Festival	Provision of Labour & Council Plant	11/09/2015
\$4,663.58			

Rates			
Amount	Recipient	Donated Item	
\$346.11	Twin Towns Police & Community Youth Club	Water Usage	14/07/2015
\$135.26	Twin Towns Police & Community Youth Club	Sewer Usage	14/07/2015
\$1,736.50	Bilambil Literary Society	Council Rates 2015/2016	24/07/2015
\$2,286.20	Tyalgum Community Hall Association Inc	Council Rates 2015/2016	24/07/2015
\$1,384.70	Trustees of Kunghur Public Hall	Council Rates 2015/2016	24/07/2015
\$2,257.80	Uki Hall Reserve Trust	Council Rates 2015/2016	24/07/2015
\$2,539.10	Trustees Burringbar School of Arts Hall Association	Council Rates 2015/2016	24/07/2015
\$1,452.50	Stokers Siding Hall	Council Rates 2015/2016	24/07/2015
\$990.00	Murwillumbah Autumn Club Inc	Council Rates 2015/2016	24/07/2015
\$2,550.60	Twin Towns Police & Community Youth Club	Council Rates 2015/2016	24/07/2015
\$3,867.50	Tweed Coast Community Centre	Council Rates 2015/2016	24/07/2015
\$1,383.70	Crabbes Creek Hall Pty Ltd	Council Rates 2015/2016	24/07/2015
\$2,037.90	Legacy Club of Coolangatta/Tweed Heads	Council Rates 2015/2016	24/07/2015
\$782.00	Pottsville Beach Tennis Club	Council Rates - Sewer - 2015/2016	24/07/2015
\$23,749.87			
Tweed Link Advertising			
Amount	Recipient	Donated Item	
\$33.75	Community Notices - Banora Point and District Residents Assoc	Advertising	July/Aug/Sept
\$26.66	Community Notices - Burringbar Community Association	Advertising	July/Aug/Sept
\$94.05	Community Notices - Cabarita Beach/Bogangar Residents Association	Advertising	July/Aug/Sept
\$64.80	Community Notices - Chillingham Community Markets	Advertising	July/Aug/Sept
\$26.66	Community Notices - Chinderah District Residents Assoc	Advertising	July/Aug/Sept
\$65.25	Community Notices - Cudgen Progress Association	Advertising	July/Aug/Sept
\$28.80	Community Notices- Fingal Head Community Assoc	Advertising	July/Aug/Sept
\$26.66	Community Notices - Hastings Point Progress Assoc	Advertising	July/Aug/Sept
\$60.41	Community Notices - Kingscliff Ratepayers and Progress Assoc	Advertising	July/Aug/Sept
\$43.20	Community Notices- Mooball & Dist Moovers Inc	Advertising	July/Aug/Sept
\$85.50	Community Notices - Pottsville Community Association	Advertising	July/Aug/Sept
\$83.14	Community Notices - Stokers Siding and District Community Assoc	Advertising	July/Aug/Sept
\$54.34	Community Notices - Tumbulgum Community Assoc Inc	Advertising	July/Aug/Sept
\$54.34	Community Notices - Tyalgum Community Hall Assoc	Advertising	July/Aug/Sept
\$54.34	Community Notices - Uki Residents Assoc	Advertising	July/Aug/Sept
\$801.90			

Amount	Recipient	Donated Item	
\$216.00	Banora Point & District Residents Association	Room Hire - Banora Point Com Centre	July/Aug/Sept
\$195.00	Red Cross Training	Room Hire - South Tweed HACC	July/Aug/Sept
\$348.00	South Sea Islanders Community	Room Hire - South Sea Islander Room	July/Aug/Sept
\$72.00	Tweed Community Care Forum	Room Hire - South Tweed HACC	July/Aug/Sept
\$87.00	Tweed Hospital Auxiliary	Room Hire - South Sea Islander Room	06/07/2015
\$105.00	Tweed Hospital Auxiliary	Hall Hire - South Tweed Community Hall	12/08/2015
\$162.00	Twin Towns Friends Association	Room Hire - South Tweed HACC	July/Aug/Sept
\$1,185.00			
\$76,172.69	Total Donations 1st Quarter (July, August, September 2015)		

OPTIONS:

Not Applicable.

CONCLUSION:

For Councillor's Information and the details will also be included in the 2014/2015 Annual Report.

COUNCIL IMPLICATIONS:

a. Policy:

Donations and Subsidies v1.3.

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.

35 [CS-CM] Australia Day Committee - Community Membership

SUBMITTED BY: Director

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
 - 1.2 Improve decision making by engaging stakeholders and taking into account community input
 - 1.2.4 Involve communities including youth, elderly and aboriginal groups in decision making that affects their area and the wider Tweed community
-

SUMMARY OF REPORT:

At Council's meeting of 22 October 2015, it was resolved that the:

- “1 *Expression of Interest process for Community Membership on the Australia Day Committee up until September 2016 be endorsed.*
2. *Community members no longer serving on the Australia Day Committee be written to and thanked for their contribution.”*

Council called for Expressions of Interest in the Tweed Link on 27 October 2015. At the time of preparing this report, the Expression of Interest process was still open.

An addendum report will be tabled at the Council meeting of 19 November 2015 and will include the nominations received to assist Councillors in determining the community membership of Australia Day Committee up until September 2016.

The Community members no longer serving on the Australia Day Committee have been written to and thanked for their contribution.

RECOMMENDATION:

Refer addendum report.

REPORT:

Council called for Expressions of Interest for Community Membership on the Australia Day Committee in the Tweed Link on 27 October 2015. At the time of preparing this report, the Expression of Interest process was still open.

An addendum report will be tabled at the Council meeting of 19 November 2015 and will include the nominations received to assist Councillors in determining the community membership of Australia Day Committee up until September 2016.

OPTIONS:

Not Applicable.

CONCLUSION:

Not Applicable.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

An Expression of Interest appeared in the Tweed Link, Issue 931, 27 October 2015, calling for community representatives on the Australia Day Committee. Expressions of Interests received up until Friday 13 November 2015.

The Community members no longer serving on the Australia Day Committee have been written to and thanked for their contribution.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

ORDERS OF THE DAY



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

36 [NOM] Hydrotherapy Pool - Tweed Regional Aquatic Centre, Tweed Heads South

NOTICE OF MOTION:

Councillor K Milne moves that Council brings forward a report on the potential for establishing a hydrotherapy pool at the Tweed Regional Aquatic Centre in South Tweed.

Councillor's Background Notes

The Hydrotherapy Pool in Murwillumbah is highly utilised and has proven to be a greatly valued asset for the community in relieving pain, suffering and stress to those in need.

It is particularly beneficial.

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

The installation of a hydrotherapy pool at the Tweed Regional Aquatic Centre in South Tweed could only be achieved by replacing the existing learn to swim pool with a hydrotherapy pool.

The demographics of the Tweed Heads area would suggest that a hydrotherapy pool may be well patronised. The South Tweed/Banora Point area has a number of private learn to swim operators so the removal of the learn to swim pool should not present a significant impact for those currently utilising this service.

Delivery Program:

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
-

Budget/Long Term Financial Plan:

Capital costs estimate for replacement of the learn to swim pool with a hydrotherapy pool is \$200,000.

The annual operational costs cannot be determined without some form of feasibility study to determine annual running costs and likely income, plus the loss of income from removal of the learn to swim pool.

Legal Implications:

Nil.

Policy Implications:

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

37 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held 2 October 2015

SUBMITTED BY: Community and Cultural Services



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 2 October 2015 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

1. The Minutes of the Aboriginal Advisory Committee Meeting held Friday 2 October 2015 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

Business Arising from Meeting held on 4 September 2015

A2. Yabby Research

That the Aboriginal Advisory Committee (AAC) refers the Tweed River Committee to the Coastal Zone Management Plan for Cobaki Broadwater and Terranora Broadwater (page 235) and requests the Tweed River Committee to provide feedback to the AAC on the following recommendations:

1. ***the impact of bait collection and related trampling on the yabby populations of frequently used intertidal banks in Terranora Creek be investigated and monitored.***
 2. ***that NSW Fisheries work with Southern Cross University to establish a program of monitoring the abundance of yabbies in Terranora Inlet and***
-

consider the establishment of 'sanctuary' zones to ensure that sediments and yabby populations are not unsustainably impacted.

Business Arising from Meeting held on 4 September 2015

GB1. Naming of Drain on Kirkwood Road (QoN Milne)

1. *That the unnamed drain on Kirkwood Road be formally named as Carlyle Creek or Waterway.*
2. *That all unnamed waterways/water courses be referred to the Aboriginal Advisory Committee for official naming.*

A1. Preference for Aboriginal acknowledgement at SCU building and Council offices in Murwillumbah (EMT recommendation 9 September 2015)

That the Aboriginal acknowledgement at both the new Southern Cross University (SCU) building and Council offices in Murwillumbah:

1. *read: "Tweed Shire acknowledges the Nganduwal/Minjungbal people of the Bundjalung Nation".*
2. *the acknowledgement be displayed prominently on both the inside and outside of the buildings.*

REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 2 October 2015 are reproduced as follows for the information of Councillors.

Venue:

Tweed Byron Local Aboriginal Land Council

Time:

9.35am

Present:

Leweena Williams (Tweed Aboriginal Corporation for Sport), Jackie McDonald (Tweed Wollumbin Aboriginal Education Consultative Group representative), Aunty Joyce Summers (Canowindra representative), Desrae Rotumah (Tweed Aboriginal Co-operative Society), Mayor Katie Milne (Tweed Shire Council).

Ex-officio:

Robyn Grigg, Anne McLean, Robert Appo (Tweed Shire Council), Gabby Arthur (Tweed Shire Council) (Minutes).

Guests (in order of arrival):

Nil.

Apologies:

Des Williams (Tweed Byron Local Aboriginal Land Council representative), Cr Gary Bagnall and Tracey Stinson (Tweed Shire Council).

Chair: Desrae Rotumah

Moved: Leweena Williams

Seconded: Jackie McDonald

RESOLVED that the Chair was declared vacant and nominations were called. Desrae Rotumah was nominated and was unanimously elected to Chair the meeting.

Desrae Rotumah opened the meeting with a welcome to all present and paid respect to Elders past and present.

Minutes of Previous Meeting:

Moved: Jackie McDonald

Seconded: Aunty Joyce Summers

RESOLVED that the Minutes of the Aboriginal Advisory Committee meeting held Friday 4 September 2015 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

Business Arising from Meeting held on 4 September 2015

GB2.AAC Minutes

The AAC was reminded that at the last meeting, it was agreed that the Minutes would be referred to Executive Management Team (EMT) before being sent out to members. The

AAC agreed that Council will trial emailing the draft Minutes to the AAC members for approval at the same time that they are being referred to EMT for its recommendations.

Business Arising from Meeting held on 4 September 2015.

A6(c) 2016 Local Government Aboriginal Network (LGAN) Conference - Potential Projects
No grant submission was made under the Stronger Communities Programme funding which closed on 18 September 2015.

Business Arising from Meeting held on 4 September 2015

A2. Yabby Research

Jackie advised that the Department of Primary Industries for the *Bait Security - Ensuring sustainable and productive NSW invertebrate bait resources* research project is a three year project and that the Terms of Reference have already been prepared.

Jackie referred to the Coastal Zone Management Plan for Cobaki Broadwater and Terranora Broadwater 2010 which recommends investigation by NSW Fisheries into the impacts of bait collection and related trampling on the sandbanks in Terranora Creek.

Moved: Jackie McDonald

Seconded: Leweena Williams

RECOMMENDATION that the Aboriginal Advisory Committee (AAC) refers the Tweed River Committee to the Coastal Zone Management Plan for Cobaki Broadwater and Terranora Broadwater (page 235) and requests the Tweed River Committee to provide feedback to the AAC on the following recommendations:

1. the impact of bait collection and related trampling on the yabby populations of frequently used intertidal banks in Terranora Creek be investigated and monitored.
2. that NSW Fisheries work with Southern Cross University to establish a program of monitoring the abundance of yabbies in Terranora Inlet and consider the establishment of 'sanctuary' zones to ensure that sediments and yabby populations are not unsustainably impacted.

Mayor Milne requested that a representative of the AAC attend the Tweed River Committee meeting on 14 October 2015.

Action: Mayor Milne to request that Yabby Research be included as an Agenda Item for the Tweed River Committee meeting on 14 October 2015.

Business Arising from Meeting held on 4 September 2015

GB1. Naming of Drain on Kirkwood Road (QoN Milne)

Aunty Joyce advised that the drain on Kirkwood Road was diverted from Nana Carlyle's property so it would be appropriate for it to be renamed 'Carlyle' Creek or Waterway. It was noted that the waterway is tidal and should not be referred to as a drain. The waterway runs from Kirkwood Road into Minjungbal Drive.

Moved: Aunty Joyce Summers

Seconded: Desrae Rotumah

RECOMMENDATION that the unnamed drain on Kirkwood Road be formally named as Carlyle Creek or Waterway.

Mayor Milne suggested that the AAC may wish to name all of the unnamed waterways/drains within the Shire as it does for unnamed roads.

Moved: Leweena Williams

Seconded: Jackie McDonald

RECOMMENDATION that all unnamed waterways/water courses be referred to the Aboriginal Advisory Committee for official naming.

Business Arising from Meeting held on 10 April 2015, 1 May 2015, 26 June 2015 and 4 September 2015

GB2.Crown Lands Review Update

Robert advised that the letters to the Minister of Crown Lands, Minister of Aboriginal Affairs and Jan Barham MLC have been drafted and will be sent following adoption of the AAC Minutes of 4 September 2015 by Council.

Business Arising from Meeting held on 4 September 2015

A5(a) Cobaki Lakes Bulk Earthworks Approval Stages 6, 7, 8 and 9

Robyn advised that a Development Assessment Officer from Council's Planning and Regulation Division will attend EMT in relation to the Cobaki Lakes bulk earthworks application consent.

Agenda Items:

A1. Preference for Aboriginal acknowledgement at SCU building and Council offices in Murwillumbah (EMT recommendation 9 September 2015)

EMT is seeking advice from the AAC as to its preference and recommendation for any appropriate Aboriginal acknowledgement at both the new Southern Cross University (SCU) building and Council offices in Murwillumbah. It was agreed that the acknowledgement as printed on the entry signs to the Shire be used at both buildings.

Jackie noted that the South Sea Islander (SSI) community has free use of the SSI Room at the Tweed Heads Civic Centre however the Aboriginal community does not have the same arrangement with Council.

Anne advised her understanding is that historically the Aboriginal community has Minjungbal Aboriginal Museum and Cultural Centre (Minjungbal) as its cultural meeting place and did not wish to have a meeting place at the Council offices. Jackie advised historically the SSI did have a meeting place at the Chinderah Scout Hall however they wished to have a place to display their culture. Jackie noted that if the Aboriginal community wish to use Minjungbal or the Land Council, they must pay to use the meeting rooms. The Aboriginal community does not have any meeting room available to them free of charge and would like to have the same arrangement as the SSI Association.

Robyn confirmed that the arrangement is specific to the SSI Association and is not extended to other SSI groups or organisations.

AAC discussed opportunities for naming of meeting rooms in the SCU building.

Moved: Aunty Joyce Summers

Seconded: Leweena Williams

RECOMMENDATION that the Aboriginal acknowledgement at both the new Southern Cross University (SCU) building and Council offices in Murwillumbah:

1. read: "Tweed Shire acknowledges the Nganduwal/Minjungbal people of the Bundjalung Nation".
2. the acknowledgement be displayed prominently on both the inside and outside of the buildings.

Robert sought advice from the AAC as to the form or structure of the signage and there was discussion about proposed material which could include a photograph of paperbark with working superimposed.

Action: CDO-Aboriginal to liaise with Communications and Marketing Unit in relation to the opportunity to incorporate Aboriginal designs and artworks within the SCU building.

Action: CDO-Aboriginal to invite a representative of Council's Communications and Marketing Unit to the AAC meeting to discuss design options.

A2. Reconciliation Action Plan (RAP) and Memorandum of Understanding (MOU)

Robert provided an update on the progress of the RAP and advised that he is seeking more information in relation to budgetary implications associated with Cultural Awareness training for supervisors and managers and Cultural Heritage inductions for all outdoor staff.

Robert confirmed that Council will be working with Reconciliation Australia to finalise the RAP. A report is being prepared to present the draft RAP to EMT in the coming weeks which will give the opportunity for executive to propose initiatives they may wish to champion.

Robyn advised that the purpose of Reconciliation Action Plans is to foster respect, effect cultural and attitudinal change organisation-wide.

Council is planning to have the RAP adopted prior to the Council elections in September 2016. The RAP will be a public document and which will be reported upon.

Mayor Milne requested that once the RAP has been presented to EMT, the Councillors will have the opportunity to include certain initiatives in the RAP. Mayor Milne compared the RAP to Council's commitment to sustainability noting the RAP should underpin all decisions made in the future.

A3. 2016 Local Government Aboriginal Network (LGAN) Conference - Potential Projects

Robert reminded the AAC of Cr Bagnall's NoM to consider projects for interpretative signage prior to the 2016 conference.

Action: *CDO-Aboriginal to liaise with Communications and Marketing re interpretative signage at Joongurrabah (Razorback) and Fingal Head and to bring draft ideas to a future AAC meeting.*

Robert updated the AAC on progress in organising the conference. The conference will be held at Twin Towns Services Club and will include visits to various sites during the course of the conference including visits to cultural sites. The Tweed Regional Museum and Tweed Regional Gallery and Margaret Olley Arts Centre will be hosting exhibitions concurrently. The AAC requested that Minjungbal be included in the programme.

Leweena enquired how papers are selected for presentation at the conference. Robert advised the LGAN will issue an Expression of Interest (EOI) calling for abstracts and it will then select which papers will be presented. Leweena suggested that the AAC submits an EOI to present a paper on the success of the AAC over the past 20 years. An EOI will also be completed for the Bundjalung Mapping Project. Leweena suggested that the AAC presentation could showcase the Bundjalung Mapping Project as an example of an innovative project progressed through the AAC.

Maintenance works at Joongurrabah (Razorback) were discussed. It was noted that maintenance works must be kept to the existing footprint as any ground disturbance will have Aboriginal Cultural Heritage implications. Robert advised that there isn't an Aboriginal Cultural Heritage Management Plan for Joongurrabah (Razorback). It is possible that work at Joongurrabah (Razorback) will not be completed by August 2016.

Moved: Leweena Williams

Seconded: Jackie McDonald

RESOLVED that interpretative signage be installed at Joongurrabah (Razorback) and Fingal Head, subject to completion of work at Joongurrabah (Razorback) for the 2016 Local Government Aboriginal Network Conference.

If it is ascertained that Joongurrabah (Razorback) will not be ready, the AAC will identify an alternate site at the next meeting.

Action: *CDO-Aboriginal to obtain an update on the progress of work being carried out at Joongurrabah (Razorback) and to report to next AAC meeting.*

A4. Outstanding Matters Report

Item held over.

A5. Australia Day Awards (Mayor Katie Milne)

Mayor Milne advised she is on the Australia Day Committee and enquired whether the AAC had any feedback about Aboriginal participation in Australia Day celebrations. She noted there are many awards including sporting and cultural awards and asked if the AAC would like to propose an environmental or reconciliation award. Mayor Milne advised that she is unsure whether it is possible to add additional awards at this time. The AAC advised they will speak with members of the Aboriginal community.

Inwards Correspondence:

IC1. Letter from Tweed Shire Council re delegations

Robert advised that at the Council meeting held on 17 September 2015, the delegates appointed to the AAC until September 2016 are:

Delegate - Cr Gary Bagnall

Alternate Delegates - Mayor Katie Milne and Cr Barry Longland.

General Business:

GB1. Southern Cross University (SCU) - RAP

Jackie advised that she and the Bundjalung Elders have been working with the SCU to develop a RAP. Jackie to email a copy of the draft RAP to AAC.

GB2. Banora Point Upgrade - Gardens at Sextons Hill

Jackie advised that the Roads and Maritime Service (RMS) has responsibility for maintaining the terraced gardens at Sextons Hill for a five year period from completion. After a request from Jackie, RMS arranged for Boyds Bay Garden Centre to undertake some work on the garden however it wasn't completed. The gardens are overgrown and choked with weeds. Jackie to provide a copy of the email to Robert.

Action: CDO-Aboriginal to find out whether the five year maintenance period for RMS to maintain the terraced gardens at Sextons Hill has lapsed and to see if the responsibility has now fallen to Council.

Next Meeting:

The next meeting of the Aboriginal Advisory Committee will be held Friday 6 November 2015.

The meeting closed at 12.47pm.

EXECUTIVE MANAGEMENT TEAM COMMENTS:

A2. Yabby Research

Note that the monitoring is to be undertaken by NSW Primary Industries.

GB1.Naming of Drain on Kirkwood Road (QoN Milne)

That officers bring back a report to council on the implications of naming all drains, waterways and watercourses in the Shire, including the unnamed drain on Kirkwood Road.

A1. Preference for Aboriginal acknowledgement at SCU building and Council offices in Murwillumbah (EMT recommendation 9 September 2015)

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Business Arising from Meeting held on 4 September 2015

A2. Yabby Research

That the Aboriginal Advisory Committee (AAC) refers the Tweed River Committee to the Coastal Zone Management Plan for Cobaki Broadwater and Terranora Broadwater (page 235) and requests the Tweed River Committee to provide feedback to the AAC on the following recommendations:

- 1. the impact of bait collection and related trampling on the yabby populations of frequently used intertidal banks in Terranora Creek be investigated and monitored.***
- 2. that NSW Fisheries work with Southern Cross University to establish a program of monitoring the abundance of yabbies in Terranora Inlet and consider the establishment of 'sanctuary' zones to ensure that sediments and yabby populations are not unsustainably impacted.***

Business Arising from Meeting held on 4 September 2015

GB1.Naming of Drain on Kirkwood Road (QoN Milne)

- 1. That the unnamed drain on Kirkwood Road be formally named as Carlyle Creek or Waterway.***
- 2. That all unnamed waterways/water courses be referred to the Aboriginal Advisory Committee for official naming.***

Agenda Items:

A1. Preference for Aboriginal acknowledgement at SCU building and Council offices in Murwillumbah (EMT recommendation 9 September 2015)

That the Aboriginal acknowledgement at both the new Southern Cross University (SCU) building and Council offices in Murwillumbah:

- 1. read: "Tweed Shire acknowledges the Nganduwal/Minjungbal people of the Bundjalung Nation".***
- 2. the acknowledgement be displayed prominently on both the inside and outside of the buildings.***

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - Adopted 19 September 2013 (ECM 3146605).

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

38 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 14 October 2015

SUBMITTED BY: Natural Resource Management

Valid



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

The Minutes of the Tweed River Committee Meeting held Wednesday 14 October 2015 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 14 October 2015 be received and noted; and**
- 2. The Executive Management Team's recommendations be adopted as follows:**

A1. Boormans Road

That Council:

- 1. Writes to the Department of Industries – Water, and requests cooperation to develop a series of local initiatives related to education of contractors and land owners on legislation, compliance and best management practice with the requirements of the Water Act, in particular, works within and adjacent to waterways.***
- 2. Council notes that the Director of Planning and Regulation is to undertake an analysis of the Fish/Boormans Road earthworks case, to determine what institutional or legislative deficiencies existed in order for the environmental harm to continue for so long and not result in a successful prosecution. The review would ideally result in the development of recommendations that could be provided to the State Government to try and ensure that this type of scenario does not recur.***

Comment - Director of Planning and Regulation

After many months of investigation, specialist studies, legal advice, consultation with stakeholders (land owners, government agencies and community groups), Council resolved the following at the 2 July 2015 Planning Committee Meeting:

1 [PR-PC] Unauthorised Earthworks and Pollution Events at Lots 113,124, 127-129, 136 and 138 DP 755724 Tyalgum Road, Tyalgum

That Council, in respect of the unauthorised earthworks and pollution events affecting parts of the property described as Lots 113, 124, 127-129, 136 and 138 DP 755724 Tyalgum Road, Tyalgum, and adjoining properties, including Hopping Dicks Creek, endorses the following:

- 1. In terms of the unauthorised earthworks - construction of road and house pad discontinues the proposal to take Class 5 proceedings in the NSW Land and Environment Court against the site owner; and*
- 2. In terms of water pollution - remediation of tributary adjacent to the Crown Road Reserve deems the Clean-Up Notice satisfied as per the advice from NSW Soil Conservation Services and NSW Office of Water.*
- 3. That this issue be referred to the Tweed River Committee for advice on the ongoing management and monitoring of the waterway.*

Point 3 of the resolution makes no reference to any further compliance investigations on Council's behalf, and it was understood that the intent of Point 3 was to seek the Tweed River Committee's input on how best to manage the repair of Hopping Dick Creek, in and around the affected Boormans Road property.

It is considered that the further analysis and review of the compliance aspects of this matter determined by the Tweed River Committee would necessitate the allocation of further, un-budgeted staff resources, and is an action which is contrary to the above resolution.

Council has already written to, and held verbal briefings with local members, NSW Planning and Environment Ministers, and the heads of various State Government agencies seeking a better coordination of compliance actions relating to private native forestry and other vegetation removal issues.

REPORT:

The Minutes of the Tweed River Committee Meeting held Wednesday 14 October 2015 are reproduced as follows for the information of Councillors.

Venue:

Canvas & Kettle Meeting Room

Time:

9.00am

Present:

Rhonda James (Restoration Industry); (Chair); Cr Katie Milne; Carl Cormack (Roads and Maritime Services); Claire Masters (Tweed Landcare Inc); Scott Petersen (Tweed River Charter Operators); Sam Dawson (Caldera Environment Centre); Eddie Norris (Community Representative); Max Boyd (Community Representative); Lindy Smith (Community Representative); Jane Lofthouse, Tom Alletson, Scott Hetherington, (Tweed Shire Council).

Guests:

Suzie Hearder, Steve Twohill, Jo Tinnion, John Clarke, Peter Faux, Les Golding.

Apologies:

Cr Gary Bagnall; Ben Fitzgibbon (Office of Environment and Heritage); Pat Dwyer (Department of Primary Industries - Fisheries NSW); Tracey Stinson (Tweed Shire Council); Robert Quirk (NSW Cane Growers' Association); Bob Modystack (Community Representative).

Minutes of Previous Meeting:

Moved: Max Boyd

Seconded: Sam Dawson

RESOLVED that the Minutes of the Tweed River Committee meeting held Wednesday 12 August 2015 be accepted as a true and accurate record of the proceedings of that meeting with the following inclusion:

Max Boyd requested that it be noted and recorded in the minutes that he tabled a photograph of Stott's Channel taken in 1904, as a comparison with the character and width of the channel under current conditions.

Business Arising:

BA1. Upper Catchment Water Quality Investigations

Tom provided an update on the project, noting that a problem had been discovered with some data supplied to the consultants. Certain monitoring sites data were provided twice, which has affected the accuracy of the water quality analysis and interpretation. Tom advised that the report was being revised and would be resubmitted by the end of October. It was advised that it was not expected that the overall findings of the report would be changed due to the data problems.

BA2. Upcoming Workshop with Council regarding Climate Change and Impact on Tweed Farming

Claire requested that Eli Szandala attend the workshop that has been arranged where Robert Quirk will address Council on the impacts of climate change on Tweed agriculture. Jane advised that both Eli and Tom would be in attendance to highlight how the NRM unit programs are seeking to mitigate and increase resilience to climate change.

Agenda Items:

A1. Boormans Road

Suzie Header addressed the committee regarding earthworks at Boormans Road and consequent impacts on Hopping Dicks Creek and an adjacent tributary.

Suzie outlined ongoing problems with sediment runoff from the earthworks following rain, and frustrations encountered in achieving a timely approach to regulation and compliance by state agencies. These concerns were shared by a number of committee members.

The committee expressed an interest in working with the NSW DPI Office of Water to develop local initiatives that could increase land owner and earth moving contractors knowledge of and compliance with the requirements of the Water Act, in particular, works within and adjacent to waterways.

Moved: Sam Dawson

Seconded: Lindy Smith

RECOMMENDATION:

That Council writes to the Department of Industries – Water, and requests cooperation to develop a series of local initiatives related to education of contractors and land owners on legislation, compliance and best management practice with the requirements of the Water Act, in particular, works within and adjacent to waterways.

Action: Tom to inquire into the history of approval or otherwise of a crossing constructed upstream of Boormans Road.

There was lengthy discussion on the topic of how legislation could be improved to allow more effective compliance, leading to more successful prosecution of developers who undertake illegal works.

It was considered that the Boormans Road and Hopping Dicks Creek earthworks and sediment pollution issue should be evaluated to determine why prosecution was not able to be undertaken, and identify the factors that resulted in environmental problems continuing for a long period without mitigation. The intention of such a case study would be to identify recommendations that could be implemented by Council and State Government agencies to prevent a reoccurrence of this type of incident.

Moved: Max Boyd

Seconded: Eddie Norris

RECOMMENDATION:

That Council requests the Director of Planning and Regulation to undertake an analysis of the Fish/Boormans Road earthworks case, to determine what institutional or legislative deficiencies existed in order for the environmental harm to continue for so

long and not result in a successful prosecution. The review would ideally result in the development of recommendations that could be provided to the State Government to try and ensure that this type of scenario does not recur.

A2. Yabby Pumping in Terranora Creek
Les Golding, Peter Faux (Tweed Amateur Fishing Assoc.).

John Clarke – Minister for Fishing Advisory Council, Marine Parks Council, Aboriginal Fishing Council.

John, Les and Peter made a presentation to the committee that outlined impacts they have observed occurring on intertidal sand banks in Terranora Broadwater and Creek, related to commercial tour operators permitting patrons to disembark onto the sand banks, to observe yabby pumping, and try it themselves.

Their specific concerns include:

- Disembarkation and resultant trampling of banks
 - ~ damage to seagrass from vessel engines, motors running while people on land
- excessive yabby pumping (40 pumps theoretically permitted)
- changing the nature of sediments
 - ~ no recolonization of sand banks by yabbies three years post disturbance
 - ~ estimated that 80% of 'accessible' (noting that much of the broadwater is too shallow to reach by boat) yabby banks within Terranora Broadwater are gone
 - ~ estimate that there is an area of 2.5 hectares where no yabbies are found, which is a third of the Terranora Broadwater yabby grounds
 - ~ After three months of effort an individual yabby bank was depleted
 - ~ Research from South Africa on yabby banks that have shown serious declines in population had attributed this as being related to removal of yabbies (30%) and trampling (70%).

Their stated objective in lobbying against the existing practice is to achieve a management outcome where passengers remain on boats.

Peter Faux also made the recommendation that a boardwalk be built to allow tour passengers to observe pumping and the intertidal environment without trampling it.

The speakers outlined concerns with the existing DPI Fisheries Voluntary Code of Practice governing the activity:

- ~ state that Code of Practice is useless
- ~ state that research being undertaken by Rowan Chick of DPI Fisheries will not be available soon enough
- ~ want Tweed River Committee and Council to help keep people on the boats

Tabled: Email from Dr Darryl McPhee on potential impacts of intensive yabby bank disturbance.

The presenters urge Tweed River Committee members to have a look for themselves.

Scott Peterson (Endeavour Cruises – one of the subject cruise vessel business owners) advised that the yabby pumping was a unique component of business and essential to

viability. He reported that he had been returning to the same spot in Terranora Creek for 10 years and did not agree that yabby population is being reduced as per advice of the other presenters. Scott invited committee members to come out on the vessel and have a look while the activity occurs. Scott noted that this invitation had also been extended to the Aboriginal Advisory Committee.

Action: Tom to email Code of Practice to Tweed River Committee members.

Moved: Sam Dawson

Seconded: Cr Milne

RESOLVED that Tom liaise with Rowan Chick to request updates on the progress of yabby research for TRC meetings, and that he request an update on the timing of interim findings, and that a viewing be arranged with either one or both of the operators for members of the Tweed River Committee.

A3. 10/50 Vegetation Clearing Scheme

Scott Hetherington provided an update.

Review outcomes released.

Key recommendations:

- Some improvements
- Map based but ignores the ground truths and only relies on what can be mapped
- All land parcels within 100m of coast and estuary excluded
- 10m zone around two metres wide streams excluded
- Councils can apply to change vegetation types in reserves
- Self-assessable – not regulation. Limited application of the code and abuse in Tweed so far
- Council can get better outcomes through a DA process

A4. NSW Coastal Policy Reforms

Not addressed due to Ben Fitzgibbon not attending

A5. Tweed Coastal Creeks Floodplain Risk Management Study

Steve Twohill (TSC) and Jo Tinnion (BMT-WBM) made a presentation to the meeting.

The study is on exhibition now.

- Flash flood risk in upper catchment
- No structural modifications proposed
- A hardcopy of presentation was tabled.

General Business:

GB1. Tweed Catchment Catch Up

Max enquired into the possibility of having a video recording of the film event at regent cinema due to his inability to attend.

Next Meeting:

The next meeting of the Tweed River Committee will be held Wednesday 9 December 2015.

The meeting closed at 12.40pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Agenda Items:

A1. Boormans Road

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Agenda Items:

A1. Boormans Road

That Council:

- 1. Writes to the Department of Industries – Water, and requests cooperation to develop a series of local initiatives related to education of contractors and land owners on legislation, compliance and best management practice with the requirements of the Water Act, in particular, works within and adjacent to waterways.***

- 2. Requests the Director of Planning and Regulation to undertake an analysis of the Fish/Boormans Road earthworks case, to determine what institutional or legislative deficiencies existed in order for the environmental harm to continue for so long and not result in a successful prosecution. The review would ideally result in the development of recommendations that could be provided to the State Government to try and ensure that this type of scenario does not recur.***

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - Adopted by Council 24 January 2013 (ECM2939677)

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

39 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 14 October 2015

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
-

SUMMARY OF REPORT:

The Minutes of the Tweed Coastal Committee Meeting held Wednesday 14 October 2015 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 14 October 2015 be received and noted.

REPORT:

The Minutes of the Tweed Coastal Committee Meeting held Wednesday 14 October 2015 are reproduced as follows for the information of Councillors.

Venue:

Canvas & Kettle Meeting Room

Time:

1.15pm

Present:

Cr Barry Longland (Chair); David Cranwell (Pottsville); Roger Graf (Fingal Head); Jane Lofthouse, Tom Alletson, Marama Hopkins, Stewart Brawley (Tweed Shire Council).

Informal:

Cathey Philip (Minutes Secretary); Jo Tinnion (BMT-WBM); Steve Twohill (TSC).

Apologies:

Cr Katie Milne; John Harbison (Mooball); Jason Pearson (Kingscliff); Ben Fitzgibbon (Office of Environment and Heritage); Pat Dwyer (Department of Primary Industries - Fisheries NSW); Michael Munday (Bogangar); Peter Sloan (Hastings Point); Tim Jack Adams (Kingscliff); Rhonda James (Restoration Industry); Suzi Bourke (Cabarita Beach-Bogangar).

Minutes of Previous Meeting:

Moved: Cr Longland

Seconded: David Cranwell

RESOLVED that the Minutes of the Tweed Coastal Committee meeting held Wednesday 12 August 2015 be accepted as a true and accurate record of the proceedings of that meeting subject to the following amendment:

BA2. Water Quality Review of Coastal Creeks

David requested the minutes be amended as follows:

The Committee agreed to the following recommendations:

- Cudgera Site 4 to be reviewed following establishment of additional site nearby
- Create additional site in more appropriate location (Site 4a)
- Consider an additional site in Cudgen Lake
- Program a couple of samples per year following rain events

Business Arising:

BA1. Beach Nesting Birds

Marama circulated an identification booklet which covers most of the shorebirds in Tweed Shire.

The recent death of a few breeding bush-stone curlews from vehicle impact was discussed. Although sad it has brought more awareness of the birds through publicity.

BA2. Tweed River Dredging

Jane advised that the sand deposited on Kingscliff Beach has had dune fencing erected and additional revegetation work will be carried out.

Dredging works have started in the Tweed River and sand is being pumped across to Fingal Head Beach.

BA3. Pottsville Walls

The NSW Government is upgrading the Tweed River mouth training walls in this financial year and it is expected that works will also be undertaken on Mooball Creek (Pottsville) training walls in the next twelve months.

Agenda Items:

A1. Tweed Coastal Creeks Floodplain Risk Management Study and Plan

Steve Twohill (TSC) and Jo Tinnion (BMT-WBM) made a presentation to the meeting.

The Management Plan is on exhibition until 7 November:

- Flash flood risk in upper catchments
- No structural modifications proposed
- A number of information gathering and dissemination methods discussed and proposed
- A hardcopy of presentation was tabled.

A2. Coastal Program Update

Jane advised she has nothing new to report although does hope to have the draft Kingscliff Coastal Zone Management Plan at the December Tweed Coastal Committee meeting.

A3. Dredging Program Update

Discussed in Business Arising.

A4. NSW Shark Summit 2015

General discussion on sharks and possible outcomes from the summit.

A5. NSW Coastal Policy Reform Update

Tom gave a brief update in Ben's absence. There will be some legislative reform and the policy reform will be announced at the NSW Coastal Conference in November. Cr Longland and Jane will be attending the conference and will provide an update at the December meeting.

A6. Waste Disposal Tweed Coast

Roger suggested an audit for traffic coming in and out of Fingal Head over weekends and holiday periods to determine the level of use of the area. No recycle bins at the old boat harbour and some bins overflowing. Stewart said the unfortunate reality is that recycling bins become contaminated and the waste ends up in with the general garbage anyhow. Unless they are at a controlled site, they don't work.

Roger suggested placing a skip bin during Christmas period. Stewart explained why this is not an option but advised that Council does provide additional bins during this period.

Roger was concerned about dog faeces along the walking trails and suggested having some bags available at the entry to the walks. Stewart advised that the rangers are trialling different ideas, one of which is that people drop-off their own surplus of shopping bags for use by dog walkers.

General discussion.

A7. Walking Trail Fingal Head

Roger presented a concept for a walking trail from Kingscliff to Fingal Head. Suggested Robert liaise with the Aboriginal Land Council. It was agreed that Roger needs to liaise with the Final Head Community Association in the first instance.

A8. Tweed DuneCare Coordinating Committee

Marama provided a brief update of the recent meeting. Groups are working well with Fingal Head and Cabarita Beach being finalists in the Keep Australia Beautiful awards.

Crown Lands Weed Management is providing funds for land management.

The Casuarina group is looking for more volunteers as it currently has only one active member.

Coral Creeper is becoming an increasing weed issue.

General Business:

GB1. Dog Policy

David asked the status of the dog review, in particular for the Ambrose Park area.

General discussion. Jane believes the rangers have commenced the review and advised there will be lots of consultation.

GB2. Illegal Beach Access

David noted the continual access to beach with unpermitted 4WDs. Noted that Regulatory Services continue to work within its capacity.

GB2. Tweed River Festival

Jane reminded members that the festival is coming up and that the main day is Saturday 31 October in Budd Park Murwillumbah.

Next Meeting:

The next meeting of the Tweed Coastal Committee will be held on Wednesday 9 December 2015.

The meeting closed at 3.00pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - reviewed 21 August 2012 (ECM2947539)

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

40 [SUB-EAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 14 October 2015

SUBMITTED BY: Community and Cultural Services

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 14 October 2015 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Equal Access Advisory Committee Meeting held Wednesday 14 October 2015 be received and noted.

REPORT:

The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 14 October 2015 are reproduced as follows for the information of Councillors.

Venue:

Coolamon Centre

Time:

10.00am

Present:

Milena Morrow (Chair); Una Cowdroy; Suzanne Hudson; Wendy Gilbert (Community Representatives); Cr Phil Youngblutt, Karen Collins; Gabby Arthur (Minutes) (Tweed Shire Council)

Apologies:

Chris Vannucci, Bev Kelso, Lee Clark (Community Representatives); Robert Noakes, Alana Brookes (Tweed Shire Council)

Minutes of Previous Meeting:

Moved: Cr Phil Youngblutt

Seconded: Wendy Gilbert

RESOLVED that the Minutes of the Equal Access Advisory Committee meeting held Tuesday 18 August 2015 be accepted as a true and accurate record of the proceedings of that meeting.

Ability Links Presentation by Wendy Gilbert

PowerPoint presentation by Wendy Gilbert regarding the services provided by Ability Links.

All families in New South Wales have access to an Ability Links NSW 'Linker', with access available to everyone between the ages of 9 and 64. Proof of diagnosis or a referral is not required and there are no assessment or eligibility requirements. Linkers are key to effective Ability Links NSW program delivery as part of the NSW Government's plan to reshape and improve the way people with disability, their families and carers in NSW are supported by placing them at the centre of decision making. Linkers provide a first point of contact designed to improve access and engagement in local community, mainstream services and disability services. Linkers work with people with disability, their families and carers across the regions to help them plan for the future, build on their strengths and skills and to develop networks in their own communities to do what they want with their lives, outside the traditional disability service system.

Linkers also work with local communities to help them become more welcoming and inclusive of people with disability. Ability Links differs from traditional case management with its emphasis on working alongside people with a disability, rather than for them.

Outstanding Matters Report

1. Designated Accessible Parking Bays (DAPBs) at Tweed Centro Shopping Centre
Item deferred to December meeting.

2. Bus stop outside Kingscliff TAFE

Karen advised she is working with the bus company to collate data to progress the bus stop.

3. Large print menus and supermarket signage

Karen reminded the EAAC that the Blind and Vision Impaired Support Group has requested the Committee's support and promotion for its initiative to encourage local restaurants to provide large print menus for visually impaired customers and for supermarkets to be approached about providing very large aisle numbers and content signs.

Action: Follow up and meet with Blind and Vision Impaired Support Group regarding large print menus being available for visually impaired customers in local restaurants.

Responsibility: Karen Collins.

Karen advised she has received an email from the Blind and Vision Impaired Support Group advising of its project to market Murwillumbah as the most accessible town in the Tweed Shire.

4. Ramp at PCYC

Karen advised she will follow up with Tweed PCYC re possible funding opportunities for the ramp, and will report back to the December meeting.

5. Cultural Plan consultation

Item deferred until December meeting.

Business Arising:

Nil.

Agenda Items:

A1. Access and Inclusion Policy and Action Plan

Karen advised she is preparing the annual report on the implementation of the Access and Inclusion Policy and Action Plan including its achievements. The EAAC will be provided with a copy once it is completed.

Karen and Anne recently presented to Council's Executive Management Team (EMT) regarding the Toilet Report. EMT approved all recommendations however due to budgetary implications; further information was requested regarding the cost of supplying hand towels and soap, together with cost to replace these items as vandalism is an issue. To try and address the vandalism issues, Karen suggested that media coverage be organised and posters be displayed at the toilets in relation to why they are so important.

A2. All Access Playground update

Karen advised that Dan Plummer has almost finalised the Concept Plan for the all access playground. Dan hopes to attend the next EAAC meeting to discuss the Plan however if he is unable to attend, the Plan will be available for viewing and comment during the public exhibition period. Council's Aboriginal Advisory Committee were impressed with the concept design.

An Expression of Interest seeking \$1m funding has been submitted through ClubGRANTS Category 3. Council has submitted three Expressions of Interest to ClubGRANTS for

various projects however the playground is almost ready to commence as the concept design is ready to go.

Joe Manton of Access Audits Australia is working on the access audits of major Council facilities and the report should be ready in November 2015.

The Adult Change Table has been installed at Murwillumbah's Tweed Regional Aquatic Centre, and is being used.

A3. Tweed Link monthly access news

The next Tweed Link monthly access news article will be focused on the 2015 Access and Inclusion Awards.

A4. 2015 Access and Inclusion Awards

27 nominations have been received for the Access and Inclusion Awards with only three of the applications being repeats from last year. The Business category has received the most nominations. Thanks to Wendy Gilbertt and Mina Hunt of Ability Links for the number of nominations they have submitted.

Tim Morrissey's RUN film project will be shown on Wednesday 21 October 2015 in Kingscliff. Invitations will be sent out to people interested in attending. EAAC members were requested to email Karen if they would like to attend.

A5. Access Funds

Operational funds have been expended through the building access audit and the accessible playground concept design contract. Some access reserve is being used for the accessible toilet renovations.

General Business:

GB1. Designated Accessible Parking Bays (DAPBs) at Tweed Hospital

There are no accessible parking bays at the Tweed Hospital. Cr Youngblutt advised that the hospital is being renovated and parking is one of the major issues. The renovations include multi-storey parking with a helipad on top.

Karen enquired whether the renovations include alternate accommodation for Shaping Outcomes, which is located in a small building in the hospital grounds.

Action: Chris Crawford's office to be contacted to ascertain whether alternate accommodation for Shaping Outcomes is included in the plans for Tweed Hospital.

Responsibility: Karen Collins.

GB2. Addressing attacks on Guide Dogs by other dogs

South Australian Blind Citizens Australia is seeking to change the regulations in relation to what can be done if a guide dog is attacked by another dog as the Police cannot help under the current regulations.

Council works in accordance with the *1998 Companion Animals Act* which includes provisions for when a dog is attacked. Council also has a Companion Animals Plan which is monitored by Council's Rangers however the Plan does not cover guide dogs specifically.

Suzi advised that Guide Dogs Australia advises that if a guide dog is being attacked, you should let the dog go so it can defend itself.

One of the items in the Access and Inclusion Action Plan is the review of all Council's policies and protocols which include access and inclusion. Karen will follow up to see if it is the Rangers or the Police who will follow up on this issue.

Action: Legislation regarding attacks on guide dogs to be researched and a report provided at next meeting. Responsibility: Karen Collins.

GB3. Blind Citizens Australia - Advice of upcoming consultation/feedback for Australian Standards content and accessibility

Blind Citizens Australia has advised the EAAC that the current Australian Standard for Access AS1428 is being reviewed. Karen will provide a copy of the draft Australian Standard once it is available on-line. A joint submission may be prepared in response.

Blind Citizens Australia has also brought to the EAAC's attention that South Australia has recently passed legislation allowing bike riders of all ages to ride on footpaths, in case New South Wales follows suit. Blind Citizens Australia will also be alerting Council's Traffic Committee.

Suzi advised that Blind Citizens Australia has recently contacted City of Gold Coast advising that the recent street scape renovations on Griffith Street, Coolangatta to footpath accessibility is compromised by the gap down the middle of the pathways.

Next Meeting:

The next meeting of the Equal Access Advisory Committee will be held on Wednesday 16 December 2015.

The meeting closed at 11.21am.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - Adopted 19 September 2013 (ECM 3146605).

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

41 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 22 October 2015

SUBMITTED BY: Roads and Stormwater

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

The Minutes of the Local Traffic Committee Meeting held Thursday 22 October 2015 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

1. The Minutes of the Local Traffic Committee Meeting held Thursday 22 October 2015 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

A1 [LTC] Byangum Road, Murwillumbah

That the "No Stopping" zone on Byangum Road associated with the existing pedestrian refuge be extended to the boundary of numbers 217 to 219 Byangum Road.

A2 [LTC] Leisure Drive, Banora Point

That:

1. *The request for a median extension on Leisure Drive to prevent right turns into and out of the Caltex/McDonalds development is not supported however Council officers will continue to monitor this issue.*
 2. *Installation of 'Left lane must turn left' signage on Leisure Drive on the approach to the roundabout.*
-

3. ***Pending identification of a safe location a 'right lane must turn right' sign be installed on Darlington Drive on the southbound approach to the roundabout.***
4. ***A review of the operation of the roundabout on Leisure Drive be conducted and the report submitted to a future Local Traffic Committee meeting.***

REPORT:

The Minutes of the Local Traffic Committee Meeting held Thursday 22 October 2015 are reproduced as follows for the information of Councillors.

VENUE:

Mt Warning Meeting Room

TIME:

Commencing at 10.00am

PRESENT:

Committee Members: Cr Barry Longland, Mr Greg Aitken, Roads and Maritime Services of NSW, Snr Constable Tony Darby, NSW Police, Mr Rod Bates on behalf of Mr Geoff Provest MP, Member for Tweed.

Informal: Mr Leon McLean (Acting Chairman), Miss Alana Brooks, Mr Nick Tzannes, Ms Judith Finch (Minutes Secretary).

APOLOGIES:

Mr Ray Clark, Mr Thomas George MP Member for Lismore, Mr Col Brooks on behalf of Mr Thomas George MP Member for Lismore, Miss Jessica Healey Roads and Maritime Services of NSW, Mr Geoff Provest MP, Member for Tweed.

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MIN1

RESOLVED that the Minutes of the Local Traffic Committee Meeting held 24 September 2015 be adopted as a true and accurate record of proceedings of that meeting.

FOR VOTE - Unanimous

SCHEDULE OF OUTSTANDING RESOLUTIONS

1. SCH1 [LTC-SOR] Schedule of Outstanding Resolutions - 22 October 2015

From Meeting held 23 July 2015

1. [LTC] Berkleys Lane, Pottsville (Item B2)

FILE NO: ECM 3723387; Traffic - Committee; Local Area Traffic Management; Traffic - Pedestrian Crossings; Traffic - Safety; Berkleys Lane; Coronation Avenue

SUMMARY OF REPORT:

Request received for:

- "1. A left turn only at the eastern exit to direct vehicle traffic to the existing traffic management device being the Eastern round about therefore reducing traffic congestion & possible collisions.
2. Create two pedestrian crossings in the above area one being across Berkeley Lane to facilitate pedestrian traffic too and from Coronation Avenue connecting the existing footpaths for the two council caravan parks, public primary school and the medium density residential area at North Pottsville Beach. The second being just west of this new intersection across Coronation Avenue to facilitate the massive amount of pedestrians that presently cross the main street at this point from Phillip street being Sunday Market, Pottsville Waters & Black Rocks Estate pedestrian traffic.
3. Public toilet location signs being the Pottsville tennis court oval facility & the Pottsville creek reserve facility."

The above point number two is extremely important as I have personally witnessed extremely dangerous situations that may have resulted in serious injury or death as my office is located on this intersection, there are similar precedents in the Tweed Shire Road network that are now successful and safe."

COMMITTEE ADVICE:

That:

1. Once the service lane becomes operational that the request to limit right turns from the eastern leg of Berkleys Lane be reviewed.
2. The RMS guidelines for pedestrian warrants are not met in relation to marked pedestrian crossings on Coronation Avenue at Philip Street and Berkleys Lane and the installation therefore cannot be supported.

Current Status: This item to remain on the Schedule of Outstanding resolutions from Local Traffic Committee meeting held 24 September 2015.

This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 23 July 2015.)

From Meeting held 23 July 2015

2. [LTC] Machinery Drive / Minjungbal Drive, Tweed Heads South (Item B3)

ORIGIN:
Roads & Stormwater

FILE NO: ECM 3721485; Traffic - Committee; Traffic - Local Area Traffic Management; Traffic - Pedestrian Crossings; Machinery Drive; Minjungbal Drive

SUMMARY OF REPORT:

Request received in relation to the pedestrian crossing at the intersection of Minjungbal Drive (southbound) and Machinery Drive.

"There are many elderly residents living in that area that use this crossing.

Once the traffic on Minjungbal Drive gets the green light, the pedestrian lights across the intersection are activated if required. The problem experienced is that the left turn from Minjungbal Drive is not delayed if there are pedestrians on the crossing and drivers are not giving way to the mainly elderly pedestrians crossing at that point. I have attached a diagram that more simply explains the problem with the red arrow indicating pedestrians and the yellow indicating traffic flow.

A similar problem on the southern crossing at the same intersection was addressed when motorists performing a left turn out of the shopping centre briefly faced a red arrow to allow pedestrians to begin crossing. This appeared to increase awareness of pedestrian activity by drivers.

Could consideration be given to a similar arrangement on this particular crossing?"

COMMITTEE ADVICE:

That the RMS be requested to review the signal operation on Minjungbal Drive at Machinery Drive to improve pedestrian movements.

From Meeting held 27 August 2015:

The RMS Representative advised that RMS is considering delaying the left turn phase into Machinery Drive from Minjungbal Drive. Further advice will be provided once analysis is complete.

From Meeting held 24 September 2015:

The RMS Representative requested peak pedestrian traffic counts.

Current Status: This item to remain on the Schedule of Outstanding resolutions from Local Traffic Committee meeting held 24 September 2015.

This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 23 July 2015.)

BUSINESS ARISING

Nil.

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES - MURWILLUMBAH

A1 [LTC] Byangum Road, Murwillumbah

ORIGIN:

Roads & Stormwater

FILE NO: ECM 3820660; Traffic - Committee; Parking Zones; Byangum Road, Murwillumbah; Pty: 2470; 2471

SUMMARY OF REPORT:

Council has received several requests to review on street parking on Byangum Road in the vicinity of numbers 219 and 217 due to unmet on-site parking supply from adjacent developments.

Whilst vehicles may not be parked contrary to Rule 208(6), that is less than 3m from the continuous dividing line, parking on the inside of the curve forces larger buses into the path of oncoming vehicles.

It is therefore recommended that the 'No stopping' zone signposted on the north / west side of Byangum Road be extended to the boundary of number 215 Byangum Road.

Recommendation to Council. The adjacent property owners supported the extension of the 'No Stopping' zone.

COMMITTEE ADVICE:

That the "No Stopping" zone on Byangum Road associated with the existing pedestrian refuge be extended to the boundary of numbers 217 to 219 Byangum Road.

RECOMMENDATION TO COUNCIL:

That the "No Stopping" zone on Byangum Road associated with the existing pedestrian refuge be extended to the boundary of numbers 217 to 219 Byangum Road.

FOR VOTE - Snr Constable Tony Darby, Cr Barry Longland, Mr Greg Aitken, Roads and Maritime Services, Mr Rod Bates on behalf of Mr Geoff Provest, Member for Tweed.

DELEGATIONS FOR REGULATORY DEVICES - TWEED HEADS

A2 [LTC] Leisure Drive, Banora Point

ORIGIN:

Roads & Stormwater

FILE NO: ECM 3820943; Traffic - Committee; Local Area Traffic Management; Roundabouts; Safety; Leisure Drive

SUMMARY OF REPORT:

Request received for a median extension on Leisure Drive to prevent right turns into and out of the new Caltex/McDonalds' development.

Concerns have been raised that vehicles turning right into Caltex/McDonalds are causing queuing and blocking the roundabout during peak periods. The bond was removed via s96 application reliant on their traffic consultant's review which showed there would be no impact on the roundabout.

Inspections during peak periods found the right hand turns had caused queuing but had not extended into the roundabout.

The Chairman requested that this item be added to the Schedule of Outstanding Resolutions for review of operation of the roundabout.

The Chairman requested that this item be moved from Section B to Section A - Delegations for Regulatory Devices - Tweed Heads - Item A2.

COMMITTEE ADVICE:

That:

1. The request for a median extension on Leisure Drive to prevent right turns into and out of the Caltex/McDonalds development is not supported however Council officers will continue to monitor this issue.
2. Council officers are to review the local area including the roundabout and pedestrian movements and report back to the Committee.
3. This item be moved to the Schedule of Outstanding Resolutions.

RECOMMENDATION TO COUNCIL:

That:

1. The request for a median extension on Leisure Drive to prevent right turns into and out of the Caltex/McDonalds development is not supported however Council officers will continue to monitor this issue.
2. Installation of 'Left lane must turn left' signage on Leisure Drive on the approach to the roundabout.
3. Pending identification of a safe location a 'right lane must turn right' sign be installed on Darlington Drive on the southbound approach to the roundabout.
4. A review of the operation of the roundabout on Leisure Drive be conducted and the report submitted to a future Local Traffic Committee meeting.

FOR VOTE - Snr Constable Tony Darby, Cr Barry Longland, Mr Greg Aitken, Roads and Maritime Services, Mr Rod Bates on behalf of Mr Geoff Provest, Member for Tweed.

B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE - MURWILLUMBAH

B1 [LTC] Queen Street, Murwillumbah

ORIGIN:
Roads & Stormwater

FILE NO: ECM 3821237; Traffic - Committee; Loading Zones; Queen Street

SUMMARY OF REPORT:

A request has been received to include a 15 minute time limit on the existing Loading Zone in Queen Street at the corner of Murwillumbah Street, Murwillumbah. Currently there is no time limit on the sign, meaning the default 30 minute restriction applies.

The majority of businesses supported the 15 minute time limit, however, some businesses reported that they could not receive their deliveries within this time. One Courier driver (Toll) who delivers to a lot of businesses stated he could not do his job in 15 minutes. There is also a water delivery firm that takes a fair bit of time and is lugging heavy goods. 15 minutes is also tight for the baker and Samuri Sushi. If the time limit was changed to 15 minutes, some businesses would be significantly impacted and/or would be encouraged to not comply.

COMMITTEE ADVICE:

That the default 30 minute time limit remain at the current loading zone on Queen Street at the corner of Murwillumbah Street, Murwillumbah.

GENERAL TRAFFIC ADVICE - TWEED HEADS

B2 [LTC] Tweed Coast Road, Bogangar (Pony Club)

ORIGIN:
Roads & Stormwater

FILE NO: ECM 3811908; Traffic - Committee; Speed Zones; Traffic - Signs; Traffic - Safety; Tweed Coast Road; Bogangar, Hastings Point; Round Mountain Road

SUMMARY OF REPORT:

Request received for a reduction in the speed zone on Tweed Coast Road between the roundabout (to the north of the pony club) and Hastings Point to the South. Also a permanently installed 'Horses Crossing' signage just north and south of the actual crossing point, which is directly east of Round Mountain Road, on Tweed Coast Road.

"The grounds committee raised concerns with the beach access for horses crossing the Tweed Coast Road in front of the Pony Club.

Riding a horse along a relatively secluded beach has been a unique experience for Cabarita Beach Pony Club members for generations. It is a major drawcard for campers that come with their families and horses to camp on the grounds during holiday periods. These campers are the principle source of revenue with which the committee maintains the grounds.

However, the dynamics of the area have changed. Where there was once just a Pony Club, there are now two separate football grounds and a skate park. There are more visitors and more residents. Basically there is just an increase in the volume of traffic in the area and this peaks during holiday times.

While we have safety procedures in place, it is hard to police all campers and some come from out west and are just not familiar with the kind of local traffic we have all got used to. We have standing orders posted on site for conduct to and on the beach and during peak periods we place 'temporary crossing' A-frame signs by the road side. However, despite our best efforts, reducing the speed of motorists approaching the crossing is something we have little real control over.

There are two further safety measures that we seek your support to implement. The first is a reduction in the posted speed limit from 80kmph to 60kmph for a short stretch (1.3km) of the Tweed Coast Road between the roundabout (to the north of the pony club) and Hastings Point to the south.

With respect, it is actually a rather incongruous posting as it stands (at 80kmph) because it is the only such speed zone from well North of Cabarita to well south of Hastings Point. In any case, given the increased patronage of the area past the Footy Club, Skate Park and Pony Club by residents, surfers, beachgoers, holiday makers and day trippers - it just makes sense, in our opinion, to revisit the current appropriateness of that limit. The grounds committee would prefer to further calm the traffic along that strip in line with the speed zones everywhere else locally which are 50km/h or 60km/h.

The second measure is permanently installed 'Horse Crossing' signs just north and south of the actually crossing point which is directly east of Round Mountain Road on the Tweed Coast Road.

These recommendations are made with our best thinking in mind for all users of the area and seem to us to be fairly simple and inexpensive way of decreasing risk and increasing safety for everyone."

This section of Tweed Coast Road had a speed zone review in January 2011 which resolved to maintain the 80km/h speed zone.

It was noted that there is no permanent horse warning sign on the southern approach to the intersection with Round Mountain Road however there is a permanent sign on the northern approach.

On inspection it was reported that the sight distance for riders crossing Tweed Coast Road from the beach could be improved by trimming or maintaining the vegetation in the road reserve. This would allow increased visibility for drivers and riders.

COMMITTEE ADVICE:

That:

1. The request for a speed zone review on Tweed Coast Road in the vicinity of Round Mountain Road is not supported.
2. Council erect a horse warning sign on the southern approach to the intersection with Round Mountain Road.
3. Council undertake minor vegetation removal to increase sight distance/visibility of riders waiting to cross from the beach.

B3 This item was moved to Section A - Formal Items - Tweed Heads - Item A2

B4 [LTC-LATE] Ballymore Court, Banora Point

ORIGIN:

Roads & Stormwater

FILE NO: ECM 3790043; 3804953; Traffic - Committee; Parking Zones; Parking - Illegal; Garbage Complaints; Ballymore Court

SUMMARY OF REPORT:

Request received regarding bins not being able to be emptied in the eastern section of Ballymore Court.

"..... because not enough space is left when vehicles attending the BUPA residential home are parked in this section. A solution needs to be worked out between Council and residents to fix the problem. Emergency services like fire trucks etc. will not be able to access this end of the court as there is only one entrance. This is unacceptable to residents. Attached photo shows the unsuccessful 3rd attempt of the Solo truck to enter this section of the narrow court."

Council officers and parking officers have inspected Ballymore Court on more than six occasions with no reported offences.

Waste services have not received any complaints from residents of Ballymore Court or the waste contractor in recent years regarding waste collections.

Road rule 208 states that:

"(7) If the road does not have a continuous dividing line or a dividing strip, the driver must position the vehicle so there is at least 3 metres of the road alongside the vehicle that is clear for other vehicles to pass.

(8) The driver must position the vehicle so the vehicle does not unreasonably obstruct the path of other vehicles or pedestrians."

COMMITTEE ADVICE:

That Council officers:

1. Contact BUPA and notify management of Road Rule 208 and encourage the facility to conduct training days outside of Solo pick up times.
2. Contact Solo to investigate potential flexibility noting adverse noise to residents in bin pick up times.

B5 [LTC-LATE] Kennedy Drive Off Ramp

ORIGIN:
Roads & Stormwater

FILE NO: Traffic - Committee; Traffic - Safety; Kennedy Drive, Tweed Heads

SUMMARY OF REPORT:

Late item raised by the Police Representative who reported issue with motorists travelling southbound on Gold Coast Highway towards Kennedy Drive turning around proceeding against the one way traffic flow. It was suggested that Council install directional pavement arrows and / or advisory signage on the Kennedy Drive on ramp to provide visual clarification to motorists of one-way direction of the on ramp.

The Chairperson requested that this item be added to the B Section of the Minutes - General Traffic Advice - Tweed Heads.

COMMITTEE ADVICE:

That Council officers investigate existing conditions with a view to provide additional pavement markings and signage on the Kennedy drive on ramp.

NEXT MEETING:

The next meeting of the Local Traffic Committee will be held 19 November 2015 in the Mt Warning Meeting Room commencing at 10.00am.

There being no further business the Meeting terminated at 11.07am.

SECTION A - FORMAL ITEMS SECTION - DELEGATIONS FOR REGULATORY DEVICES FOR ENDORSEMENT BY COUNCIL:

EXECUTIVE MANAGEMENT TEAM COMMENTS:

A1 [LTC] Byangum Road, Murwillumbah

Nil.

A2 [LTC] Leisure Drive, Banora Point

Nil.

EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:

A1 [LTC] Byangum Road, Murwillumbah

That the "No Stopping" zone on Byangum Road associated with the existing pedestrian refuge be extended to the boundary of numbers 217 to 219 Byangum Road.

A2 [LTC] Leisure Drive, Banora Point

That:

- 1. The request for a median extension on Leisure Drive to prevent right turns into and out of the Caltex/McDonalds development is not supported however Council officers will continue to monitor this issue.*
- 2. Installation of 'Left lane must turn left' signage on Leisure Drive on the approach to the roundabout.*
- 3. Pending identification of a safe location a 'right lane must turn right' sign be installed on Darlington Drive on the southbound approach to the roundabout.*
- 4. A review of the operation of the roundabout on Leisure Drive be conducted and the report submitted to a future Local Traffic Committee meeting.*

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice v2.5.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

C1 [GM-CM] Development of Bob Whittle Airfield, Murwillumbah

REASON FOR CONFIDENTIALITY:

This report discusses commercial negotiations with potential Lessees of Council.

Local Government Act

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

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

Valid



Strengthening the Economy

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 Strengthening the Economy
 - 3.4 Provide land and infrastructure to underpin economic development and employment
 - 3.4.3 Manage Council business enterprises to provide economic stimulus and maximise returns to the community
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