



**TWEED**  
SHIRE COUNCIL

**Mayor:** Cr G Bagnall

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

# Agenda

## **Ordinary Council Meeting Thursday 20 August 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.

**Items for Consideration of Council:**

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## CONFIRMATION OF MINUTES

- 1 [CONMIN-CM] Confirmation of Minutes of Ordinary and Confidential Meeting held Thursday 16 July 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 and Confidential Council Meeting held Thursday 16 July 2015 are attached for information and adoption by Council.

### RECOMMENDATION:

**That:**

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 16 July 2015 be adopted as a true and accurate record of proceedings of that meeting.
2. ATTACHMENTS 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (f) matters affecting the security of the council, councillors, council staff or council property.

**REPORT:**

As per Summary.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice Version 2.5.

**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](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Attachment 1 Minutes of the Ordinary Council Meeting held Thursday 16 July 2015 (ECM 3732728).

(Confidential) Attachment 2 Minutes of the Confidential Council Meeting held Thursday 16 July 2015 (ECM 3732730).

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**2 [CONMIN-CM] Confirmation of Minutes of Ordinary Council Meeting held Thursday 6 August 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 that follows the Planning Committee, which was held on Thursday 6 August 2015 are attached for information and adoption by Council.

### **RECOMMENDATION:**

**That the Minutes of the Ordinary Council Meeting held Thursday 6 August 2015 be adopted as a true and accurate record of the 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](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Attachment 1

Minutes of the Ordinary Council Meeting held Thursday 6 August 2015 (ECM 3754226).

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## SCHEDULE OF OUTSTANDING RESOLUTIONS

### 3 [SOR-CM] Schedule of Outstanding Resolutions

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## Civic Leadership

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

- 1 Civic Leadership
  - 1.2 Improve decision making by engaging stakeholders and taking into account community input
  - 1.2.1 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.

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**21 AUGUST 2014**

**REPORTS FROM THE DIRECTOR ENGINEERING**

**18 [E-CM] Coal Seam Gas Free Signage**

**469**

**Cr K Milne**

**Cr M Armstrong**

**RESOLVED** that:

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

**Current Status:** In relation to 1 and 2 signs have been installed. In relation to Item 3 private landholders have been identified. A report will be submitted to the September Council meeting on the required process and associated costs including lodgement of DAs for any private landowners should they express an interest and how this would be funded.

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**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.

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**18 SEPTEMBER 2014**

**26 [NOM] Welcome to Tweed Shire Signs**

**NOTICE OF MOTION:**

**549**

**Cr K Milne  
Cr M Armstrong**

**RESOLVED** that Council brings forward a report on:

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

**Current Status:** Also linked to Item 11 - Notice of Motion "Tweed Valley Way/Tweed River Corridor" from Council Meeting of 23 January 2014 (Minute No 15 refers). Working group formed consisting of Manager Roads and Stormwater, Manager Community & Cultural Services, Economic Development Officer, and Coordinator - Communication & Customer Services, to action in first quarter of 2015/16.

Report planned for September 2015.

**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.

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**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.

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**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 and a report will be submitted to the September Planning Committee meeting.

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**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.

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16 JULY 2015

**ORDERS OF THE DAY**

**30 [NOM] Landscaping Improvements Roads and Maritime Authority**

**407**

**Cr C Byrne**  
**Cr P Youngblutt**

**RESOLVED** that Council:

1. Writes to the Roads and Maritime Service to invite them to a meeting to discuss landscaping along the freeway and highway in the Tweed Shire.
2. Writes to the Local Members for Lismore and Tweed inviting them to attend the meeting.

**Current Status:** Meeting scheduled for 22 September 2015.

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**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.

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**32 [NOM] Murwillumbah Planning Reforms and Revitalisation Plans**

**ALTERNATE MOTION**

**409**

**Cr K Milne  
Cr G Bagnall**

**RESOLVED** that Council brings forward a report on an appropriate program for a comprehensive review of Development Control Plan (DCP) - Section B22.

**Current Status:** Council resolved at its meeting of 6 August 2015 as recommended from the Planning Committee, not to include this project in the Strategic Planning and Urban Design Unit 2015/2016 Work Program. However, a report outlining the scope of this project will be tabled in 2015/2016 for consideration in 2016/2017 Work Program.

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**33 [NOM] Murwillumbah CBD**

**410**

**Cr B Longland  
Cr P Youngblutt**

**RESOLVED** 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.

**Current Status:** Estimates and report to be prepared within work priority commitments.

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**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:** Following consideration of a confidential report, Council resolved at its meeting of 16 July 2015

*“that Council:*

- a) Requests Herron Todd White to supplement their report by investigating and reporting on other potential investor/developer markets exist for the subject site;*
- b) Undertakes a parking study of the Tweed Heads area to identify areas having the potential to intensify parking;*
- c) Initiates the immediate re-classification of Lot 7035 DP 1053313 as operational land;*

*and when complete undertakes an expression of interest process as an initial step in a selective tender process to ascertain the level of interest that may exist for investor/developers from other sectors in the marketplace.”*

Staff are in the process of actioning this resolution.

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## MAYORAL MINUTE

### 4 [MM-CM] Mayoral Minute for July 2015

**SUBMITTED BY:** Cr G Bagnall, 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

- No Committee Meetings were attended by the Mayor in July 2015.
- 

## INVITATIONS / MAYORAL REPRESENTATION:

### Attended by the Mayor

- 1 July Heidi's Place Bookstore opening – 29 Wharf Street, Murwillumbah.
  - 4 July Murwillumbah Festival of Performing Arts Dance JJ Richards Scholarship Presentation – Civic Centre Auditorium, Murwillumbah.
  - 9 July Southern Cross University 2015 Rising Stars Scholarship – Kirra Hill Community and Cultural Centre, Corner Garrick Street and Powell Court, Coolangatta QLD.
  - 10 July Citizenship Ceremony – Tweed Civic Centre, Corner Wharf and Brett Streets, Tweed Heads.
  - 10 July NAIDOC Week Celebrations – Tweed Civic Centre, Corner Wharf and Brett Streets, Tweed Heads. Cr Longland also attended.
  - 10 July NAIDOC Awards Night – Twin Towns Services Club, 2 Wharf Street, Tweed Heads. Cr Longland also attended.
-

- 12 July Kingscliff TAFE Danish Study Tour Welcome Ceremony – Kingscliff TAFE, Cudgen Road, Kingscliff.
- 17 July Taste of Tweed Caldera Cook-Off – Caldera Restaurant, Kingscliff TAFE, Cudgen Road, Kingscliff.
- 25 July Dragons Abreast Mt Warning National Convention – Twin Towns Resort, Corner Griffith and Wharf Streets, Tweed Heads.
- 25 July Tyalgum Community Hall Preservation Celebration – Tyalgum Hall, Coolman Street, Tyalgum.
- 29 July Informal lunch with John Barilaro MP and Pam Christie MD TAFE NSW – Caldera Restaurant, Kingscliff TAFE, Cudgen Road, Kingscliff.
- 30 July Tweed Kenya Mentoring Program Screening – Regent Cinema, Brisbane Street, Murwillumbah. Attended by all Councillors.
- 31 July Official Opening of Chinderah Pontoon – Chinderah Bay Drive, Chinderah. Crs Byrne and Longland also attended.

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

- 9 July Tweed Heads Red Cross AGM – The Coolamon Room, Banora Point Community Centre, Leisure Drive, Banora Point. Cr Youngblutt attended.
- 23 July Presentation of Events and Festival Funding Cheques – Murwillumbah Civic Centre. Cr Youngblutt attended.

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

- Nothing to report.
- 

**REQUESTS FOR WORKSHOPS:**

Councillors did not request any additional workshops during July 2015.

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**CONFERENCES:**

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

- 5-8 July Asia Pacific Cities Summit – Brisbane Convention Centre, Corner Merrivale and Glenelg Streets, South Brisbane QLD. Cr Bagnall attended.

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

- 29 Sept-1 Oct      2<sup>nd</sup> Annual Holistic Community Safety Summit – Radisson Blu, 27 O’Connell Street, Sydney  
  
"Driving Safer Communities through engagement and technology".  
This conference is tailored specifically for the local government sector, and will explore current issues and initiatives in crime prevention and community safety, and how approaches can effectively improve and be augmented to optimise safety and create secure and inclusive communities. Sector wide discussion addressing the increasing use of drugs, including methyl amphetamine with communities, as well as how to continue leveraging crime prevention through environmental design (CPTED) as a tool for crime prevention, along with further consideration around CCTV as a crime risk management strategy.  
  
Early bird registration \$1299 or including two workshops \$1999, two flights and two-to-three night's accommodation. [www.akolade.com.au](http://www.akolade.com.au)
- 

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

- 23 July              Transfer document – Land Acquisition – Kyogle Road, Uki
  - 29 July              Request document – Road Closure and Purchase – Tweed Valley Way, Burringbar
  - 31 July              Transfer document – 751 Environ Road, Environ
- 

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## RECEIPT OF PETITIONS

### 5 [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:

- Petition containing 18 signatories and 7 form letters advising that:

***"We the Undersigned have signed this petition because of the Loss of Amenities in our neighbourhood due to Excessive Noise Pollution by unduly Loud Motorbikes from a near-by property 1091 Kyogle Road, Uki.***

***We request the Tweed Shire Council to cause the perpetrators to stop the noise."***

**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.

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## REPORTS THROUGH THE GENERAL MANAGER

### REPORTS FROM THE GENERAL MANAGER

#### 6 [GM-CM] Councillor Casual Vacancy

**SUBMITTED BY:** General Manager

Valid



### Civic Leadership

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

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

#### SUMMARY OF REPORT:

Following the resolution of Council on 2 July 2015, a request was made to the Minister for Local Government to not fill the vacancy caused by the resignation of Councillor Armstrong.

Formal advice has now been received from the Chief Executive of the Office of Local Government, under delegation from the Minister for Local Government and pursuant to Section 294(2)(a) of the Local Government Act 1993, that it has been determined to order that the casual vacancy in civic office not be filled.

For the information of Council.

#### RECOMMENDATION:

**That the advice from the Chief Executive – Office of Local Government under delegation from the Minister for Local Government and pursuant to Section 294(2)(a) of the Local Government Act 1993, that it has been determined to order that the casual vacancy in civic office not be filled, be received and noted.**

## **REPORT:**

Following the resolution of Council on 2 July 2015, a request was made to the Minister for Local Government to not fill the vacancy caused by the resignation of Councillor Armstrong.

Formal advice has now been received from the Chief Executive of the Office of Local Government, under delegation from the Minister for Local Government and pursuant to Section 294(2)(a) of the Local Government Act 1993, that it has been determined to order that the casual vacancy in civic office not be filled.

## **OPTIONS:**

Receive and note the advice.

## **CONCLUSION:**

That the advice from the Chief Executive – Office of Local Government under delegation from the Minister for Local Government and pursuant to Section 294(2)(a) of the Local Government Act 1993, that it has been determined to order that the casual vacancy in civic office not be filled, be received and noted.

## **COUNCIL IMPLICATIONS:**

### **a. Policy:**

In accordance with Section 294(2)(a) of the Local Government Act 1993.

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

There will be a saving in expenses and fees paid to Councillors during the course of the 2015/2016 Financial Year, resulting from the non- filling of the councillor vacancy.

### **c. Legal:**

Not Applicable.

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

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

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

Attachment 1.

Letter from Chief Executive - Office of Local Government dated 28 July 2015 – advising that the necessity for by-election dispensed with. (ECM 3750835)

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**7 [GM-CM] Local Government NSW Annual Conference - Motions**

**SUBMITTED BY: General Manager**

Valid



## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### SUMMARY OF REPORT:

Council considered a report at the July Council Meeting in relation to this matter and resolved the following:

- "1. Nominates Cr W Polglase, Cr B Longland, Cr K Milne and Cr G Bagnall as delegates to the 2015 Local Government NSW Annual Conference.*
- 2. Schedules a workshop to discuss potential motions for the 2015 Local Government NSW Annual Conference.*
- 3. Submits a further report to 20 August 2015 Council Meeting, to gain formal endorsement of the motions to be submitted to Local Government NSW by the closing date of 24 August 2015."*

A workshop has been scheduled to occur on 13 August 2015 to discuss the possible motions and an addendum report including those motions will be tabled.

### RECOMMENDATION:

**Refer addendum report.**

## **REPORT:**

Council considered a report at the July Council Meeting in relation to this matter and resolved the following:

- "1. Nominates Cr W Polglase, Cr B Longland, Cr K Milne and Cr G Bagnall as delegates to the 2015 Local Government NSW Annual Conference.*
- 2. Schedules a workshop to discuss potential motions for the 2015 Local Government NSW Annual Conference.*
- 3. Submits a further report to 20 August 2015 Council Meeting, to gain formal endorsement of the motions to be submitted to Local Government NSW by the closing date of 24 August 2015."*

## **Motions**

Council is invited to submit motions for consideration that adhere to the following criteria:

1. are consistent with the objects of the Association ( see Rule 4 of the Association's rules);
2. relate to Local Government in NSW and/or across Australia;
3. concern or are likely to concern Local Government as a sector;
4. seek to advance the Local Government policy agenda of the association and/or improve governance of the association;
5. have a lawful purpose - a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);
6. are clearly worded and unambiguous in nature; and
7. do not express preference for one or several members over one or several other members.

Any motions submitted by council are due by 24 August 2015 and are to be accompanied by a resolution of council supporting the submission of the motion.

A workshop has been scheduled to occur on 13 August 2015 to discuss the possible motions and an addendum report including those motions will be tabled.

## **OPTIONS:**

Council needs to consider what motions will be presented to the Local Government NSW Annual Conference.

## **CONCLUSION:**

Council needs to consider suitable motions for submission to the Local Government NSW Annual Conference.

## **COUNCIL IMPLICATIONS:**

### **a. Policy:**

Corporate Policy Not Applicable

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

Allowance is made within the Annual budget for attendance at the Annual Conference.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.

Excerpt of Rules of Local Government NSW containing Rule 4  
(ECM 3721534)

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## 8 [GM-CM] Structural Reform of Northern Rivers County Councils

**SUBMITTED BY:** General Manager

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
  - 4.2.3 Recognise the social and economic impacts of managing vegetation
- 

### SUMMARY OF REPORT:

The Minister for Local Government, The Hon Paul Toole MP, has issued a public notice calling for submissions and comments on the proposal to merge Far North Coast County Council, Richmond River County Council and Rous County Council.

Submissions and comments must be lodged by 21 August 2015.

The three county councils have the following constituency and functions:

County Council	Constituent Councils	Function
Rous Water	Ballina, Byron, Lismore and Richmond Valley	Regional bulk water supply
Richmond River	Lismore, Ballina, and Richmond Valley	Flood plain management
Far North Coast Weeds	Tweed, Byron, Ballina, Lismore City, Richmond Valley and Kyogle	Noxious weed control

The merged county council would exclude Tweed and Kyogle as constituent councils, but would still be able to supply these councils with noxious weeds management services on a contract and/or service level agreement basis.

This proposal for formation of a single Richmond Valley based county council, excluding Tweed is consistent with the Council's previously resolved position made on 18 July 2013.

### RECOMMENDATION:

**That Council:**

1. Informs the Minister for Local Government that it supports the proposal to merge Far North Coast County Council, Richmond River County Council and Rous County Council.
-

2. Council authorise the General Manager, should the restructure occur, to negotiate a service level agreement with the new entity for the provision of noxious weeds management services for an initial period of two years with a further two year option.

## REPORT:

### 1. NSW Noxious Weed Control

The implementation of noxious weed management has been the responsibility of local government in NSW since 1906

Section 35 of the *Noxious Weeds Act 1993* defines a local control authority to be:

*“The local control authority for land within a local government area is the council of the local government area or, if noxious weed control functions for that area have been conferred on a county council under any other Act, the county council having those functions.”*

Local Control Authorities, under the *Noxious Weeds Act 1993* have the following noxious weed control functions:

- a) responsibility for the control of noxious weeds by occupiers of land (other than public authorities or local control authorities);
- b) control of noxious weeds on land owned or occupied by the local control authority and on certain roads and watercourses, rivers or inland waters as provided by the Act;
- c) to ensure, so far as practicable, that owners and occupiers of land (other than public authorities or other local control authorities) carry out obligations to control noxious weeds imposed under this Act;
- d) to develop, implement, co-ordinate and review noxious weed control policies and noxious weed control programs;
- e) inspection of land within the local area in connection with its noxious weed control functions;
- f) to report, at the request of the Minister, on the carrying out of its functions under the Act;
- g) to cooperate with local control authorities of adjoining areas to control noxious weeds, where appropriate;
- h) any other functions that are conferred or imposed on the local control authority by or under the Act.

Other functions include:

- Roadside weed management: control of noxious weeds on roadsides and other lands under its control.
- Community information: informing the community about noxious weeds and occupiers' responsibilities to control them.



- Declaration: monitoring changing plant status in the environment and determining whether declaration is the best approach to managing those changes. The Minister for Agriculture is responsible for declaring weeds. Recommendations for declarations where appropriate, to the Minister currently proceed through the NSW North Coast Weeds Advisory Committee and the NSW Noxious Weeds Advisory Committee.

Tweed currently delegates (by resolution) these responsibilities to Far North Coast Weeds.

## **2. Background**

Council has previously resolved (unanimously) on 18 July 2013 that:

- "1. Council supports the creation of a new county council that incorporates all the existing functions of the current Rous Water, Far North Coast Weeds and Richmond River County Councils with a new constitution that provides the flexibility to accommodate the management and delivery of regional initiatives in the Richmond Valley region; the governance structure would include representation from Byron, Ballina, Lismore and Richmond Valley Councils. The new county council would exclude Tweed and Kyogle Shire Councils.*
- 2. To facilitate 1 above, the Minister for Local Government be advised of Tweed's position regarding the future of Far North Coast Weeds County Council and the proposed restructure into one body of the three county councils in the Northern Rivers.*
- 3. It be noted that Council's intention, should this restructure occur, is to initially negotiate a service level agreement with the new entity for provision of noxious weeds management services."*

Subsequent to this resolution, a proposal under Section 383 of the *Local Government Act 1993* for the merger of the three county councils to take effect from 1 July 2016 (copy attached) was submitted to the Minister for Local Government. Note that on page 4 of the proposal it states that:

*"It is proposed that the delivery of noxious weeds related services by the merged County Council to the constituent councils of Kyogle and Tweed occur by arrangement. It is anticipated that this arrangement would be modelled on existing financial contribution levels."*

The Minister for Local Government has now progressed the proposal to the community consultation stage.

Public submissions on the proposal must be lodged by 21 August 2015.

Tweed (and Kyogle) are only members of the Far North Coast County Council (Weeds). The other county councils provide services for councils in the Richmond Valley.

Under a current service agreement, Rous Water provides administrative support and a General Manager for the other two county councils. As there are three entities, Rous Water staff have to produce three sets of council business papers each month, three

operational/delivery plans (and other mandated plans under the Integrated Planning and Reporting Framework) and three annual reports.

There are obvious efficiencies to be gained by amalgamating these organisations and the UTS:CLG report identified the following items:

- *"Reduced governance costs through rationalisation of constituent council elected representatives*
- *Reduced statutory reporting costs through restructuring of the three county councils*
- *Increased capacity to pursue external funding sources and grants*
- *More effective organisational management enabling a concentration on services efficiency and improvements*
- *More cohesive functional approach to service delivery and NRM strategies"*

Under the proposed merger:

- Tweed Shire Council could continue to receive noxious weeds management services from the new enlarged county council, but this would be by a contract/service level agreement arrangement.
- Over time, if it so desired, Tweed could also consider other delivery mechanisms for noxious weeds management which could include in-house provision or using private contractors.
- Tweed would no longer be a constituent council member of the enlarged county council and would not have a representative on the new county council.

## **2. Joint Organisations**

The creation of regional Joint Organisations is one component of the Office of Local Government's(OLG) "Fit for the Future" reform process. The OLG contains the following information on Joint Organisations (JO):

*"Joint Organisations will provide a forum for local councils and the State to work together to deliver regional priorities, such as jobs, education, housing, roads and transport. They will help to connect local priorities from local councils' Community Strategic Plans with regional planning for growth, infrastructure and economic development and provide a means of delivering projects across council boundaries. The NSW Government is providing \$5.3 million to get the new organisations up and running in regional NSW, with the final model being developed by local councils, in partnership with the State. Joint Organisations will be established across regional NSW by September 2016.*

*Regional Joint Organisations will have three core functions:*

- *Regional strategic planning*
- *Working with State Government*
- *Regional leadership and advocacy*

*They may also decide to undertake optional functions such as:*

- *Regional service delivery*
- *Sharing skills and best practice"*

Current discussions at the NOROC level indicate a leaning towards an approach where the JO focuses initially on the three core functions mentioned above with the other optional functions to be considered only once the JO is up and running effectively.

It is therefore very unlikely that the JO would be in a position to provide these services in the near future.

### **3. Review of the merger proposal**

The UTS:CLG report presents a compelling business case for the amalgamation of the three county councils into a single entity. UTS:CLG on page 80 of their report consider the key advantages of such a merger to be:

- a. *"Promote a more coordinated approach to pursue grant funding and financing for the new entity*
- b. *The amalgamated organisation would provide the opportunity to increase efficiencies and asset utilisation across the three county councils and the sharing of personnel within the three existing operational functions*
- c. *Creates opportunities to accommodate regional services initiatives across LGA boundaries*
- d. *Maintains limited involvement having representation by only four of the current six constituent councils*
- e. *Demonstrates leadership by adopting a new county council model that supports the needs of the regional communities, and strengthens the capacity to improve service delivery*
- f. *Through the limited inclusion of only four of the current six constituent councils, the option provides limited flexibility in the structure and constitution restricting the response to regional service delivery initiatives, including water sharing arrangements*
- g. *Provides a regional platform with limited stability for integrated group strategies"*

The main disadvantage of the proposal identified by the UTS:CLG report to be noted was that *"Constituent councils will be more reliant on service agreements with the new county council entity, particularly Kyogle and Tweed."*

It is arguable that from Tweed's position, this should be seen as an advantage because it should provide much more control over our levels of service and expenditure on weed control in the long run. i.e. under the current county council model our annual contributions and levels of service are set by the county council administration on an annual basis with little input from constituent councils. Under the service level agreement model, we would have much more flexibility to vary contribution levels and levels of service to meet our current environmental and budgetary needs.

There is also the possibility that once the new county is formed, the non-constituent councils of Tweed and Kyogle would be free to make alternative arrangements if they see fit.

The proposal is consistent with Tweed Shire Council's previously resolved position of remaining separate from a Richmond Valley based regional county council.

However, in the interests of regional cooperation and to allow a smooth transition for the new single county council, it would be desirable to retain existing noxious weeds management service arrangements for the next few years. This would provide the new

county council with continuity of income and service delivery and enable Tweed to give proper detailed consideration to alternative service delivery models such as in house provision or private contract.

If the proposal were to proceed, it would be in accordance with Sections 386 and 387 of the Local Government Act 1993 which provide that:

*"386 Minister's recommendation concerning the proposal*

*After considering all representations received concerning the proposal, the Minister may recommend to the Governor that the proposal be implemented, with or without modifications, or may decline to recommend that the proposal be implemented.*

*387 Formation of county councils*

- (1) The Governor may, by proclamation, establish county councils for the purposes of this Act.*
- (2) A proclamation under this section must contain the following particulars:*
  - (a) the name of the county council,*
  - (b) a description of the county council's area of operations,*
  - (b1) the name of each council (referred to in this Part as a **constituent council**) whose area lies wholly or partly within the county council's area of operations,*
  - (c) the number of persons to be elected by each constituent council to the county council's governing body,*
  - (d) a description of the county council's functions.*
- (3) A proclamation under this section conferring functions on a county council as to the control of noxious weeds on land is to be made only with the concurrence of the Minister administering the Noxious Weeds Act 1993."*

**OPTIONS:**

Not Applicable.

**CONCLUSION:**

There is expected to be immediate efficiency gains by amalgamating Rous Water, Richmond River and Far North Coast Weeds County Councils into one operationally and financially strong organisation. This stronger and more efficient organisation should be able to deliver more cost effective noxious weeds management services to Tweed as a non-constituent council. The use of service level agreements for weed control should provide Tweed much more control over the levels of contributions and service than it has currently. It is, therefore, recommended that a submission in support of the proposed merger be lodged with the Minister for Local Government.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

Review of membership of Far North Coast County Council and mechanism to deliver noxious weeds management services to Tweed Shire.

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

A more efficient and financially stronger county council will be able to deliver more cost effective noxious weeds management services to Tweed Shire Council. Service level agreements will give Tweed Shire Council greater flexibility and control over contributions and levels of service.

**c. Legal:**

Implementation of this report will need the Minister to exercise the powers of the Local Government Act 1993, to dissolve the existing Rous, Richmond River and Far North Coast Weeds County Councils and establish a new combined county council with Byron, Ballina, Lismore and Richmond Valley as the constituent Councils (excluding Tweed and Kyogle).

**d. Communication/Engagement:**

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

A Councillor Workshop has been scheduled for 10 September 2015.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.	Proposal under Section 383 of the Local Government Act 1993: merger of the County Councils (ECM 3747282)
Attachment 2.	Minister for Local Government Public Notice calling for submissions or comment (ECM 3747270)
Attachment 3.	Rous Water Media Release 8 July 2015 (ECM 3747258)

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## REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

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

#### 79C Evaluation

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

(a) the provisions of:

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

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

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

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

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

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

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

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

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

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

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

**9 [PR-CM] Expression of Interest - Development and Licence for a new Rehoming Centre in conjunction with Tweed Council's existing Animal Pound, Stotts Creek**

**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

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**SUMMARY OF REPORT:**

Following various earlier reports to Council on the operations of Council's Pound at Stotts Creek, the matter was reported to Council's Meeting of 11 December 2014, whereby Council resolved the following:

**"RESOLVED** that:

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

In January 2015, a group of Council representatives, Councillor Youngblutt, the General Manager, Director Planning and Regulation, and Team Leader Compliance visited the combined Gold Coast City Council Animal Pound and Australian Welfare League (QLD) Rehoming Centre at Coombabah. Whilst on a larger scale, the format of this complex is consistent with an earlier proposal put forward by Friends of the Pound. On the basis of these further investigations and following further consultation with Tweed Councillors, it was decided to undertake an Expression of Interest process for suitably qualified providers for the adaptation of the existing Pound facility at Stotts Creek to a similar Council Pound/Externally Managed Rehoming Centre.

An Expression of Interest brief RFP2015054 was advertised in accordance with Council's procurement protocol and having regard to the relevant provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Submissions closed at 4.00pm (local time) on 27 May 2015.

The brief proposed a staged approach:



1. Expression of Interest process determining a short-listing of suitable applicants.
2. Report to Council seeking endorsement to proceed to a Selective Tender process using the short-listed EOI applicants.
3. Selective Tender process.
4. Report to Council seeking endorsement of a preferred applicant.
5. Council to enter into a Licence with the preferred applicant, subject to the applicant obtaining development consent and any other necessary approvals required to construct and commence operations of a joint Impounding/Rehoming Centre.

Only one submission was received from Friends of the Pound (Tweed) Inc. (FoP).

Following consultation with the General Manager and specialist procurement officers of Council, it was considered appropriate to proceed with the assessment of the FoP EOI submission on its merits. It was recognised that FoP has submitted a highly professional and comprehensive response to the selection criteria of the EOI brief, and that given the highly specialised nature of the rehoming centre service that Council is seeking, and the scale and capacity of other animal welfare organisations in both the north coast of NSW and south-east Queensland, there would be little value in re-advertising or directly contacting such organisations to make an EOI submission.

Given the specialised nature of this proposal, it was also considered prudent by Council Management to gain an independent review and assessment of the EOI. In this regard, Council engaged the services of a property development and management specialist at Lane Cove Council in Sydney, who has prepared a report with a recommendation supporting that Council proceed to enter into a Licence with FoP to progress their rehoming centre proposal.

This advice has been referenced in the Tender Evaluation Plan Report included in **CONFIDENTIAL ATTACHMENTS 1 and 2**. A summary of the Selection criteria is also included in the body of this report. On the basis of the EOI selection criteria, and in accordance with the NSW Independent Commission Against Corruption (ICAC) document, "Direct Negotiations, Guidelines for Managing Risk in Direct Negotiations", it is recommended that Council accepts the EOI submitted by FoP, and enters into direct negotiations to seek agreement on licencing/leasing arrangements, and that the outcomes of these negotiations be reported back to Council when finalised for review and endorsement.

#### **RECOMMENDATION:**

**That in respect to Contract RFP2015054 Expression of Interest - Development and Licence for a new Animal Rehoming Centre in conjunction with Tweed Council's existing Animal Pound Stotts Creek:**

1. **In accordance with the NSW Independent Commission Against Corruption (ICAC) document, "Direct Negotiations, Guidelines for Managing Risk in Direct Negotiations", that Council accepts the Expression of Interest submitted by Friends of the Pound (Tweed) Inc. ABN 83 126 970 338 and enters into direct negotiations to seek agreement on licencing/leasing arrangements;**

2. The outcomes of the negotiations referred to in Point 1 be reported back to Council when finalised for review and endorsement;
3. ATTACHMENTS 1 and 2 are 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.
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret.

## REPORT:

### Tender Background

At the Council meeting of 20 November 2014, a report recommended:

*"That Council:*

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

In respect of this recommendation, Council resolved the following:

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

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

The matter was reported back to Council's Meeting of 11 December 2014, whereby Council resolved the following:

*"RESOLVED that:*

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

In January 2015, a group of Council representatives, Councillor Youngblutt, the General Manager, Director Planning and Regulation, and Team Leader Compliance visited the combined Gold Coast City Council Animal Pound and Australian Welfare League (QLD) Rehoming Centre at Coombabah. Whilst on a larger scale, the format of this complex is consistent with an earlier proposal put forward by Friends of the Pound. On the basis of these further investigations and following further consultation with Tweed Councillors, it was

decided to undertake an Expression of Interest process for suitably qualified providers for the adaptation of the existing Pound facility at Stotts Creek to a similar Council Pound/Externally Managed Rehoming Centre.

### **Tender Advertising**

An Expressions of Interest brief RFP2015-054 was advertised in accordance with Council's procurement protocol and having regard to the relevant provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Submissions closed at 4.00pm (local time) on 27 May 2015.

The brief proposed a staged approach:

1. Expression of Interest process determining a short-listing of suitable applicants.
2. Report to Council seeking endorsement to proceed to a Selective Tender process using the short-listed EOI applicants.
3. Selective Tender process.
4. Report to Council seeking endorsement of a preferred applicant.
5. Council to enter into a Licence with the preferred applicant, subject to the applicant obtaining development consent and any other necessary approvals required to construct and commence operations of a joint Impounding/Rehoming Centre.

### **Tender Addendums**

There were no (Notice to Tenderers) issued before close of tender.

### **Tender Submissions**

<b>Tenderer</b>	<b>ABN</b>	<b>Tender Amount (inc GST)</b>
Friends of the Pound (Tweed) Inc.	83 126 970 338	N/A

### **Evaluation Criteria**

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

<b>Criterion</b>	<b>Weighting (%)</b>
Experience and Level of Performance of Applicant on Similar Business Models	30
Management Experience	30
Business Delivery Methodology	30
Local Preference	10
<b>Total</b>	<b>100</b>

### **Evaluation Summary**

Following consultation with the General Manager and specialist procurement officers of Council, it was considered appropriate to proceed with the assessment of the FoP EOI submission on its merits. It was recognised that FoP has submitted a highly professional

and comprehensive response to the selection criteria of the EOI brief, and that given the highly specialised nature of the rehoming centre service that Council is seeking, and the scale and capacity of other animal welfare organisations in both the north coast of NSW and south-east Queensland, there would be little value in re-advertising or directly contacting such organisations to make an EOI submission.

A summary of the key elements of the FoP's response to the selection criteria is provided below:

#### C1 - Experience and Level of Performance of Applicant on Similar Business Models

- FoP is a not for profit animal rescue organisation, which has been based in the Tweed Shire for over 15 Years.
- It has over 400 members.
- It is a credible animal rescue operation: in 2013/14 it re-homed 296 animals, from Council's Pound and private surrender from the public.
- It adheres to current State Companion Animals legislation and Code of Practice.
- It is financially sound, with a stable, experienced, highly qualified Committee.
- Funds are sourced from animal sales, fund raising, memberships and personal donations.
- It has no debt, minimum overheads, and does not run at a loss.
- It is wholly operated by volunteers, providing volunteer labour to Council's Pound for the last 15 years.
- The Executive Committee comprises of 5 members.
- There are Business Unit Coordinators: Pound, Dog, Cat, Booth.
- There are sub-committees for fundraising.
- FoP has a rehoming booth at Petbarn, South Tweed Heads.
- It conducts its own micro-chipping and de-sexing programs.
- It provides foster care families for dogs and cats, with 188 volunteers who will offer a temporary home.
- FoP has people qualified in WH&S, micro-chipping, first aid, companion animal services Certificate 3, veterinary nursing, animal behaviour and training, customer service, accounting and business management.
- They propose to still provide volunteer labour to Tweed Council's Pound, in conjunction with the proposed re-homing service.
- The rehoming centre will have a Coordinator, Daily Team Leader, and staff who will manage the office daily.

#### C2 - Management Experience

- FoP has an established business model and constitution.
- It carries out an annual audit of its financial records.
- It is not for profit, all funds raised goes to the upkeep of animals in care.
- It has a relatively healthy bank savings account.
- It is supported by two local vet practices at Cabarita and Murwillumbah, with MoUs in place.
- They conduct initiatives that give back to the community: discounted de-sexing and micro-chipping programs, including an annual four day de-sexing event, provides temporary care of animals for the elderly at Blue Care, Kingscliff, and assists with dog walking.

- It has various internal initiatives: WH&S policy, MoU with vets, an induction program for volunteers at Council's Pound, policies for fund raising, re-homing, questionnaires and screening of new owners of pets, partnerships with Council and private firm, and multi-faceted use of technology (web site, Facebook, Instagram, and other social media promotions).
- Policies and programs provided in the EOI submission: sub-contractor management, forward planning, risk management, problem solving and public relations.

### C3 - Business Delivery Methodology

- FoP propose to operate the re-homing centre independently, but cooperatively with Tweed Council.
- It is proposed to install a demountable office building adjacent to the rear part of the existing Pound complex.
- The FoP submission provides a plan which indicates its proposal to occupy and lease from Council the rear portion of the existing Pound complex, with some shared use of areas and facilities.
- The FoP will open their customer service functions, 10am to 3pm daily, except for public holidays, but other staff will carry out animal care activity outside of these areas.
- FoP has provided a detailed projected business operations budget for the next 3 years, which indicates a viable business case.

### C4 - Local Preference

The submission demonstrates a strong local sourcing of goods and services and its volunteer labour/membership from the Tweed Shire, with an estimated 75% local sourcing for the preparation of the DA for the new re-homing centre, a portable office from a local supplier, local finance and construction company services, fixtures and fittings, and flagged a further future expansion of their operations utilising local goods and services.

Given the specialised nature of this proposal, it was also considered prudent by Council Management to gain an independent review and assessment of the EOI. In this regard, Council engaged the services of a property development and management specialist at Lane Cove Council in Sydney, who has prepared a report with a recommendation supporting that Council proceed to enter into a Licence with FoP to progress their rehoming centre proposal. A copy of this report is provided as Confidential Attachment 3 to this report.

A copy of the Tender Evaluation Plan Report is included in ATTACHMENT 1 which is CONFIDENTIAL in accordance with Section 10A:

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

The information identifies the tenderer in relation to the tender price and the evaluation of the products offered by the tenderer. If disclosed, the information would be likely to

prejudice the commercial position of the tenderer in terms of market competitiveness by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest. Recommendations appear below for the Tender.

On the basis of the EOI selection criteria, and in accordance with the NSW Independent Commission Against Corruption (ICAC) document, "Direct Negotiations, Guidelines for Managing Risk in Direct Negotiations", it is recommended that Council accepts the EOI submitted by FoP, and enters into direct negotiations to seek agreement on licencing/leasing arrangements, and that the outcomes of these negotiations be reported back to Council when finalised for review and endorsement. The Tender Evaluation Panel recommends that Council proceed to enter into Licence with FoP to progress their rehoming centre proposal.

### **OPTIONS:**

That Council:

#### **OPTION 1:**

- a. In accordance with the NSW Independent Commission Against Corruption (ICAC) document, "Direct Negotiations, Guidelines for Managing Risk in Direct Negotiations", that Council accepts the Expression of Interest submitted by Council enters into a License with Friends of the Pound (Tweed) Inc. ABN 83 126 970 338 and enters into direct negotiations to seek agreement on licencing/leasing arrangements; and
- b. The outcomes of the negotiations referred to in Point 1 be reported back to Council when finalised for review and endorsement.

#### **OPTION 2:**

Does not accept the Expression of Interest submitted to Council by Friends of the Pound and seeks a further report on alternative options.

Option 1 is recommended.

### **CONCLUSION:**

It is considered that the Friends of the Pound have submitted a highly credible response to Council's recent EOI process, and as the sole submitters, it is considered appropriate for Council to move to direct negotiation to advance this proposal.

### **COUNCIL IMPLICATIONS:**

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

In accordance with Local Government (General) Regulations 2005.

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

The EOI proposal provides an alternative, financially feasible service to consider.

**c. Legal:**

Council has prescribed regulatory functions under the NSW Companion Animals Act.

**d. Communication/Engagement:**

Not Applicable.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*(Confidential)* Attachment 1. Tender Evaluation Report (ECM 3754097)

*(Confidential)* Attachment 2. Independent Review of EOI Submission (3754108)

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## 10 [PR-CM] Planning Proposal PP10/0007 Mooball Planning Proposal

SUBMITTED BY: Strategic Planning and Urban Design

FILE REFERENCE: PP10/0007 Pt3

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             |
| 1.5.3 | The Tweed Local Environmental Plan will be reviewed and updated as required to ensure it provides an effective statutory framework to meet the needs of the Tweed community |

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#### SUMMARY OF REPORT:

##### Updated Summary

At its meeting of 6 August 2015, Council resolved the following in respect of the current Planning Proposal:

**"RECOMMENDED** that Council note the following motion to be resubmitted with this report, for consideration at the August Ordinary Council meeting along with the submission of a relevant rescission motion from 21 November 2013.

1. *The concept layout plan prepared by the proponents and exhibited be acknowledged as conceptual only and that any future development application be based upon the detailed assessments outlined in point 4 below.*
2. *A public hearing under Section 57(5) of the Environmental Planning & Assessment Act 1979 not be held in relation to the issues raised by way of submission as the issues are not of such significance to warrant a public hearing.*
3. *The Planning Proposal be amended to incorporate the recommendations detailed within table 3 of this report (recommended post exhibition Planning Proposal amendments), with the exception of items 1, 3 & 7.*
4. *The additional studies and information referred to in item 3 and 6 of the Council resolution of the meeting of 21 November 2013 relating to further detailed site investigations and provisions relating to Lot B are not required as part of this Planning Proposal, and all commitments of the proponent made in relation to Lot*

*B are to be contained in a legally enforceable Voluntary Planning Agreement (VPA) as detailed in item 5 of Table 3 to this report. In addition, the proponents must also include within the VPA a commitment to undertake detailed flooding, geotechnical and bushfire assessments as part of any future development application to the satisfaction of Council before any development can be approved.*

5. *Following satisfactory completion of a Draft VPA referred to in Point 4, Council will proceed to finalise the Planning Proposal and refer it to the Minister for Planning & Environment in accordance with Section 58(2) of the Environmental Planning & Assessment Act 1979 for their determination.*
6. *Council proceeds to assist the proponent, where necessary, to finalise the Draft VPA and proceed to publicly exhibit the Draft Agreement for 28 days in accordance with Section 93(g) of the Environmental Planning & Assessment Act 1979, following which the VPA will be formally determined.*
7. *The commitments given to Council at the Councillor's workshop of 11 June 2015 by the proponents in regard to providing detailed guidelines on housing typology, materials, landscaping and architectural stylistic or character features that are representative of the local area are to be also incorporated within their VPA."*

In determining the above resolution, Council also sought to rescind part of a previous resolution (Points 3 and 6 of this resolution) determined at its meeting of 21 November 2013 in respect of this Planning Proposal. Points 3 and 6 of this resolution read:

- "3. On receiving an affirmative Determination Notice all outstanding studies, to include Flood Impact Study (including cumulative impacts), Geotechnical and Slope Stability Assessment and Bushfire Hazard Assessment, and works be prepared and the Planning Proposal finalised, following which it is to be exhibited in accordance with the Determination or where there is no condition or a condition requiring a public notification less than 28 days, for a period not less than 28 days; and,*
6. *Prior to any public exhibition of the Planning Proposals provisions are put in place to protect the existing agricultural land-use pursuits of Lot B and against noise complaints, protection of the existing Right of Way servicing Lot B and for the exclusive use of Lot B, provision of an adequate clear buffer to retain rural amenity for the life of Lot B as a rural Lot and Plan of how the buffer is to be maintained/managed and including during earthworks/construction phase."*

A separate Rescission Motion specifically addressing the above points is being dealt with in conjunction with this matter as a separate Agenda item.

Should the Rescission Motion be supported by Council, Council may then again seek to move the resolved motion from 6 August meeting.

It should be noted that Council received a petition containing 45 signatures relating to this matter, which was tabled at 6 August 2015 Planning Committee meeting.

The original report and recommendation from 6 August 2015 Planning Committee meeting is provided below.

Original Report

**SUMMARY**

At the Planning Committee meeting of 2 July 2015, Council considered a report detailing the progress of the Mooball Planning Proposal following its public exhibition, including a summary and response to the issues raised by public submissions. Council resolved to defer the matter until the August Planning Committee meeting to enable a workshop with Council staff regarding the critical issues of flood impact and the rationale behind the recommended lot sizes. Council officers have since carried out this workshop. In addition, Council officers have also undertaken an inspection of Lot 1 of DP 571077 with its landowner, being the active cane farm which conveys stormwater discharged from the subject site away from the Mooball village.

With the abovementioned actions completed, the remainder of this report is provided as tabled to the July Planning Committee meeting for the Councillors consideration.

Key aspects of the project covered by this report include; longstanding matters relating to the request for exclusive use of existing right-of-way, protection of 'rural amenity', and of 'agricultural pursuits' relating to the neighbouring Lot B, and several outstanding studies required by Council resolution that the Proponent has not been prepared to undertake. In part this has arisen from previous reports to Council in respect of the level of studies submitted at the strategic planning level.

The issues raised by public submissions have been consistently represented and principally relate to the impact on local character, and a genuine concern about potential flood impact, land contamination and landslip. In relation to character and in the context of the land being identified for urban development the report provides an option to increase the proposed minimum lot size while maintaining a density return that is generally within the range projected in the Council's strategic policy. Regarding the concerns raised about the physical condition of the site, the Proponent has not yet provided the additional level of detail requested by Council and as such a definitive answer on the probable risk of each cannot be given. This level of certainty is usually certified at the detailed stage of development assessment and construction certification.

An important recommendation made within the report is that any amendment to the proposed minimum lot size aimed at better preserving the area's character should also translate to the existing properties within the village. This would ensure greater uniformity between the existing and established village properties and those that would emerge in the new housing estate.

In terms of determining any decision to advancing this Planning Proposal, the officers are of the view that the proponent should firstly submit the additional studies identified in Council's previous resolutions for further consideration by Council. The preferred option recommended responds to issues raised by the community during the recent exhibition and incorporates a staged process, dependent on the proponent amending the Planning Proposal in the manner identified above, additional studies being submitted to Council, and the conclusion of a Voluntary Planning Agreement.

**RECOMMENDATION:**

**That:**

- 1. The summary of public submissions received in response to the public exhibition of the Mooball Planning Proposal, PP10/0007, during 30 July to 29 August 2014, is received as a true and accurate record.**
- 2. A public hearing under Section 57(5) of the *Environmental Planning and Assessment Act 1979* not be held in relation to the issues raised by way of submission as studies addressing certain issues, the subject of Council's Resolution of 21 November 2013.**
- 3. The Planning Proposal be amended to incorporate the recommendations detailed within Table 3 of this report (Recommended Post Exhibition Planning Proposal Amendments).**
- 4. No further action in respect of the Planning Proposal be undertaken until the additional studies required of the Proponent pursuant to Council's Resolutions of 21 November 2013 have been prepared to Council's satisfaction, submitted, and the findings made publicly available and reported to a Meeting of the Council.**
- 5. Following satisfactory completion of items in point 4, Council proceeds to finalise the Planning Proposal in accordance with the Resolutions above, and refer the amended Planning Proposal to the Minister for Planning and Environment in accordance with Section 58(2) of the *Environmental Planning and Assessment Act 1979* for their review and re-determination if appropriate.**
- 6. Council proceeds to assist the Proponent finalise their Voluntary Planning Agreement and proceed to publicly exhibit the draft Agreement for 28 days in accordance with Section 93(G) of the *Environmental Planning and Assessment Act 1979*.**
- 7. The commitment's given to Council at the Councillor Workshop of 11 June 2015 by the Proponents in regard to providing detailed guidelines on housing typology, materials, landscape cover and architectural stylistic or character features that are representative of the local area, are to be incorporated within their Voluntary Planning Agreement.**

## REPORT:

By way of background, Council has considered numerous planning reports in respect of this planning proposal over a four year period. More recently at its meeting of 21 November 2013 and 19 June 2014 four key and influential resolutions emerged, they are:

- R1. The planning proposal be updated to align with the Concept Master-plan dated August 2013 (version 5) and as referred to NSW Department of Planning and Environment for a Gateway Determination.
- R2. Prior to public exhibition, Council was to be furnished with a 'site contamination report' demonstrating compliance with the provisions of Clause 6 of *State Environmental Planning Policy 55 – Remediation of Land* (SEPP 55).
- R3. The planning proposal was to be publicly exhibited for a period not less than 28 days.
- R4. Following the public exhibition, additional studies, including a 'flood impact study', 'geotechnical and slope stability assessment' and 'bushfire hazard assessment', as well as provisions to protect the existing agricultural land-use pursuits of "Lot B" and against noise complaints, protection of an existing right-of-way and an adequate clear buffer to retain rural amenity for Lot B were to be submitted and prepared by the applicant.

Regarding the actionable component of R1 and R2 the Department of Planning and Environment (DP&E) issued a Gateway Determination for the revised planning proposal on 1 May 2014, and a satisfactory site contamination report was submitted on 2 June 2014 that addressed Council's concerns regarding the matters contained in Clause 6 of SEPP 55. No further action is therefore required.

The matters arising out of R3 and R4 are further discussed in detail below.

### Public Exhibition (R3)

The Proposal was publicly exhibited in accordance with statutory requirements from 30 July to 29 August 2014. Copies of the public notification documentation were made available on Council's website and in hard copy, at both the Murwillumbah and Tweed Heads Civic and Administration Buildings. Public notice was also published in the Tweed Link on 29 July 2014 and in addition personal property notification letters were mailed to adjoining properties. Formal notification was also given to the NSW Office and Environment and Heritage (OEH) and NSW Rural Fire Service (RFS) in compliance with the Ministerial conditions of the Gateway Determination.

The public exhibition period attracted 36 submissions, including responses from both OEH and RFS. Whilst several submissions indicated a level of support for the Planning Proposal, the majority of submissions objected to the perceived impact on rural character, the risk of flooding and land contamination from past farming activity.

A detailed public submissions table has been prepared by Council's external planning consultant, which thematically categorises the issues and provides a planning response and recommendation. A copy of the submissions table is provided as Attachment 3. Given the prominence of the rural character issue and how the proposal relates to Lot 3 DP 593194 a further comment is considered appropriate.

## Rural Character

Further to the commentary in the submission review table, the topic of rural land use and character were the chief concerns raised. Other concerns are associated generally with urban development, such as impact arising from street lighting, ambient noise and additional vehicle movements, and are not so readily ameliorated by way of planning controls; they are a corollary of more densely populated areas. These concerns have a nexus with lot size, and this was evidently understood by the community because there were suggestions of larger lot sizes being provided.

Table 1 details the planning controls of both the Planning Proposal (excluding the Deferred Matters which are intended for environmental protection and the Rural Landscape lot adjoining Lot B) and the existing Mooball village. For the purposes of this analysis, the existing Mooball village is defined as the properties within Mooball that are zoned RU5 Village under the *Tweed Local Environmental Plan 2014* (TLEP 2014).

Planning Control	Existing Village Standards	Advertised Standards of the Proposal
Zoning	RU5 Village	RU5 Village / R5 Large Lot Residential
Minimum Lot Size	450m <sup>2</sup>	450m <sup>2</sup> / 1ha
Maximum Height of Buildings	13.6m	10m
Maximum Floor Space Ratio	2:1	2:1 / 0.55:1

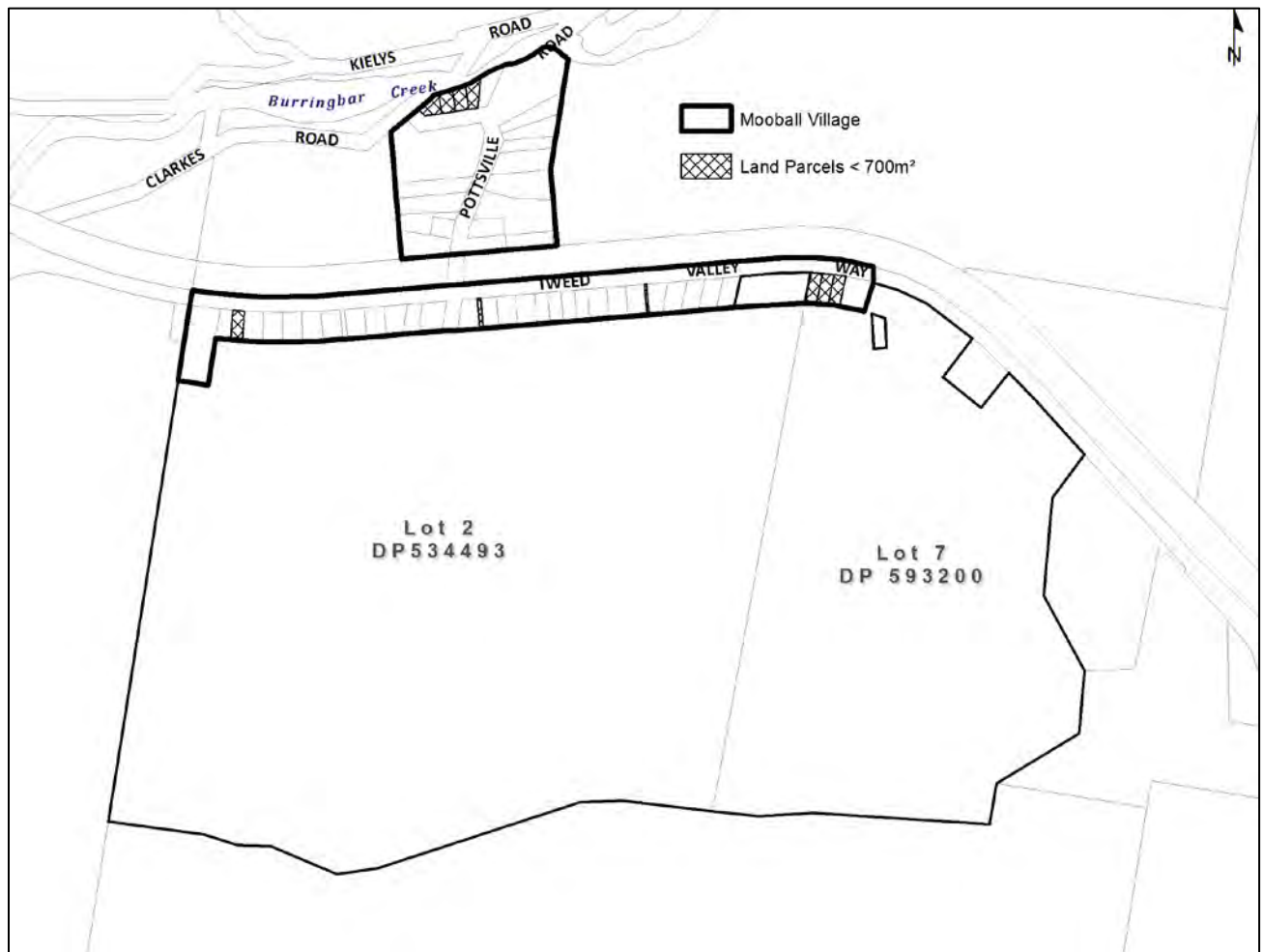
**Table 1 - Comparison of Existing Village and Publicly Advertised Planning Controls**

Gaining a better understanding of the community's concern relative to the planning controls required an analysis of the existing built form and subdivision pattern within the village. This revealed several consistent trends, which are detailed in Figure 1 below:

### Figure 1 Planning Controls Analysis - Applied Trends

Lot Size	Building height	Floor Space Ratio
The theoretical minimum lot size under the LEP is 450m <sup>2</sup> , but the majority of established lots are greater than 700m <sup>2</sup> in area. Lots that are less than 700m <sup>2</sup> in area are predominately developed in conjunction with an adjoining lot, resulting in the overall 'property' being closer to 1000 - 1200m <sup>2</sup> in area. Figure 1 identifies the properties which	The theoretical maximum building height under the LEP is 13.6m, but the village is predominately single-storey with a lesser number of two-storey buildings. The average building height, although more difficult to accurately determine, is seemingly well below 10m in height.	The theoretical maximum floor space ratio is 2:1 under the LEP, but the majority of residential development is between 0.2:1 - 0.4:1, and commercial development approximately 0.7:1.

Lot Size	Building height	Floor Space Ratio
are below 700m <sup>2</sup> in area.		

**Figure 2 – Existing Lots Below 700m<sup>2</sup> in Size**

Summarising the above, there is a significant variation between the permissible minimum and maximum development standards allowed under the TLEP 2014 and that which has actually occurred. Built to within the prescribed allowable standards the potential for impact on rural village character is considerable. This could readily manifest within the allowable limits for more dwellings per individual existing allotment, greater dwelling density, taller and bulkier buildings, and without any additional provision for public open space.

In recognition of the concerns raised by the community, regarding the potential impact arising from the proposed density within the Proposal, it is intrinsic to managing the community expectation about character to curb not only the density within the new urban area, but to ensure that the existing village properties are not capable of significant intensification with the same effect on that character.

In response, Council's planning consultant recommends that the minimum lot size within the Proposal should be increased from 450m<sup>2</sup> as advertised, to 550m<sup>2</sup>. Although Council Officers' consider 550m<sup>2</sup> to be an acceptable response given that many of the new lots would, as a result of prevailing landform and being those more visible from afar, be notably larger, a 700m<sup>2</sup> minimum would be more consistent with the villages established subdivision pattern, and align more closely with the finding of the analysis discussed above.

As lot size is one of the determinative factors for establishing character it follows that a larger more uniform lot size would provide a better response to the community's concerns. Therefore, an option is available to Council to increase the minimum lot size to 700m<sup>2</sup>, and should be accompanied with the other related planning standards detailed in Table 2 below.

Planning Control	Recommended Standard
Minimum Lot Size	700m <sup>2</sup>
Maximum Height of Buildings	10m
Maximum Floor Space Ratio	0.55:1 (Residential) 0.8:1 (Commercial)

**Table 2 - Recommended Planning Control Standards**

As it is understood from the Proponent, the greatest threat to the proposed development, from a 'viability' perspective, is the increase in lot size from the publicly advertised 450m<sup>2</sup> up to 700m<sup>2</sup>. No information has been tendered, including at the Councillor Workshop of 11 June, to substantiate that particular point or that otherwise provides a cogent argument for maintaining smaller lot sizes on purely economic grounds.

#### Contextual References Relating to Greenfield Development

Beyond the issue of current economic viability, it is critical to consider Council's existing planning framework as it applies to the Proposal, namely the *Tweed Urban and Employment Land Release Strategy 2009* (TUELRs). In this regard, the proposed rezoning is not occurring outside of broader strategic framework and visions, indeed this site has been identified within the Council's urban land release program in one form or other for many years, and presently represented in the TUELRs, where site is identified as 'Area 9'. Notable statements within the TUELRs include:

- *Ensure that the limited "greenfield sites" available in the Tweed Shire are developed to their maximum capability without compromising the quality of the natural or living environment; (p.2)*
- *All investigation areas identified in this Strategy need to be designed to maximise the density yield of the land. It is expected that greenfield sites located in the more remote rural areas, such as Burringbar (Area 8), Mooball (Area 9), and West Murwillumbah (Area 2 and 3), will achieve a net density between 7 – 13 dwellings per hectare (equating to 770 - 1428m<sup>2</sup> average lot sizes). (p.76)*

When marrying those density targets with the land area of Area 9 as identified in the TUELRs a yield of 259 - 481 dwellings is anticipated. Through the process of the Proposal the footprint of Area 9 has been investigated beyond the desktop analysis of the TUELRs strategy, compromises made, and a refined footprint identified. In this regard, the village footprint identified for development has been reduced, as displayed in Table 2, a result of environmental corridors, wastewater provision, separate land ownership and the preservation of Lot B and associated buffers. The development footprint being pursued within the Proposal has resulted in an amended estimated yield of 165 - 306 dwellings.



	Land Area Gross (ha)	Land Area Net (ha)	Anticipated yield (Density of 7 - 13 dwellings per net ha)
Urban Land Release (Desktop Analysis)	46	37	259 - 481
Subtract environmental corridors	7.2	5.76	40 - 75
Subtract Lot B and associated buffer	2.4	1.92	13 - 25
Subtract land identified for wastewater provision	1.9	1.52	11-20
Subtract land under separate ownership (subject to separate proposal)	5.6	4.48	31 - 58
Subtract land under separate ownership	0.4	0.32	2 - 4
Add land identified as suitable post rationalising of Urban Land Release Area footprint identified and constraints	0.9	0.72	5 - 9
Urban Land Release (Tested outcome)	29.4	23.52	165 - 306

**Table 2 - Amendments of the Release Area through the Planning Proposal Process**

Whilst the ultimate yield of the Proposal is difficult to ascertain at this stage, as a development application ready concept plan is not available, current indications are that a yield of about 250 dwellings within the Village footprint (as well as a further 21 dwellings within the Large Lot Residential Footprint) can be expected based on the 450m<sup>2</sup> minimum lot size. Whilst an increase in minimum lot size to 700m<sup>2</sup> will further reduce the anticipated yield, the yield should nonetheless still be within the desired range (most likely at the lower end) estimated in the TUELRs.

Strategic land-use planning requires a balancing of competing issues and interests, and in particular taking into account the long-term cumulative impact. In this instance, reducing density by way of lot yield will ultimately place additional pressure on the supply of additional land over time, as well as, increasing the new residential population's running costs by under utilisation of infrastructure and smaller number of 'customers'.

At the same time, the need to maximise land-use efficiency should not occur at the expense of the Shire's heritage and unique characteristics, but which also takes into account how those 'localised' characteristics may also change over time.

The Council officer's recommended option to increase the minimum lot size is not as a result of site constraints or an evidence-base that identifies that a minimum lot size of 450m<sup>2</sup> is not feasible, to the contrary it is probably more feasible than a larger minimum requirement because of the inherent flexibility to design in accordance with the site constraints and opportunities.

The increase in minimum lot size option recommended does however provide an LEP framework that reflects the existing condition and character of Mooball village, as it is today. In addition, the preservation of character, in this instance, is not considered to compromise the strategic framework as the densities and yields achieved are in keeping with the

numerical targets adopted. This is a reasonably balanced approach that looks to address the opportunities and impacts associated with expanding the existing Mooball village whilst retaining some aspect of its current character.

At the Councillor Workshop the Proponent advanced an interesting observation. Prior to the opening of the Burringbar Waste Water Treatment Plan there was very limited potential for subdivision or development in the Mooball village, and consequently the existing character was not a product of the prevailing planning controls but more to do with infrastructure limitations, which acted to stifle development opportunity. The character of the village, if it is defined or shaped by the long standing planning controls, has only had 3 years to start its transition or transformation, and if those planning 'rights' were fully taken up it would lead to a very different village scale and therefore character than the one existing today.

The Proponent's Councillors' Workshop presentation notes are provided as Attachment 5 to this report.

In any event, and as ultimately decided through the adoption of the TUELRs, the character of the broader village area has been strategically planned to enable change, and with that will be the loss of rural characteristics within the boundary of the new village, as defined by that Strategy.

#### The Existing Village

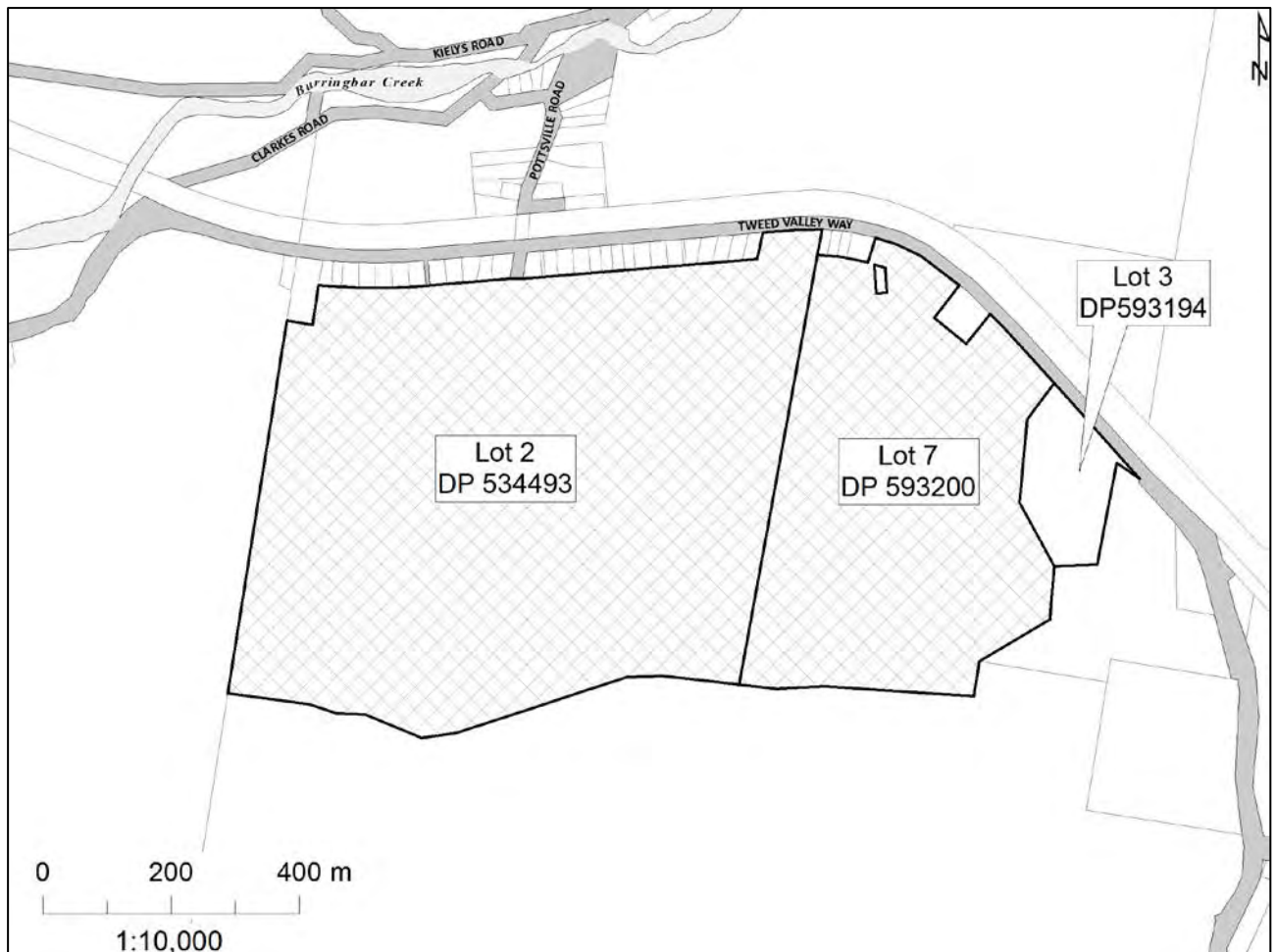
A further consideration of relevance should the development standards identified within Table 2 be adopted is whether those provisions should also be applied to the existing village properties.

As discussed above, there is a significant difference between the existing character of Mooball village and what is possible under the Tweed LEP 2014. As such, currently permitted development could significantly change the existing character without the influence of the potential release area. If, as the public submissions suggest, there is a strong preference to preserve the existing character within reasonable limits, it must follow that the existing properties be bound by the same standards proposed for the new housing estate. This need not be carried out simultaneously if it is to delay the current planning proposal and can be programmed at a later date. This would require a further public exhibition.

#### Protection of buffers to Lot 3 DP 593194

An additional matter where Council Officers recommend differently to Council's Consultant relates to bushfire protection provisions for Lot 3 DP 593194 (Lot 3).

Lot 3 adjoins the subject site to the east (as shown in Figure 3) and is currently used for farming, including a banana plantation. An existing dwelling is located close to the lot boundary and as such, the owner has maintained a relationship with the current owners of the subject site to ensure a cleared buffer area on the subject site so as to achieve a BAL-19 rating (Bushfire Attack Level) for the dwelling. During the public exhibition period, concerns were raised that if the land were to be developed, future owners may vegetate this area and erode the bushfire safety of the existing dwelling.

**Figure 3 – Location of Lot 3 DP 593194**

While the Proposal itself does not include any proposed planting for this area, there are no established planning controls to ensure that an appropriate bushfire buffer area is maintained in perpetuity. The area of the subject site referred to is proposed to be zoned R5 Large Lot Residential, accordingly the maintenance of an appropriate bushfire buffer is not considered to be a significant imposition on future land owners. Consequently, it is recommended that the maintenance of a BAL-19 rated (or better) buffer area is essential and must form part of the Proponent's planning commitments to be included within the planning agreement.

#### **Additional Studies (R4)**

Post public exhibition, the applicant submitted correspondence to Council in relation to the detailed additional studies, including a Flood Impact Assessment prepared for the site. A copy of the correspondence is provided as Attachment 4. To paraphrase the Proponent's advice there is no apparent intention to provide the detailed studies for bushfire or geotechnical and slope stability as required of them by Council's resolution.

In light of this impasse between the Council and the Proponent, Council is not able to progress the planning proposal beyond those recommendations provided.

## Provisions relating to Lot B

To-date, no further information or amended proposal has been submitted by the Proponent to Council regarding the interface of the proposal and Lot B, and in response to Council's resolutions regarding:

- *To protect the existing agricultural land-use pursuits of Lot B and against noise complaints*
- *Protection of the existing Right of Way servicing Lot B and for the exclusive use of Lot B*
- *Provision of an adequate clear buffer to retain rural amenity for the life of Lot B as a rural Lot and Plan of how the buffer is to be maintained/managed and including during earthworks/construction phase.*

These are matters that have been referred to the Proponent for their immediate consideration and response, but who are seemingly of the view that actions taken to-date and commitments to be embodied within the planning agreement are sufficient. There is general agreement with the Proponent on this point, but notwithstanding this, Council is bound to act on the resolutions of Council and as such require the additional information to enable them to progress the planning proposal.

## Post Public Exhibition Recommendations

In summary of the discussions of this report, Table 3 below details the Option to increase the minimum lot size and other recommended amendments to the Planning Proposal arising after consideration of the issues raised by public submissions:

Action	Recommendation
1.	Increase to the minimum lot size from 450m <sup>2</sup> to 700m <sup>2</sup> .
2.	Decrease the maximum Floor Space Ratio provisions from 2:1 to 0.55:1 for residential development and 0.8:1 commercial development footprint
3.	Increase the minimum lot size for the land area identified within Figure 1 of the Public Submissions Review Table, (Attachment 3) from 1ha to 3ha.
4.	Removal of the Clause 4.2A overlay from land proposed to be zoned R5 Large Lot Residential.
5.	The maintenance and management of the prescribed buffer to Lot B including during earthworks/construction be subject to a Planning Agreement. Include within the Planning Agreement that the Right of Way benefitting Lot B shall not form part of the public road network within any future subdivision and a requirement that information be made available to potential purchasers of the existing agricultural pursuits of the locality and the keeping of fowl on Lot B.

Action	Recommendation
6.	The maintenance of a cleared buffer to the existing dwelling on Lot 3 DP 593194 to ensure the retention of a BAL-19 standard (or better), and incorporated within a legally binding agreement, e.g., s 93F Planning Agreement.
7.	Resolve to prepare a Planning Proposal to extend the Village development standards of the Proposal throughout the existing Mooball village.

**Table 3 - Recommended Post Exhibition Planning Proposal Amendments**

If adopted, the recommendations would need to be incorporated in to the Planning Proposal prior to it being forwarded to the Minister for Planning and Environment under Section 58(2) of the *Environmental Planning and Assessment Act 1979*. Whilst these processes will increase the projects timeline the Proposal could still be completed prior to 8 February 2016 however, this is only achievable should Council resolve to no longer require the additional detailed studies previously requested.

#### Remaining Processes and Timeline for the Proposal

On 1 May 2013, NSW DP&E issued a Gateway Determination for the Proposal, within which a 12 month period was prescribed in order to complete the Proposal. Various delays incurred post exhibition and additional resourcing required by Council's project team meant that an extension was sought and granted by DP&E until 8 February 2016. As public exhibition of the Proposal has been undertaken, Council is now in a position to finalise the Proposal and pursue steps in order to have the Proposal made, thereby amending the Tweed LEP 2014. This can only occur with the timely cooperation of the Proponent and should Council resolve to no longer require the additional studies and information previously requested, including the information pertaining to the 'protection' of Lot B's interests.

On its current trajectory it is unlikely the Planning Proposal will be completed by the deadline of February 2016.

#### **OPTIONS:**

That Council endorse:

#### **Option 1 (The Recommended Option)**

Council proceeds with the Planning Proposal, as exhibited, and as amended with the addition of the recommendations detailed within Table 3 (including the increase to the minimum lot size up to 700m<sup>2</sup>) of this report, and subject to the submission of the additional information required by Council's earlier resolution of 21 November 2013.

OR

#### **Option 2**

Council proceeds in accordance with Option 1, but resolves that the additional information required by Council's earlier resolutions is no longer required. A complete set of suitable recommendations is:

1. The summary of public submissions received in response to the public exhibition of the Mooball Planning Proposal, PP10/0007, during 30 July to 29 August 2014, is received as a true and accurate record.
2. A public hearing under Section 57(5) of the *Environmental Planning and Assessment Act 1979* not be held in relation to the issues raised by way of submission as the issues are not of such significance to warrant a public hearing.
3. The Planning Proposal be amended to incorporate the recommendations detailed within Table 3 of this report (Recommended Post Exhibition Planning Proposal Amendments).
4. The additional studies and information referred to in Item 3 and Item 6 of the Council Resolution to the Meeting of 21 November 2013 relating to further detailed site investigations and provisions relating to Lot B are not required as part of this Planning Proposal, and all commitments of the Proponent made in relation to Lot B are to be contained within a legally enforceable planning agreement as detailed in Item 5 of Table 3 to this Report.
5. Following satisfactory completion of items in point 4, Council proceeds to finalise the Planning Proposal in accordance with the Resolutions above, and refer the amended Planning Proposal to the Minister for Planning and Environment in accordance with Section 58(2) of the *Environmental Planning and Assessment Act 1979* for their review and re-determination if appropriate.
6. Council proceeds to assist the Proponent finalise their Voluntary Planning Agreement and proceed to publicly exhibit the draft Agreement for 28 days in accordance with Section 93(G) of the *Environmental Planning and Assessment Act 1979*.
7. The commitments given to Council at the Councillors Workshop of 11 June 2015 by the Proponents in regard to providing detailed guidelines on housing typology, materials, landscape cover and architectural stylistic or character features that are representative of the local area, are to be incorporated within their Voluntary Planning Agreement.

OR

**Option 3. Council proceeds in accordance with Option 2, but maintains the minimum lot size at the exhibited 450m<sup>2</sup>. A complete set of suitable recommendations is:**

1. The summary of public submissions received in response to the public exhibition of the Mooball Planning Proposal, PP10/0007, during 30 July to 29 August 2014, is received as a true and accurate record.
2. A public hearing under Section 57(5) of the *Environmental Planning and Assessment Act 1979* not be held in relation to the issues raised by way of submission as the issues are not of such significance to warrant a public hearing.

3. The Planning Proposal be amended to incorporate the recommendations detailed within Table 3 of this report (Recommended Post Exhibition Planning Proposal Amendments), except Item 1. The minimum lot size is to remain at 450m<sup>2</sup>, as publicly exhibited.
4. The additional studies and information referred to in Item 3 and Item 6 of the Council Resolution to the Meeting of 21 November 2013 relating to further detailed site investigations and provisions relating to Lot B are not required as part of this Planning Proposal, and all commitments of the Proponent made in relation to Lot B are to be contained within a legally enforceable planning agreement as detailed in Item 5 of Table 3 to this Report.
5. Following satisfactory completion of items in point 4, Council proceeds to finalise the Planning Proposal in accordance with the Resolutions above, and refer the amended Planning Proposal to the Minister for Planning and Environment in accordance with Section 58(2) of the *Environmental Planning and Assessment Act 1979* for their review and re-determination if appropriate.
6. Council proceeds to assist the Proponent finalise their Voluntary Planning Agreement and proceed to publicly exhibit the draft Agreement for 28 days in accordance with Section 93(G) of the *Environmental Planning and Assessment Act 1979*.
7. The commitments given to Council at the Councillors Workshop of 11 June 2015 by the Proponent's in regard to providing detailed guidelines on housing typology, materials, landscape cover and architectural stylistic or character features that are representative of the local area, are to be incorporated within their Voluntary Planning Agreement.

The Council officers have recommended Option 1.

## **CONCLUSION:**

The Mooball Planning Proposal has been publicly exhibited after a long period, and attracted a total of 36 submissions. Following a review of the issues raised a number of planning recommendation were formulated to provide Council with an option for addressing some of the more prevalent concern. Principally, the character of the village was central theme and it is recommended that an option for a larger lot size that may be seen as more in keeping with the current village as well as corresponding amendments to the existing village properties to ensure that uniformity will exist in to the future.

Whilst those amendments detailed in the body of the report can be readily incorporated, it has highlighted a critical impasse in the process of this planning proposal. Council has resolved on several occasion that the Proponent is to provide further particulars and studies, but those requests have not been taken up. This stalemate has resulted in queries from the local community but without the information or direction to provide answers.

The outstanding information, including preparation, detailed investigation of Flood Impact Assessment, Geotechnical and Slope Stability, Bushfire Hazard Assessment, and those matters relating to the amenity and protection of Lot B, must either be provided, or Council must resolve that this information, or part thereof, is no longer required.

The exhibition and making of a Planning Agreement relating to wastewater, Aboriginal Cultural Heritage and protection measures for Lot B DP 419641 and Lot 3 DP 593194, is required any case.

In terms of the recommended option the proposed amendments, along with those studies previously considered and reported on, are suitable for the rezoning to occur, subject only to the making and registration of a legally enforceable planning agreement.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable

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

Not Applicable

**c. Legal:**

Not Applicable

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.	Council report of 21 November 2013 (ECM 3700102)
Attachment 2.	Council report of 19 June 2014 (ECM 3700103)
Attachment 3.	Submissions Response Table (ECM 3700104)
Attachment 4.	Correspondence received from the proponent, dated 5 April 2015 (ECM 3700106)
Attachment 5.	Planit Consulting's Councillor Workshop Presentation Notes (ECM 3701799)

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## REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

### 11 [CNR-CM] Draft Policy - Graffiti Vandalism Management

SUBMITTED BY: Recreation 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
2.1.4	Provide education and advocacy to promote and support the efforts of the police, emergency services and community groups to improve the safety of neighbourhoods and roads

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#### SUMMARY OF REPORT:

At its meeting held 21 May 2015, Council considered a Draft Graffiti Vandalism Management Policy and resolved that Council:

1. *Places the Draft Policy Graffiti Vandalism Management on exhibition for a 28 day period inviting submissions.*
2. *Staff bring back a further report after the exhibition period.*

The exhibition period closed 7 July 2015 at which time eight submissions were received generally in support of the policy. This report summarises the comments within the submissions and any recommended amendments to the draft policy.

#### RECOMMENDATION:

**That Council adopts the Draft Graffiti Management Policy as exhibited.**

## REPORT:

At its meeting held 21 May 2015, Council considered a Draft Graffiti Vandalism Management Policy and resolved that Council:

1. *Places the Draft Policy Graffiti Vandalism Management on exhibition for a 28 day period inviting submissions.*
2. *Staff bring back a further report after the exhibition period.*

The exhibition period closed 7 July 2015 at which time eight submissions were received as outlined in the table below. The full submissions are included as an attachment to this report.

	<b>Submission</b>	<b>Response</b>	<b>Change to draft policy</b>
Banora Point and District Residents Association	Would like to see Council take responsibility for removal of graffiti from fences which have a public walkway beside their homes.	Removal of graffiti from fences beside walkways is addressed in the draft policy. The response time will be dependent on the location in accordance with the draft policy. Undertaking graffiti removal works on private fences will be undertaken in accordance with Part 4 of the Graffiti Control Act 2008 as described in the draft policy.	Nil
Resident	Support for draft policy. Believes legal graffiti wall on Tweed River lessens graffiti	Nil	Nil
Resident	Support for draft policy. Believes legal graffiti wall on Tweed River lessens graffiti	Nil	Nil
Earth Learning Inc.	Commends Council on the draft policy. Providing legal alternatives will assist in limiting graffiti vandalism. Looks forward to the draft policy aligning with Public Art Policy and Tweed Youth Strategy	Nil	Nil

	<b>Submission</b>	<b>Response</b>	<b>Change to draft policy</b>
Resident	Scope of policy excludes vandalism in its myriad of forms including wilful destruction of property, physical damage, unauthorised removal of property and antisocial behaviour. Has attempted to communicate with Council on graffiti prevention strategies and the application of urban art. Implores Council to work with myself and other cultural leaders to ensure graffiti management strategies are executed to standards of best practice.	The scope of the draft policy is Council's service level response to graffiti vandalism. Other forms of vandalism are often outside the control of Council and it is not practical to include all of these elements into a policy. The issue of graffiti prevention strategies for young people aged 12-24, will be addressed through the Youth Council and programs delivered by community partners. Requests for graffiti art on public assets will be considered and administered through the Public Art Reference Group.	Nil
Pottsville Beach Neighbourhood Watch	Greatly support the draft policy. Historically Pottsville has had a dedicated voluntary group of graffiti removalists, recently brought under the umbrella of Neighbourhood Watch. The cost of removal has been covered by donations from community organisations. The volunteer group is ageing and capacity to provide free time is diminishing. Would like Pottsville included in High Profile areas under village centres. Identified a number of hot spots in Pottsville.	The work of volunteers in Pottsville is acknowledged. Pottsville village centre would be included under the definition of 'high profile areas' in the policy. The list of hot spots is noted, noting that a number of the assets listed are not Council owner or managed.	Nil
Resident	Notes no graffiti in Singapore. Suggest a ban of materials across the State or Nationally.	Suggestions are outside the scope of the draft policy and Councils authority	Nil

	Submission	Response	Change to draft policy
Resident	Commends Council on initiative in formulating the draft policy. General comments on the impact of graffiti vandalism and the propensity for offenders to prefer high profile areas. Notes Roads and Traffic Authority is slow to respond. Suggests on line reporting facility. The onus should be on preventing crime in the first place which requires cross organisational cooperation. Suggests mapping 'tags' to assist in recording an individual's area and assist in prosecution. Acknowledges some of these suggestions are outside Council's responsibility.	Graffiti prevention strategies, for young people aged 12-24, will be addressed through the Youth Council and programs delivered by community partners.	Nil

### Summary

The submissions are generally in support of the draft Graffiti Vandalism Management Policy with no objections received. A number of the submissions make comment and recommendations in relation to the need for diversionary programs which may include, but are not limited to, educating young people on the legal and community consequences of graffiti vandalism, fostering community based (legal) graffiti art in suitable public locations and spaces, establishing a legal graffiti wall.

### OPTIONS:

1. That Council adopts the Draft Policy Graffiti Vandalism Management without amendments.
2. That Council adopts the Draft Policy Graffiti Vandalism Management with amendments as determined by Council.
3. That Council does not adopt the Draft Policy Graffiti Vandalism Management.

### CONCLUSION:

The issue of Council's service level response to graffiti vandalism is one that is raised on a regular basis. The most appropriate mechanism to address this issue and provide a clear and agreed service level is in a Graffiti Vandalism Policy.

The service levels proposed in the draft policy are considered appropriate in terms of effective management of graffiti vandalism, and also consider the capacity of Council to sustainably resource the management of graffiti vandalism.

The submissions received during the exhibition period indicate that the adoption of the policy may result in an increased level of reporting and expectation from particular areas within the community. The impact of the policy on Council resources and the costs to implement the service levels will be monitored and any significant impacts will be reported to Council to determine whether a policy or budget response is required.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Adoption of the Graffiti Vandalism Management Policy.

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

Service levels will be monitored to determine any additional cost implications.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

The draft policy and submission period was promoted through a Tweed Link article, media release and a number of media interviews.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

(Confidential) Attachment 1. Copy of Submissions (ECM 3744093)

Attachment 2. Draft Policy - *Graffiti Vandalism Management* (ECM 3663798)

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## 12 [CNR-CM] Tweed Regional Museum Redevelopment 1st Anniversary Update

**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

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#### SUMMARY OF REPORT:

On 31 August 2014, the Tweed Regional Museum (TRM) at Murwillumbah reopened to the public. The occasion marked two and a half years of extensive development across all areas of Museum operation.

Between 2012 and 2014 work was completed on construction and fit out of a purpose designed collection storage facility, implementation of new collection management systems, construction of a new Museum at Murwillumbah, and development and implementation of new programs. These achievements mark the beginning of a new era for TRM.

During the first year since reopening Murwillumbah, facilities and programs have been well received, and there has been significant growth in visitor numbers and increased interest in history and heritage. Collaborative relationships across Council and with key community organisations, commissioning of curriculum based education programs, and successful funding bids have underpinned Museum activities. TRM has developed a significant on-line presence promoting the collection.

A survey benchmarking facilities, programs, and visitor experience, and exploring the path to establishing the Museum on a sustainable footing has been completed. Data indicate that Museum redevelopment has been positively received, and a strong base developed from which to deliver significant outcomes for residents, ratepayers and visitors into the future. However, more frequent opening of the Murwillumbah facility on weekends has been identified as a priority.

A review of the 2004 Memorandum of Understanding between Council and the three Historical Society partners in the Museum has also been completed. A Service Agreement setting out clear roles and parameters for Council's commitment to the Societies in relation to their support for the Museum is currently being drafted for presentation to the Museum Advisory Committee and is anticipated to be in place by the end of 2015.

**RECOMMENDATION:**

**That Council:**

- 1. Notes the update on the Tweed Regional Museum activities.**
- 2. Notes and endorses the development of a new Service Agreement between Council and Historical Societies in relation to the Tweed Regional Museum.**

## REPORT:

### **Museum Audience Evaluation study, visitor comments**

A major survey was undertaken by Museums and Galleries NSW (mgNSW) during the second half of 2014 to simultaneously survey visitors to the Tweed Regional Museum (TRM), the Newcastle Museum, and the Museum of the Riverina. The resulting report benchmarks TRM against these and against regional galleries (based on a similar survey of galleries undertaken in 2011). Data collected across a wide range of topics provides a base against which TRM can measure future performance. A sample of findings:

- 62% of TRM visitors spent between 30 minutes and 1 hour at the Museum, and 23% 1-2 hours. This compared well with other museums and with the gallery sector.
- 73% of visitors to the TRM identified 'to connect with local history' as best describing their reason for visiting, the next most cited reason was 'to learn new things'.
- 98% of TRM visitors surveyed rated their experience as 'good' or 'terrific'.

Open-ended feedback provided by respondents to this survey and general visitors to TRM Murwillumbah has been overwhelmingly positive, with many exclamations of 'excellent', 'loved it', 'extremely interesting', 'fantastic', 'stunning' and similar. A selection of comments:

- "Excellent history on the area. Vast and interesting to say the least – thank you for the exceptional gift to the community"
- "Best presented museum I've seen in a regional area. Excellently done"
- "Modern display that makes you think back in time and want to know more. A taste of the past to apply to the future."
- "Should be required viewing for all visitors to the Tweed Valley"
- "We have been doing projects about ANZAC and I really like that you can see in 3D".

A small number of comments have offered useful feedback and very few express a negative experience. Almost without exception, the latter express nostalgia for the old Museum.

### **Visitors**

More than 8,500 individuals visited TRM Murwillumbah during the ten months to June 2015. This figure compares well to the last full year of operation prior to redevelopment (2011) when 720 people visited Murwillumbah, and a total of 3,040 visited all Museum sites. Based on these figures, visitors to TRM Murwillumbah in the first 10 months increased almost 12 fold on those attending that site during all of 2011.

### **Program Development**

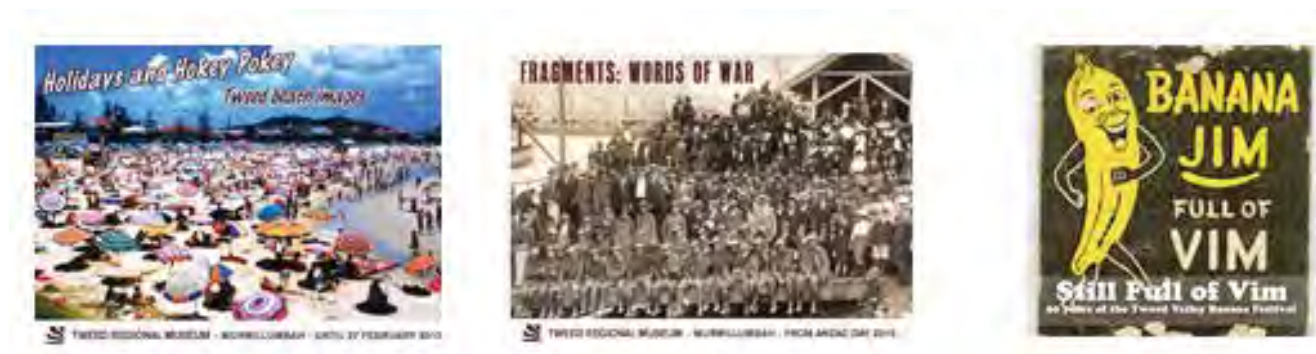
The TRM program is focussed around events of significance; on building relationships with potential partners across Council and within the community; and on developing a significant on-line presence promoting the TRM collection.

Opening displays at TRM Murwillumbah showcased collection strengths and provided an overview of the history and heritage of the Tweed. A subsequent program of temporary displays has emphasised collaboration and events of significance to the community. Examples include:

- *Holidays and Hokey Pokey: Tweed beach images*, a collection based display presented over the 2014/15 summer break.
- *Fragments: words of war*, developed in collaboration with the Murwillumbah sub-branch of the RSL.



- *Still Full of Vim: 60 years of the Tweed Valley Banana Festival*, developed in collaboration with the Festival Committee



More than 5,000 TRM collection items are now available on-line through eHIVE and the National Library of Australia's research portal TROVE. Significant exposure was also achieved through collaboration with GOLD FM radio on the *Tweed Tall Tales* campaign.

Research and production of *Wonderful Wunderlich*, a guide to heritage ceilings around Murwillumbah town centre, has supported the Council initiative LOOK UP!

A major Arts NSW grant of \$52,500 will support three projects involving collaboration with Community and Cultural Services colleagues within Council, members of Council's Aboriginal and Equal Access Committees, and the Tweed community during 2015-2017:

- *Wollumbin's Country*, research and publication documenting the historic record of Aboriginal people in the Tweed Valley.
- *Untold Stories: Living with Ability*, will document and display the experiences of people living with a range of impairments, through oral and video recording and artefacts.
- *Rites of Passage*, working with young people to explore contemporary experiences of 'rites of passage'.

Commissioning of an extensive education program mapped to primary and secondary school curriculums, and including Museum-based activities will be rolled out to schools in 2016, adding to two permanent activity stations recently installed at the TRM Murwillumbah:

- *Signed, Sealed and Delivered*, a letter writing activity based around the Museum's collection of Bray children's letters dating back 100 years; and
- *My Museum*, an activity encouraging children to 'curate' and label their own display.

### Opening hours

To explore patterns of visitation to TRM Murwillumbah the Museum opened seven days a week September – November 2014. Attendance was not high on weekends, particularly on Sundays. Due to very limited resources, TRM Murwillumbah has opened only one Saturday a month since December 2014. However, due to consistent feedback regarding the inadequacy of these hours, weekend opening hours are currently being reviewed.

### A sustainable future

A review of the MOU between Council and the three historical Societies in relation to the Museum was identified as a priority in TRM Strategic Plan 2014-2017. Workshops with each of the Societies and Council's Museum Advisory Committee were completed in May and the consultant's Synthesis Report was provided to Council in June 2015.

A Service Agreement (SA) between Council and the Historical Societies (2016 - 2017) informed by the review process is being drafted. The Service Agreement will set out the basis of Council's provision of buildings, equipment, and operational support to the Societies in the context of TRM operations. In particular, Council's expectation that the Societies commit to implementation of key aspects of Museum operation relating to collection development and management, to TRM and Council branding promotion, and to program development and implementation, managed by Museum staff and coordinated through the Museum Advisory Committee (MAC). Below is the proposed timeframe for negotiation and implementation of the Agreement.

13 August	Agreement outline, process presented to MAC.
3 Sept	Draft Agreement to special MAC meeting, and Societies via MAC reps.
2 October	Due date for Historical Society responses to draft Agreement.
8 October	Scheduled MAC meeting.
20 November	Update report to Council.
January 2016	Agreement in place.

#### **OPTIONS:**

That Council notes this report.

#### **CONCLUSION:**

Following a period of extensive redevelopment the Tweed Regional Museum, and in particular the Murwillumbah site, has established a strong profile. Extended weekend opening hours and negotiation of a new Service Agreement with the Historical Societies will ensure TRM collection and programs are professionally managed on a sustainable footing, and that TRM is well positioned to deliver significant outcomes for residents, ratepayers and visitors into the future.

#### **COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

Proposed costs associated with the opening of TRM Murwillumbah each Saturday will be met from within current Museum operational budget by reprioritising existing programs.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Involve/collaborate** - Extensive consultation with key Historical Society partners in the Memorandum of Understanding (MOU) and the Museum Advisory Committee has informed MOU review and proposed Service Agreement. Future Museum programs, including education programs will be developed through ongoing collaboration with key partners and the community, where appropriate. Museum programs and services are responsive to regular feedback via formal and informal surveys and other mechanisms.

Workshop undertaken with Council on 23 July 2015.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**13 [CNR-CM] Adoption of new Strategic Business Plan for Tweed Regional Gallery & Margaret Olley Art Centre 2016-2018**

**SUBMITTED BY:** Community and Cultural Services

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
- 3.1.3 Provide opportunities for visitors to enjoy access to the arts through cultural facilities, festivals and programs

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**SUMMARY OF REPORT:**

In order to apply for multi-year funding for the Tweed Regional Gallery & Margaret Olley Art Centre (TRGMOAC) from the NSW State Government through Arts NSW, it was necessary to create a new Strategic Business Plan for the period 2016-2018.

A consultant was engaged to work with the Gallery Director in preparing a dynamic Plan which builds on the Gallery's achievements of recent years and sets forward a robust strategic delivery framework for the facility's operations.

**RECOMMENDATION:**

**That Council adopts the Tweed Regional Gallery Strategic Business Plan 2016-2018.**

## REPORT:

In order to apply for multi-year funding for the Tweed Regional Gallery & Margaret Olley Art Centre (TRGMOAC) from the NSW State Government through Arts NSW, it was necessary to create a new Strategic Business Plan for the period 2016-2018.

Consultant Andrew Overton of Overton Creative Consulting Pty Ltd was engaged to work with the Gallery Director in preparing a dynamic Plan which builds on the Gallery's achievements of recent years and sets forward a robust strategic delivery framework for the facility's operations into the next decade.

This document represents for TRGMOAC a re-focus on the core delivery of quality programs and consolidating the Gallery's position as one of the most unique art destinations in Australia. The Plan will also provide the foundation for future funding applications and inform project resourcing.

The Gallery is now positioned in a vibrant operating environment. Internally, the Gallery has emerged from the most dynamic period in its history with the completion of the substantial capital works program and Council's major investment in the Margaret Olley Art Centre in 2014. The result has exceeded expectations with increased community support, visitor numbers tripling within a year, considerable media exposure and the establishment of new donors and strategic relationships.

Externally there has been a progression of an arts policy framework at both state and national level, with key arts funding bodies articulating how quality artistic achievements delivered by the Gallery can contribute to growth in the arts sector and strengthening the arts community. The Gallery has also been rewarded for its ability to respond to and stimulate demand, providing access to, participation in and positive experiences of the arts sector.

This Plan builds on the Gallery's achievements and successes of the past, and aims to grow opportunities for the local community into the future. The 2016-2018 Strategic Business Plan sets forward a new and robust strategic delivery framework built on the key goals of:

- Inspiration: *New Ways at Looking*
- Collaboration: *Cultivating Connections*
- Destination: *Enriching Environment*
- Leadership: *Creative Catalyst*

These goals set the groundwork and project an integrated approach to the delivery of TRGMAOC's operations for the next three years.

The Tweed Regional Gallery Strategic Business Plan was submitted in draft form as part of the TRGMOAC's application for multi-year program funding for the period 2016-2018 as required by Arts NSW.

## OPTIONS:

1. Council adopts the Tweed Regional Gallery Strategic Business Plan 2016-2018.
2. Council does not adopt the Tweed Regional Gallery Strategic Business Plan 2016-2018.

**CONCLUSION:**

The Tweed Regional Gallery Strategic Business Plan 2016-2018 was prepared with input from key community stakeholders, external investors and Council senior staff with a view to securing the Gallery's future direction, operation and sustainability.

This Plan is a requirement of NSW State Government in securing future ongoing and increased grant funding.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Not Applicable.

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

Initiation of some business-orientated and income generating strategies identified in the Business Plan will be dependent on increased operational grant funding. These include the strategy to advance major international exhibitions and programs, development of interactive technologies and expansion of Artist in Residency program. Annual budget allocations through Council will continue to specifically fund core programs and activities.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

The Plan was prepared with input from key community stakeholders, external investors and Council senior staff in separate discussions with the consultant and Gallery Director. Community stakeholders included representatives from the Gallery's support organisations, the Tweed Regional Gallery Foundation Ltd and the Friends of Tweed Regional Gallery and Margaret Olley Art Centre Inc. External investors included representatives from the Margaret Olley Art Trust and primary individual donors of both funding and artwork. The General Manager, Director Community and Natural Resources and Manager Community and Cultural Services also reviewed the Plan in draft form, providing suggestions and feedback. The Gallery staff were also involved in a think tank session with the consultant and Gallery Director.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.	Tweed Regional Gallery Strategic Business Plan 2016-2018 (ECM 3755418)
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**14 [CNR-CM] Progress on Tweed Shire Council's Community Infrastructure Framework**

**SUBMITTED BY: Community and Cultural 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

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### SUMMARY OF REPORT:

The Community and Cultural Services Unit are undertaking a major review of the planning, provision and management of community and cultural facilities in Tweed Shire. The review, which commenced in January 2015, is delivering against the methodology articulated in the Council's Community Infrastructure Framework and supports a network approach to planning.

An internal planning and delivery group has been set up to monitor, guide and support the process and to facilitate cross-unit collaboration. Council's community and cultural facilities comprise four community centres, 13 community halls, three libraries, three museum sites, one art gallery, two auditoria, and 26 tenanted buildings. To date, all 52 facilities have had a desk top review and over half have had site visits conducted. A lot of information has been gathered and is in the process of being analysed to identify network needs and opportunities, and to inform recommendations that will be reported back to Council later this year.

### RECOMMENDATION:

#### That Council:

- 1. Receives and notes the report on the progress of the first stage of network planning, as outlined in Council's Community Infrastructure Framework.**
- 2. Proceeds with the second stage of network planning as outlined in Council's Community Infrastructure Framework.**

## REPORT:

This report provides a progress update on Stage One of the network planning for the Community Infrastructure Framework, as summarised in Table 1. The purpose was to undertake baseline mapping of Council's 52 community and cultural facilities (*including Reserve Creek Hall*), and these have been grouped as community centres, community halls, tenanted buildings, libraries, auditoria, and cultural facilities (museums and the art gallery). There are potential network planning opportunities that exist across and between each of these six clusters of facilities, as well as externally with other facility providers within and outside Tweed Shire.

Table 1: Network Planning – Stage 1 (baseline mapping)

Task 1	Identify relevant standards / benchmarks / KPI's
Task 2	Demographic and facility issues mapping (desk based)
Task 3	Facilities audit and site visits (desk and field based)
Task 4	Review planned provision by Council and other parties

Appendix 1 (a, b and c) provides maps of the locations of these 52 facilities in Tweed Shire. The tenanted buildings range in form and function, with predominant use being for childcare and pre-school services (12), with others providing facilities for aged care (2), youth (1), social welfare support services (2), men's sheds (2), art and culture (2), or providing premises for specific clubs, groups or leisure purposes (5). Appendix 2 outlines the indicative network planning project timeline for 2015 which presents the key tasks and milestones. The project which commenced in January 2015 has been delivering against Stage One, to undertake the baseline mapping and desk top review of all 52 facilities.

The baseline mapping has utilised a template to capture data on a wide range of parameters and this was informed by good practice by other local authorities and developed with feedback from the internal *planning and delivery group*. The parameters include, but are not limited to: history and context; financial sustainability; location and land; universal access; security, safety and health; risk management; environmental sustainability; operations; asset condition and maintenance; industry standards and benchmarks; management; facility use; function; and facility features. In addition, community and network planning opportunities are being explored and service delivery and efficiency improvements are being identified. A range of measures are being looked at to examine and review performance, from an asset management and network planning perspective. These performance indicators align with the parameters that have been identified above.

The internal *planning and delivery group* comprises officer representation from multiple Council units, including recreation, finance, strategic planning, communications, legal services, sustainability, roads and stormwater, environmental health, corporate compliance, economic development, buildings, engineering and infrastructure delivery. The Planning and Delivery Group meets every six to eight weeks and significant input is also received from individual officers and the Community and Cultural Services unit on an ongoing basis.

To support the analysis, a range of socio-demographic data has been compiled by small geographic area to inform the network planning recommendations. This includes information on population numbers, density and profile, SEIFA disadvantage and advantage scores, volunteering levels, employment and qualifications, household types and sizes, and future household and population projections. Although the work to date has primarily been a



desk based exercise, site visits have also been undertaken for the libraries, museums, cultural facilities, the community halls and the community centres. Only a few tenanted buildings have had site visits to date as the initial focus has been on a desk top review due to resource implications and the need to prioritise the workload.

The Community Infrastructure Framework sets out a series of standards of service for the provision of different community and cultural facilities (*see p12, Table 3 of the approved framework*). Stage One of the network planning process examines how Tweed Shire is performing against these standards at present and into the future, and will contribute to the analysis of community infrastructure requirements. Indicative findings show that there are geographic areas where Council will need to consider options for reducing or enhancing the level of provision. To inform this, the network planning process will also acknowledge the S94 developer contributions towards community facilities that have been determined.

Phase One of the network planning and baseline mapping has now been completed, and the data can be analysed and reviewed. The initial findings will be taken to the internal *planning and delivery group* to ascertain network options, review feasibility and costs, and make preliminary recommendations. The recommendations will then be reported to Council and community engagement will be a key part of the next stages of the process. It is proposed that a workshop is held for Councillors in October to provide an opportunity to discuss and explore the emerging findings and recommendations.

The network planning process is already identifying a range of challenges and opportunities that will need to be further investigated. Challenges surrounding Council's existing community and cultural facilities include but are not limited to: lack of data on usage and user views; a reactive maintenance regime; inadequate maintenance and renewal budgets to maintain facilities to appropriate standards; outdated, inconsistent and insufficient lease agreements; lack of facilities that meet universal access standards; fit-for-purpose obstacles; underutilisation of a number of public facilities; unreasonable levels of risk; and issues surrounding governance and financial sustainability. However, there are also considerable opportunities which include: maximising and improving use; improved booking and monitoring systems; increased operational efficiencies; improved promotion and communications; enhanced partnerships and collaboration; improved financial accounting; and appropriate and suitably located provision that responds to what the community needs.

#### **Next steps:**

The network planning process is now entering Stage Two where all the findings from the Stage One baseline mapping will be cross-referenced and analysed to assess how current facilities are meeting demand, and to undertake a gap and needs analysis. The information will then be distilled and used to identify and consider network options and costs alongside the implications to be able to make considered network recommendations. It will be critical to engage the community and key stakeholders at this stage of the network planning process.

#### **OPTIONS:**

1. Council receives and notes the report on the progress of the first stage of network planning, as outlined in the Community Infrastructure Framework.
2. Council requests further information on the network planning stages of the Community Infrastructure Framework.

## **CONCLUSION:**

Considerable progress has been made and the network planning process is identifying numerous gaps and challenges for Council which will require investment of time and resources. The Stage One findings will be analysed further and examined through the internal *planning and delivery group* and recommendations made to Council in the next report. The outcomes will guide development and implementation of a Shire-wide Community and Cultural Facilities Network Plan, setting clear direction for delivery and management of facilities by Council and considering the needs of the whole community. It will support Council and other community infrastructure providers to cooperate on and coordinate delivery of complementary facilities, make the best use of limited Council resources and strengthen Tweed Shire's ability to manage and maintain its facilities at a good standard and to attract investment.

## **COUNCIL IMPLICATIONS:**

### **a. Policy:**

The Community Infrastructure Framework was approved by Council in October 2014 and the following Council policies are particularly relevant:

Access and Inclusion

Age Friendly

Asset Management

Cultural Policy

Community Halls Policy – Draft

Facility Hire and Use

Volunteers

Youth

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

The 2015/16 maintenance and renewal budget for all 52 Community and Cultural facilities is \$468,962. The outcomes of the network planning process will directly inform spend in the current financial year, and will inform the budget and long term financial planning.

### **c. Legal:**

Not Applicable at this stage although there are legal implications and responsibilities regarding lease and service level agreement arrangements.

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

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

Both stages of the Network Planning require consultation; the first stage was primarily with stakeholders around the use, management, maintenance and functioning of Council's existing facilities. The second stage of consultation will be around defining levels of service and provision, and the capacity to maintain and manage quality facilities now and into the future. This second stage will need to continue localised site specific levels of consultation but will also need to undertake some strategic overarching community consultation to identify the needs, opportunities and gaps for facility provision in Tweed Shire. Consultation will need to link directly to the consultation process for 'Tweed the Future is Ours'.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

- |               |  |
|---------------|--|
| Attachment 1. | Appendix 1: Community and Cultural Facilities (ECM 3749934)  |
| Attachment 2. | Appendix 2: Network Planning Project Timeline (ECM 3750080). |
-

**15 [CNR-CM] Boating Now Program - Grant Acceptance**

**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
  - 4.4.3 Provide for appropriate public access and use
- 

**SUMMARY OF REPORT:**

Council has been offered grant funding by Transport for New South Wales under the Boating Now Program. The total funding offer is \$659,000 and will be used to upgrade eight boating facilities in the Tweed River. The projects will be managed by Council's Natural Resource Management (NRM) Unit and will be completed by the end of 2017. This report recommends that Council accepts the grant from Transport for New South Wales.

Council should note, with the exception of the canoe launching facility, which will promote passive craft recreation, all other projects are upgrades to existing facilities to make these safer, more accessible and to improve amenity.

**RECOMMENDATION:**

**That Council accepts the offer of a grant of \$659,000 under the Transport for NSW Boating Now Program to fund eight boating facility upgrade projects.**

**REPORT:**

On 17 July 2015 Transport for NSW provided Council with a deed pertaining to an offer of funding for eight boating facility upgrade projects, amounting to a total of \$659,000.

Funding is being provided through the NSW Government's Boating Now program.

The projects are all located on the Tweed River, with the sites, facilities and project values as shown in Table 1.

**Table 1. Sites, proposed facilities and project values**

<b>Project</b>	<b>Council contribution</b>	<b>NSW Boating Now Funding Allocation</b>
Stabilisation of eroding river bank and development of public toilet block, Clarrie Purnell Park, Condong.	\$125,000 plus Project Management	\$232,000
Provide a canoe launch facility at Col Wiley Park, Byangum.	\$10,000 plus Project management	\$45,000
Relocate and upgrade the pontoon at Budd Park, Murwillumbah.	Project management	\$50,000
Car park surface rehabilitation and river bank stabilisation, Commercial Road boat ramp, Murwillumbah.	Project management	\$80,000
Replace/upgrade pontoon and provide disabled access improvements at Fingal Head boat ramp, Fingal Head.	Project management	\$50,000
Upgrade park surface at Kennedy Drive boat ramp, Tweed Heads.	Project management	\$71,500
Boat ramp improvements at Oxley Park, Chinderah.	Project management	\$60,500
Replace aged timber jetty with pontoon at Tumbulgum boat ramp.	Project management	\$70,000
<b>Total Grant Offer</b>		<b>\$659,000</b>

For the majority of projects, Transport for NSW is providing funds to cover the full cost of construction. The exception to this is at Condong boat ramp and Byangum where Council's Waterways Program will be providing part funding. Council is managing the delivery of all projects, and will be responsible for design, approvals, procurement and contract management. Council has recently engaged a Coastal Assets Engineer within the NRM Unit on a fixed term contract to manage delivery of the program of work. Projects are required to be completed by the end of 2017.

A communication plan will also be implemented over the course of the project period to keep waterway users informed of the impact of the works, and highlight Council's role in the management of these facilities.

A draft project implementation schedule is provided in Table 2. This shows the order and proposed dates of implementation of the combined eight projects. The two projects with the highest priority are the Condong boat ramp river bank stabilisation and Commercial Road boat ramp car park improvement and river bank stabilisation.

**Table 2. Draft project implementation schedule**

	Project	Start	End
<b>1</b>	<b>Condong</b>		
	Design and approvals	1/04/2015	15/06/2015
	Procurement	15/06/2015	15/08/2015
	Construction	15/08/2015	15/12/2015
	Completion	<b>30/03/2016</b>	
<b>2</b>	<b>Byangum Canoe Launch</b>		
	Design and approvals	15/06/2015	15/08/2015
	Procurement	15/10/2015	15/12/2015
	Construction	15/05/2016	15/06/2016
	Completion	<b>15/06/2016</b>	
<b>3</b>	<b>Budd Park Pontoon Relocation</b>		
	Design and approvals	15/06/2015	15/08/2015
	Procurement	15/10/2015	15/12/2015
	Construction	15/05/2016	15/06/2016
	Completion	<b>15/06/2016</b>	
<b>4</b>	<b>Commercial Road Boat Ramp Car Park</b>		
	Design and approvals	15/08/2015	15/10/2015
	Procurement	15/01/2016	15/03/2016
	Construction	15/05/2016	15/07/2016
	Completion	<b>15/09/2016</b>	
<b>5</b>	<b>Tumbulgun Pontoon</b>		
	Design and approvals	15/08/2015	15/10/2015
	Procurement	15/03/2016	15/05/2016
	Construction	15/07/2016	15/09/2016
	Completion	<b>15/12/2016</b>	
<b>6</b>	<b>Kennedy Drive Car Park</b>		
	Design and approvals	15/11/2015	15/03/2016
	Procurement	15/04/2016	15/07/2016
	Construction	15/10/2016	15/02/2017
	Completion	<b>15/06/2017</b>	
<b>7</b>	<b>Chinderah Boat Ramp</b>		
	Design and approvals	15/11/2015	15/03/2016
	Procurement	15/04/2016	15/07/2016
	Construction	15/10/2016	15/02/2017
	Completion	<b>15/06/2017</b>	
<b>8</b>	<b>Fingal Pontoon</b>		
	Design and approvals	15/02/2017	15/05/2017
	Procurement	15/05/2017	15/07/2017
	Construction	15/07/2017	15/09/2017
	Completion	<b>15/09/2017</b>	

**OPTIONS:**

1. Accept the funding and proceed with the projects.
2. Decline the offer of funding. If Council does not accept the funding, the projects would not proceed.

**CONCLUSION:**

The projects that have been nominated for funding by Transport for NSW will all provide benefit to waterways users in the Tweed, and in the case of Condong, Byangum and Commercial Road, will also improve river bank condition. The proposed projects would not be possible without the funding provided by the proposed grants.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

Requisite funds have been identified within the NRM Unit's Waterways Program budget to make allocations to the Condong and Byangum Canoe launch projects.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## 16 [CNR-CM] River Health Grant Approvals

**SUBMITTED BY:** Natural Resource Management

Valid



### Caring for the Environment

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

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

#### SUMMARY OF REPORT:

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

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

The River Health Grant program has funded projects on 24 properties improving 8,122m of waterway since July 2014. Council approved expenditure of these grants has totalled \$200,540. This investment is predominantly spent within the local Tweed economy for materials and labour. Each grant is based on the agreement that the landholder will contribute significantly to the project, in most cases by undertaking agreed works, with materials supplied by Council. Land owners will contribute an estimated \$30,000 towards the projects proposed in this report by way of cash and/or in-kind activities such as labour.

This report recommends that river health grants be allocated at Limpinwood, Uki and Byangum.



**RECOMMENDATION:**

That Council approves the proposed River Health Grant listed below:

<i>Grant recipient</i>	<i>Waterway and locality</i>	<i>Stream frontage (m)</i>	<i>Objective of works</i>	<i>Council contribution</i>
Waldron	Hopping Dick's Creek, Limpinwood	600	Control weeds, provide off-stream water for cattle and stabilise river bank erosion	\$5,000
Tweed Landcare Inc.	Tweed River, Uki	250	Control of weeds and revegetation	\$10,000
Crossthwaite	Tweed River, Bray Park	NA	Upgrade dairy effluent pump to reduce risk of pollution of Tweed River	\$8,000

## REPORT:

Since June 2006 Council has worked with riparian landowners to initiate projects which protect and improve water quality and stream bank condition in the Tweed Catchment. The goal of this program is to enhance the environmental condition of Tweed waterways and improve the quality of raw water extracted for treatment at Bray Park, thereby reducing treatment and operating costs of Tweed's water treatment plants.

The River Health Grants Program has been successful in attracting a diverse range of landholders, from traditional farmers to rural lifestyle property owners. The program has made a significant improvement to the condition of creek and river banks in many parts of the Tweed Shire.

In each case of funding, an agreement with land holders is signed that details Council's contribution to the project and the commitments and responsibilities of the landholder. Each grant is based on the agreement that the landholder will contribute significantly to the project, in most cases by undertaking agreed works, with materials supplied by Council.

There are three projects proposed for funding in this report. The first involves supporting a land owner on Hopping Dick's Creek with erosion stabilisation, weed management and to install a cattle drinking trough. The landowner will work with a bush regeneration contractor to learn skills required for better riparian zone weed management, and maintain/extend the outcomes of the funded works. The grant will include the purchase of a cattle trough which will be installed to reduce cattle access to Hopping Dick's Creek. Council will also supply rock to assist in the stabilisation of river bank erosion, up to the nominated total grant amount of \$5,000.

The second project is located on Council owned community land at Uki, on the Tweed River bank opposite Braeside Drive. This project will involve a partnership between Council and Tweed Landcare and has been driven by community interest in establishing a Landcare site at the location. Planting and weed control at the site will be primarily undertaken by a contractor engaged by Tweed Landcare, with volunteer assistance from nearby residents and other Landcare volunteers. The site has potential for establishment of a future 'National Tree Day' site, which would lead to additional volunteer support from the wider community at this popular annual event.

The third project provides support to a farmer at Byangum to upgrade a dairy effluent pump. Upgrading this pump will reduce the potential for a dairy effluent holding tank to overflow into field drains and then into the Tweed River.

The table below includes the three projects proposed for funding through the River Health Grants scheme.

<b><i>Grant recipient</i></b>	<b><i>Locality</i></b>	<b><i>Stream frontage (m)</i></b>	<b><i>Objective of works</i></b>	<b><i>Council contribution</i></b>
Waldron	Hopping Dick's Creek, Limpinwood	600	Control weeds, provide off-stream water for cattle and stabilise river bank erosion	\$5,000
Tweed Landcare	Tweed River, Uki	250	Control of weeds and revegetation	\$10,000
Crossthwaite	Tweed River,	NA	Reduce risk of pollution of Tweed	\$8,000

	Bray Park		River	
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**OPTIONS:**

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

**CONCLUSION:**

The projects nominated in this round of river health grant approvals include significant in-kind contributions from the property owners concerned, related to both weed control and installation costs and additional expenses related to the water trough and dairy effluent pump. In the case of the Landcare Project, it will attract a significant co-contribution of volunteer hours toward maintenance of community land. The projects will achieve the aims of the River Health Grants Scheme, and are in accord with the River Health Grants Policy.

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

River Health Grants Policy.

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

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

The River Health Grant program receives approximately \$200,000 per annum for works to enhance the environmental condition of Tweed waterways. As the source of funding is a dividend from water rates, the total budget may vary annually.

This round of proposed funding totals \$23,000 and projects are expected to be delivered by the end of 2015, with ongoing community involvement on the Landcare project until mid-2016.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

The Natural Resource Management (NRM) Unit works to engage a wide range of rural landowners through the River Health Grant program. The NRM Unit has an integrated private land conservation program which includes Biodiversity Grants and the Land for Wildlife program in addition to River Health Grants. Engagement methods include biodiversity and sustainable agriculture workshops, community conservation events such as tree planting days, participation in community events such as rural shows and World Environment Day celebrations and promotions through the Tweed River Festival.

In addition to the above, the grants program and individual projects are promoted through traditional media including news articles, Tweed Link articles and the Council website. Landowners are assisted by way of property inspections and this method of engagement often leads to neighbour participation through development of strong relationships.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## REPORTS FROM THE DIRECTOR ENGINEERING

### 17 [E-CM] Proposed Road Widening - Lot 8 DP1014470 - Liriope Street, Casuarina

**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

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### SUMMARY OF REPORT:

A plan of subdivision of Lot 8 in DP 1014470 at Liriope Street Casuarina has been created for the purpose of road widening.

The dedication as road widening of part of Lot 8 DP 1014470 is required to allow for stormwater management works to be undertaken on the site. The subject stormwater works are an infiltration pond (northern road widening) and drainage outlet (southern road widening).

Lot 8 is owned by Council and is classified as 'Community Land'. This classification does not permit such stormwater works unless those works are covered by a Plan of Management over the site – and such a plan has not yet been created. Dedication as road widening is considered to be the easiest and quickest way to address this anomaly.

Council is now required to sign the plan of subdivision of Lot 8 in DP 1014470 under the Common Seal of Council to allow registration of same at Land and Property Information.

### RECOMMENDATION:

**That Council approves the plan of subdivision of Lot 8 in DP1014470 and executes all relevant documentation under the Common Seal of Council.**

**REPORT:**

A plan of subdivision of Lot 8 in DP 1014470 at Liriope Street Casuarina has been created for the purpose of road widening. Please refer to Diagram 1.

Diagram 1 - Plan of Subdivision of Lot 8 DP 1014470:



The dedication as road widening of part of Lot 8 DP 1014470 is required to allow for stormwater management works to be undertaken on the site. The subject stormwater works are an infiltration pond (northern road widening) and drainage outlet (southern road widening).

Lot 8 is owned by Council and is classified as 'Community Land'. This classification does not permit such stormwater works unless those works are covered by a Plan of Management over the site – and such a plan has not yet been created. Dedication as road widening is considered to be the easiest and quickest way to address this anomaly.

History:

In December 1998, the NSW Land and Environment Court granted consent to 'Stage 1 Kings Beach Approval' – covering the area now known as Casuarina. This consent was for a development plan and a 14 lot Master Plan development for the purpose of residential, tourist and commercial development. The Master Plan included lots to be dedicated as Public Reserves. Stormwater management was only conceptually addressed by the Master Plan.

The consent allowed for some stormwater and road works but generally did not permit any works to be undertaken on the site until further development consents were obtained for each precinct.

As a result of this approval, the 14 lot Master Plan was enacted and the lots were created upon registration of DP 1014470 on 26 June 2000. Lot 8 was created and dedicated as Public Reserve. Lots 6, 7 and 8 form the area known as 'North-western Precinct'. In hindsight, if the parts of Lot 8 required for stormwater purposes were known at the time, appropriate Drainage Reserves would have been created, avoiding the need for road dedication now.

As development occurred in Casuarina and design detail was refined for later subdivision development consents within individual precincts, it became obvious that some stormwater management works would need to be undertaken within Lot 8 to cater for the residential development of Master Plan Lots 6 and 7.

In April 2003, a SEPP 71 Master Plan application relating to the Casuarina North West Precinct was submitted to the Department of Planning. It was adopted by the Minister on 14 December 2004. A revised Master Plan was subsequently submitted to the Department and adopted in February 2005. The Stormwater Management Plan annexed to these Master Plans identified the stormwater management works required within Lot 8, which Council accepted.

Subsequently, a development application was eventually received to subdivide the site, per DA09/0661. In relation to the stormwater management affectation on Council's Lot 8, Danny Rose provided comments 6 November 2009 that included:

*"..While not nominated in the SEE as "offsite works", the development plans show that the southern-most stormwater infiltration basin (Basin C) is located partially on Council's Lot 8. Provided this area of Lot 8 is not subject to any of the compensatory Banksia plantings, public stormwater measures, such as the proposed basin, are suitable on this land.*

DA09/0661 was approved by the Joint Regional Planning Panel (JRPP) and the consent was subsequently issued on 30 July 2010.



The issuing of this consent also invariably granted Council consent for stormwater works on Council's Lot 8. (In specific terms, Condition 1 of the consent nominates specific plans that have been stamped and approved, as well as the Statement of Environmental Effects also nominated in that condition. Specific plans are: Figure No. DA3 - Concept Master Plan; Figure No. DA21 - Stormwater Drainage Layout - Stormwater Drainage Strategy; Figure No. DA28 - Lot 8 Flood Mitigation; and to a lesser extent - Figure No. DA12 - Erosion and Sediment Control Plan. They all show works within Council's Lot 8).

An application to amend DA09/0661 was made in June 2012. This prompted a review of consent conditions and it was only then that it was realised the stormwater works on Lot 8 created a conflict of permissible uses. Comments by the assessing Development Engineer at that time included:

***"Use of Council's Lot 8 DP 1014470***

*Pertinent advice from Council's Property Officer is that due to Lot 8 being classified as Community Land, the use of part of the site as an infiltration basin – pseudo Drainage Reserve (and possibly prior short term use as a sedimentation basin) - will need to be addressed in a Plan of Management for the site.*

*While the original Council report for this development supported the applicant's claimed necessary use of part of Lot 8 for such stormwater management purposes, this was in response to such use conflicting with the 7(l) zoning for the site. This addressed EPA Act zoning conflict issues, but overlooked the LGA land classification conflicts.*

*There is no existing Plan of Management for the site, and it is a particularly long-winded process to create one. However there is an intention to create a generic shire-wide Plan of Management over all 'Community Land' as part of the forthcoming LEP amendment. Unfortunately progress on this matter has been very slow, with no finalisation date on the horizon.*

*This issue has not been raised with the applicant in prior consultations (to my knowledge) and creation of a Plan of Management cannot be incorporated as a requirement in the amended consent.*

*This matter needs to be further discussed internally (with MDA & CDE) prior to determining an appropriate course of action (eg – advising applicant of any required action in conjunction with Sec.96 determination advice).*

*The desired result would be that the subject portion of Lot 8 be nominated as Drainage Reserve on the relevant Plan of Subdivision.*

*Discussions with Council's Property Officer and Council's Surveyor have not provided any reasonable solution that can be enacted in a timely fashion."*

Consequently the consent conditions were modified and a specific reference to this concern was incorporated as part of DA Condition 103A Part (c) as:

*"The Stage 6 Subdivision Certificate will require the change of use of that portion of the southern infiltration basin within Council's Lot 8 DP 1014470 to be appropriately addressed.*

*That portion of the southern infiltration basin that is within the former Crown Road transferred to Council, does not require any further action."*

The onus is on Council to rectify the conflicting 'stormwater' use on Lot 8.

**OPTIONS:**

Options to address the conflict include creation of a 'Plan of Management' over the site to allow for stormwater drainage facilities or to reclassify the site to 'Operational'. Both these options have considerable time lags. Road dedication is considered to be the swiftest solution.

**CONCLUSION:**

Council is now required to sign the plan of subdivision of Lot 8 in DP 1014470 under the Common Seal of Council to allow registration of same at Land and Property Information.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy - Not Applicable.

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

Stormwater Management Budget.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**18 [E-CM] Road Closure - Rowlands Creek Road, Rowlands Creek**

**SUBMITTED BY: Design**

Valid



## Supporting Community Life

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

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### SUMMARY OF REPORT:

Council at its meeting of 20 April 2010 considered an application provided by Crown Lands for the closure and purchase of Crown road reserves within Lot 40 DP 755730 and Lot 2 DP 539592 and resolved to object to the closure as it did not comply with Council's Policy on Road Closure and Private Purchase.

Crown Lands overruled Council's objection and proceeded with the closure of the subject roads. At this time Crown Lands discovered that part of the road reserved proposed to be closed was actually a Council public road which required Council's consent to close.

Crown Lands has requested in its letter of 21 April 2015 that Council withdraw its objection and provide its consent to the closure and purchase of the section of Council public road. As the road has no formal construction within it the payment for the closure and purchase will automatically vest back to the Crown.

As the section of Council public road reserve is now considered, as a result of the closure of the adjoining sections of Crown public road reserves, an isolated road and based on the arguments set forth in the correspondence from Crown Lands noted in the body of the report, the proposed road closure now complies with Council's Policy on Road Closures and Private Purchase. As such it is recommended that Council provides its consent to the closure and private purchase of the section of Council public road reserve through Lot 40 DP 755730.

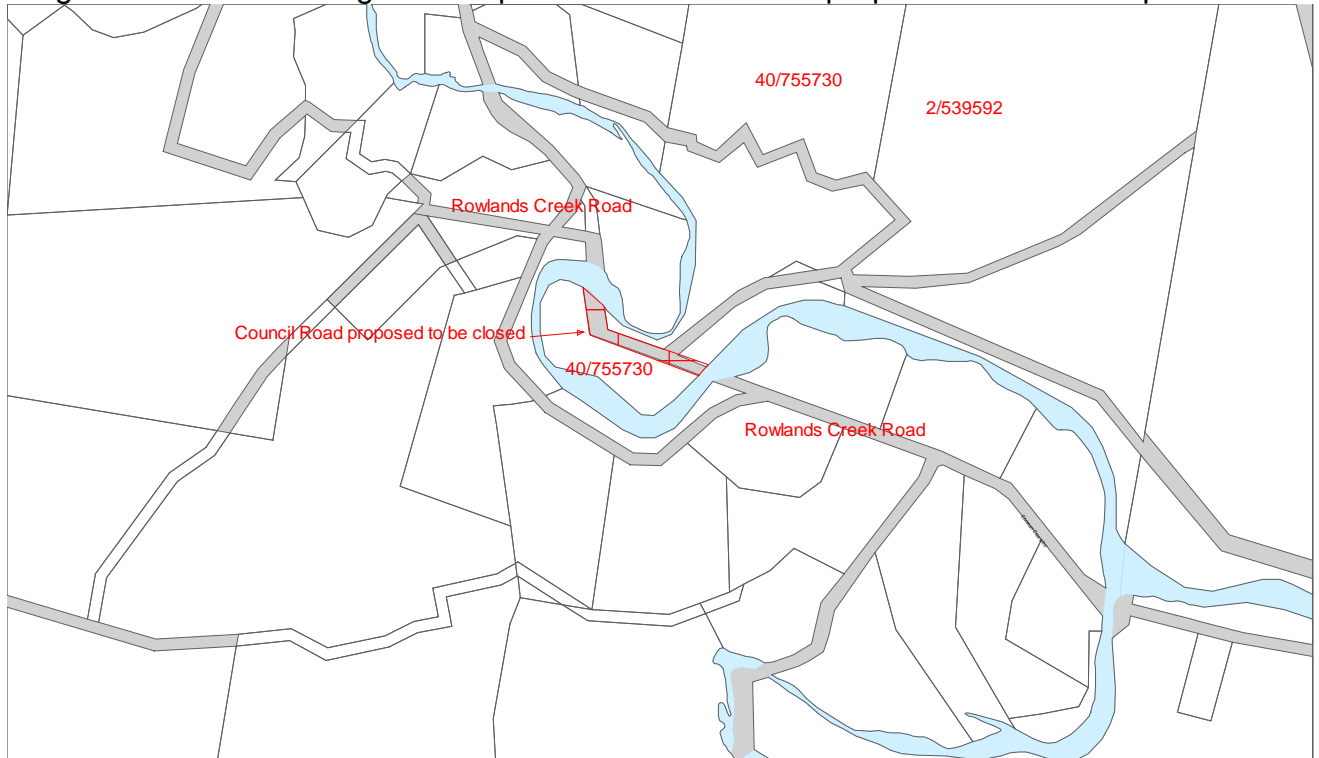
### RECOMMENDATION:

**That Council:**

- 1. Provides its consent to the closure and private purchase of the section of Council public road reserve through Lot 40 DP 755730, and**
  - 2. Executes all relevant documents under the Common Seal of Council.**
-



Diagram 2 - Plan showing Council public road included in proposed closure and purchase:



Crown Lands notified Council of the error in a letter dated 2 September 2013 and requested that Council's support be provided to the closure of this section of road reserve. Crown Lands were advised that Council did not support the closure as per Council's report dated 20 April 2010.

Crown Lands has again requested in its letter of 21 April 2015 that Council withdraw its objection and provide its consent to the closure and purchase of the section of Council public road shown in Diagram 2 on the basis of the arguments set forth in the correspondence and summarised below:

- As a consequence of the approval and closure of the surrounding Crown Roads the Council public road through Lot 40 DP 755730 is now an isolated road unable to provide physical access to other roads, public or private properties, public or Crown reserves or any public utilities.
- The subject road does not provide viable public access to Rowlands Creek.
- The subject road does not appear to contain any wildlife corridor, flora, marketable timber or scenic landscape which would warrant retention.
- The subject road shows little if any potential of being developed neither for vehicle, cycle, pedestrian or equestrian use nor for the movement of stock.
- The only access available to this section of road reserve is via a bridge constructed and maintained by the owner of Lot 40 DP 755730 over Rowlands Creek as part of their private driveway and is not a viable public access alternative.

#### **OPTIONS:**

1. Council provides its consent to the closure and private purchase of the section of Council public road reserve through Lot 40 in DP 755730, or

2. Council does not provide its consent to the closure and private purchase of the section of Council public road reserve through Lot 40 in DP 755730.

**CONCLUSION:**

As the section of Council public road reserve is now considered as a result of the closure of the adjoining sections of Crown public road reserve an isolated road and based on the arguments set forth in the correspondence from Crown Lands noted above the proposed road closure now complies with Council's Policy on Road Closures and Private Purchase. As such it is recommended that Council provides its consent to the closure and private purchase of the section of Council public road reserve through Lot 40 DP 755730.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Road Closures and Private Purchase v1.2.

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

No future budget implications.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Correspondence from Crown Lands (ECM 3746115).

Attachment 2. Council Report of 20 April 2010 (ECM 2270468)

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**19 [E-CM] Road Renaming - Sussyer Avenue, Tweed Heads West**

**SUBMITTED BY: Design**

**FILE REFERENCE: GS5/1 Pt 7**

Valid



**Supporting Community Life**

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

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

**SUMMARY OF REPORT:**

Council at its meeting of 21 May 2015, after seeking submissions in the initial advertising period, resolved to publicise its intention to rename Parkes Drive at Tweed Heads West as "Sussyer Avenue" and allowed one month for objections to the proposal.

There were no objections to the name however a late naming submission was received which complies with Council's Policy for the name of Jullumbah Way which is a local Aboriginal name for "fishing place way" or "way to the fishing place".

It is recommended that "Sussyer Avenue" be adopted for the renaming purpose of the road and notification be submitted to the Government Gazette in accordance with the *Roads (General) Regulation*, 2008 and the *Roads Act*, 1993 as amended.

**RECOMMENDATION:**

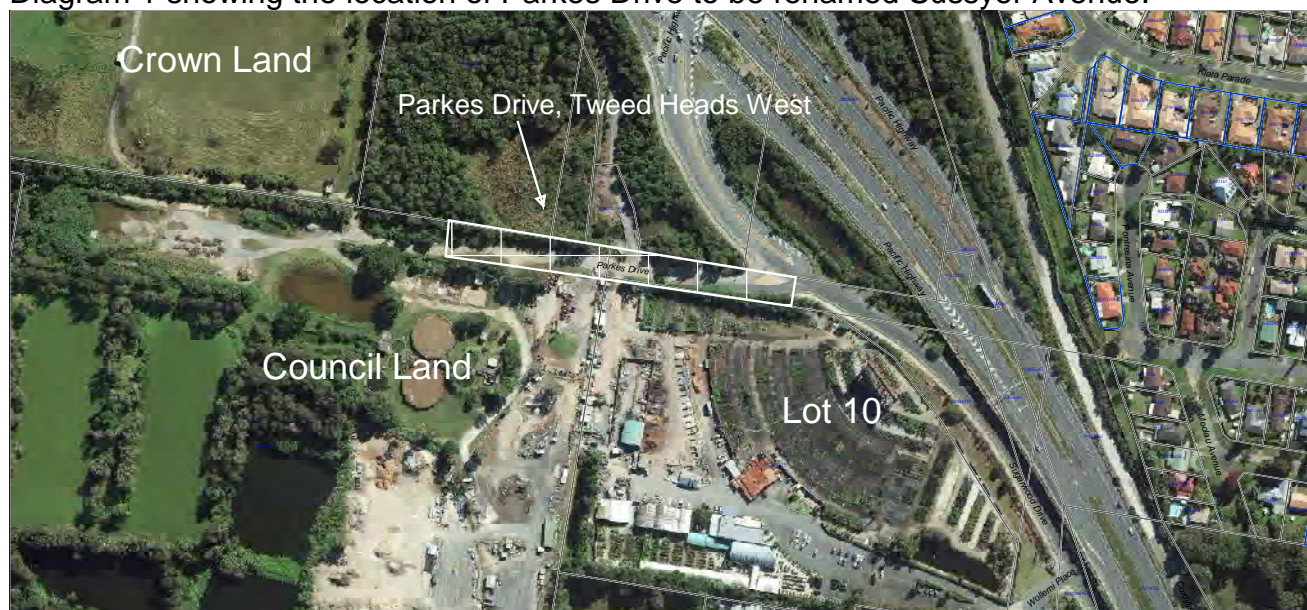
**That:**

- 1. Council adopts the name of "Sussyer Avenue" for the purpose of renaming Parkes Drive, Tweed Heads West.**
- 2. The renaming of the road be Gazetted under the provisions of the *Roads (General) Regulation*, 2008 and the *Roads Act*, 1993 as amended.**



## REPORT:

Diagram 1 showing the location of Parkes Drive to be renamed Sussyer Avenue.



Council at its meeting of 31 March 2015, resolved to seek submissions on the renaming of Parkes Drive shown in Diagram 1. Several submissions were received to name the subject section of road with Council resolving at its meeting of 21 May 2015 to publicise its intention to rename Parkes Drive at Tweed Heads West as "Sussyer Avenue" (refer to Diagram 1) and allowed one month for objections to the proposal.

There were no objections to the name however a late 'naming' submission was received which complies with Council's Policy for the name of Jullumbah Way which is a local Aboriginal name for "fishing place way" or "way to the fishing place".

The name was proposed by a member of the local Aboriginal Advisory Committee whose great grandfather was known to take his grandsons to the surrounding areas to teach them to fish.

Whilst this name is considered a suitable submission, it is considered that the "Sussyer" name holds a significant relevance to the specific area as detailed in the report mentioned above (21 May 2015). The Sussyer family were the first South Sea Islanders to settle on Cobaki Road, now known as Kennedy Drive and more specifically the land where "Parkes Drive West" is currently located.

Given that "Jullumbah Way" is a suitable name for a road in this area, it would be considered appropriate to reserve it for use in naming another road in this locality, should the opportunity arise.

## OPTIONS:

1. The process of naming the public road reserve as Sussyer Avenue be adopted as it complies with and has been completed in accordance with Council's Policy - Naming of Streets and Roads.



2. Recommence the road renaming process proposing Jullumbah Way or other alternative name.

**CONCLUSION:**

It is recommended that "Sussyer Avenue" be adopted for the renaming purpose of the road and notification be submitted to the Government Gazette in accordance with the *Roads (General) Regulation*, 2008 and the *Roads Act*, 1993 as amended.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Naming of Streets and Roads v1.2.

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

Adequate allocation of funds has been made in the 2015/2016 for costs associated with road name changes.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

Council at its meeting of 31 March 2015, resolved to seek submissions on the renaming of Parkes Drive. Several submissions were received with Council resolving at its meeting of 21 May 2015 to publicise its intention to rename Parkes Drive at Tweed Heads West as "Sussyer Avenue" and allowed one month for objections to the proposal. No objections were received however a late submission was received for an alternative name.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**20 [E-CM] Naming of Public Road Reserve - Upper Burringbar**

**SUBMITTED BY: Design**

**FILE REFERENCE: GR5/1 Pt 7**

Valid



**Supporting Community Life**

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

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

---

**SUMMARY OF REPORT:**

A written request has been received seeking to name a road which runs off Upper Burringbar Road and through Lot 2 in DP123256 at Upper Burringbar.

The owner of Lot 2 has requested that the road be named Walker Lane in honour of his late grandmother who owned the property circa 1913. The property has been in the ownership of the Walker family for 3 generations and is one of the oldest Burringbar families still residing in the village.

The proposed name complies with Council Policy on Naming of Streets and Roads in that it honours an original settler of the immediate area.

**RECOMMENDATION:**

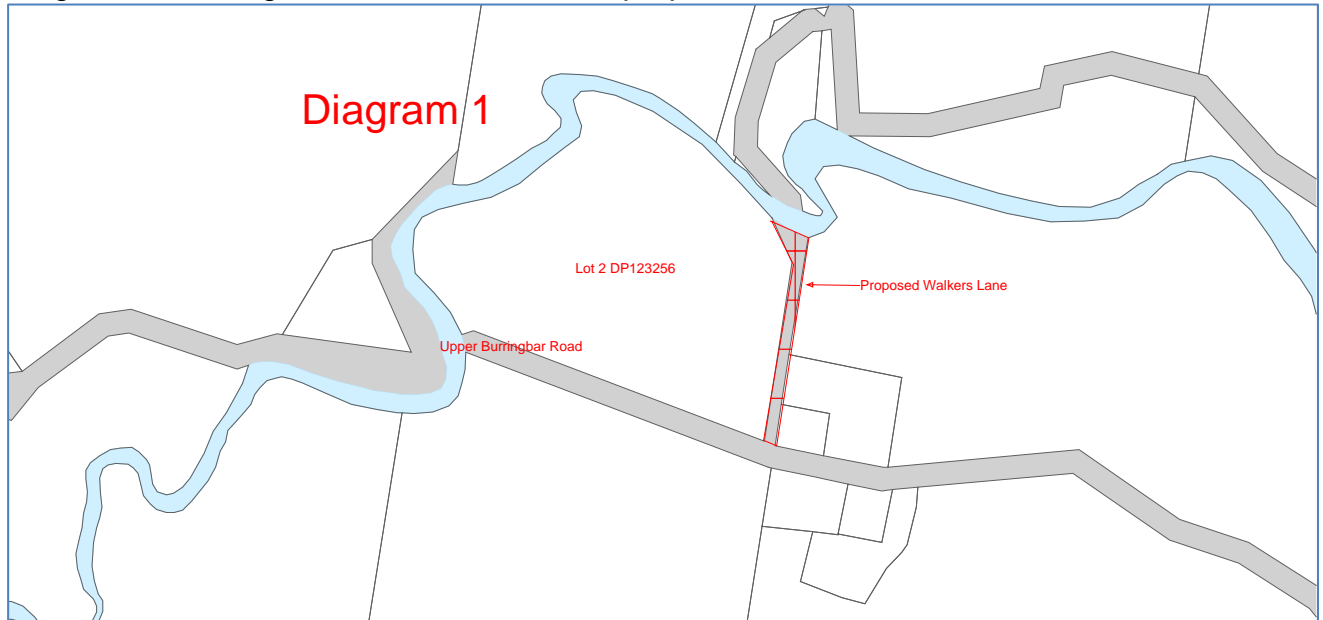
**That Council:**

- 1. Publicises its intention to name the road which runs off Upper Burringbar Road and through Lot 2 in DP 123256 as "Walkers Lane" allowing one month for submissions or objections to the proposal;**
- 2. Notifies the relevant authorities under the provisions of the Roads (General) Regulation 2008.**

## REPORT:

A written request has been received seeking to name a road which runs off Upper Burringbar Road and through Lot 2 in DP123256 at Upper Burringbar - refer to Diagram 1.

Diagram 1 showing the location of the road proposed to be named



The owner of Lot 2 has requested that the road be named Walker Lane in honour of his late grandmother who owned the property circa 1913. The property has been in the ownership of the Walker family for 3 generations and is one of the oldest Burringbar families still residing in the village.

## OPTIONS:

The proposed name complies with Council Policy on Naming of Streets and Roads in that it honours an original settler of the immediate area.

## CONCLUSION:

It is now necessary to advertise the intention to name the road which runs off Upper Burringbar Road and through Lot 2 in DP 123256 as "Walkers Lane" allowing one month for submissions or objections to the proposal.

## COUNCIL IMPLICATIONS:

### a. Policy:

Naming of Streets and Roads v1.2.

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

No Future Budget Implications.

### c. Legal:

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Letter from Frank Walker (ECM 3729778)

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**21 [E-CM] Naming of Public Bridge - Dunbible Creek, Dunbible**

**SUBMITTED BY: Design**

**FILE REFERENCE: GS5/1 Pt 6**

Valid



**Supporting Community Life**

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

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

**SUMMARY OF REPORT:**

Council at its meeting of 21 May 2015 resolved to publicise its intention to name the bridge at Mistral Road, Dunbible as "Dunbible Creek Bridge" and allowed one month for written objections to the proposal.

No written objections were received.

**RECOMMENDATION:**

**That:-**

- 1. Council adopts the name of "Dunbible Creek Bridge" for the bridge which crosses Dunbible Creek on Mistral Road, Dunbible, and**
- 2. The naming of the bridge be Gazetted under the provisions of the *Roads (General) Regulation, 2008* and the *Roads Act, 1993* as amended.**

## REPORT:

Council at its meeting of 21 May 2015 resolved to publicise its intention to name the bridge over Dunbible Creek at Mistral Road, Dunbible (refer to Diagram 1) as "Dunbible Creek Bridge" and allowed one month for written objections to the proposal.

No written objections were received.

Diagram 1 showing the location of the Bridge over Dunbible Creek at Mistral Road.



## OPTIONS:

1. Council adopts the name of "Dunbible Creek Bridge" for the bridge which crosses Dunbible Creek on Mistral Road, Dunbible, or
2. Council does not adopt the name of "Dunbible Creek Bridge" for the bridge which crosses Dunbible Creek on Mistral Road, Dunbible and readvertises the proposal seeking further submissions.

## CONCLUSION:

As the bridge crosses over the Dunbible Creek at Dunbible and given that this name has been provided by pioneering families as the locally known name it is appropriate to name the bridge "Dunbible Creek Bridge".

## COUNCIL IMPLICATIONS:

### a. Policy:

Naming of Streets and Roads v1.2.

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

No Budget requirements

### c. Legal:

Not Applicable.

**d. Communication/Engagement:**

**Consult-**We will listen to you, consider your ideas and concerns and keep you informed. Council sought submissions for the naming of the bridge over Dunbible Creek at Mistral Road and allowed one month for submissions. Several submissions were received with Council at its meeting of 21 May 2015 resolving to publicise its intention to name the bridge "Dunbible Creek Bridge" and allowed one month for written objections to the proposal. No written objections were received.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**22 [E-CM] Classification of Land - 218 Kennedy Drive, Tweed Heads West**

**SUBMITTED BY: Design**

Valid



## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
  - 1.3 Delivering the objectives of this plan
- 

### SUMMARY OF REPORT:

Council resolved to purchase the subject property on 19 February 2015, the purchase was completed on 1 June 2015 and pursuant to section 25 of the *Local Government Act 1993*, Council is required to classify all land held by it.

Prior to resolving to classify the land, Council is also required to publish a notice of its intention to classify land. Such a notice was published in the Tweed Link on 7 July 2015, with a submission period of 28 days, which expired on 4 August 2015, no submissions were received.

It is recommended that Council approve the classification of the subject land as operational in pursuance of its obligations under the *Local Government Act, 1993*.

### RECOMMENDATION:

**That Council, in accordance with Section 25 of the *Local Government Act 1993*, Lot A DP 407658 being 218 Kennedy Drive, Tweed Heads West be classified as Operational Land.**



## **REPORT:**

Council resolved to purchase the subject property on 19 February 2015, the purchase was completed on 1 June 2015 and pursuant to section 25 of the *Local Government Act 1993*, Council is required to classify all land held by it.

Prior to resolving to classify the land, Council is also required to publish a notice of its intention to classify land. Such a notice was published in the Tweed Link on 7 July 2015, with a submission period of 28 days, which expired on 4 August 2015, no submissions were received.

It is recommended that Council approve the classification of the subject land as operational in pursuance of its obligations under the *Local Government Act, 1993*.

## **OPTIONS:**

As the classification of land is a statutory obligation, there are no alternative options available regarding this matter.

## **CONCLUSION:**

Council is required to classify all land held by it and the purpose of this report is to fulfil that statutory obligation, it is recommended that Council approve the classification of the subject land as operational land in pursuance of s25 of the *Local Government Act 1993*.

## **COUNCIL IMPLICATIONS:**

### **a. Policy:**

Corporate Policy Not Applicable.

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

No budget implications arise from this report, this report relates to statutory obligations relating to Council property.

### **c. Legal:**

Not Applicable.

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

**Consult**-We will listen to you, consider your ideas and concerns and keep you informed. A notice of intention to classify Lot A DP 407658 as operational land was published in the Tweed Link on 7 July 2015, with a submission period of 28 days, which expired on 4 August 2015, no submissions were received.

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

Nil.

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**23 [E-CM] RFP2015-028 Provision of Mowing Services to Water and Wastewater Treatment Plant Sites**

**SUBMITTED BY: Infrastructure Delivery**

Valid



## Supporting Community Life

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

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### SUMMARY OF REPORT:

Tender RFP2015-028 Provision of Mowing Services to Water and Wastewater Treatment Plant Sites was called to engage a suitable contractor to maintain grassed areas at Council's Water and Wastewater Treatment Plant assets as outlined in the tender document.

Tenders were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Tender submissions closed at 4.00pm (local time) on 22 July 2015 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

Recommendations have been formulated based on the Selection Criteria which is contained in the Tender Document. A summary of the Selection criteria is also included in the body of this report.

### RECOMMENDATION:

**That in respect to Contract RFP2015-028 Provision of Mowing Services to Water and Wastewater Treatment Plant Sites:**

- 1. Council awards the contract to Tweed Coast Mowing ABN: 12 715 040 712 for the period 1 September 2015 to 31 August 2017 with 2, 1 by 12 month extension to the contract based on value to Council and performance history.**
- 2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at mid contract and finalisation of the contract.**

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

## REPORT:

### Tender Background

Tender RFP2015-028 Provision of Mowing Services to Water and Wastewater Treatment Plant Sites was called to engage a suitable contractor to maintain grassed areas at Council's Water and Wastewater Treatment Plant assets as outlined in the tender document.

Tenders were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Tender submissions closed at 4.00pm (local time) on 22 July 2015 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

### Tender Advertising

As per the requirements of the Local Government Regulation 2005, tenders were officially advertised for RFP2015-028 Provision of Mowing Services to Water and Wastewater Treatment Plant Sites on Tuesday 30 June 2015 in Sydney Morning Herald. The tender was also advertised in the Gold Coast Bulletin, the Tweed Link and the Tweed Shire Council Internet Page.

### Tender Addendums

There were three (Notice to Tenderers) issued before close of tender.

Addendum No. 1 was issued to advise tenderers that the schedule had been updated to include a new site, Mooball Wastewater Treatment Plant.

Addendum No. 2 was issued to advise tenderers of a site inspection tour.

Addendum No. 3 was issued to advise tenderers the answers to questions raised during the site inspection tour.

### Tender Submissions

As per the requirements of the Local Government Regulation 2005, tender submissions closed at 4.00pm (local time) on 22 July 2015 in the Tender box located in the foyer of the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484. Eleven tenders were recorded at the Tender Box opening and their details are as follows:

<b>Tenderer</b>	<b>ABN</b>
Andrew's Affordable Mowing Service Pty Ltd	28 088 272 093
JSP Asphalts Pty Ltd trading as Australian Paving Services	90 151 703 801
Complete Weed Maintenance	67 014 289 503
Luke Mason T/As Exceed Mowing and Maintenance	57 842 529 811
House with No Steps	31 001 813 403
Jmac Construction Pty Ltd	81 065 374 414
Landscape Solutions Maintenance Pty Ltd	60 097 217 493
North Coast Grounds Care	84 667 816 679
Prime Facility & Asset Management P/L	29 120 066 168
Skyline Landscape Services	15 114 488 041
Tweed Coast Mowing	12 715 040 712

Tenders were evaluated based on the criteria noted in the table below which were also listed in the Conditions of Tendering; note that weightings were not detailed to potential submitters during the tendering period. The details of the price and non-price evaluation are shown on the attached Tender Evaluation Report.

<b>Criterion</b>	<b>Weighting (%)</b>
Value for Money (Normalised Tender Price)	60%
Level of appropriate resources	10%
General performance history	10%
Relevant experience with contracts of a similar nature	10%
Local preference	10%
Total	100

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

The Tender Evaluation Panel consisting of Engineer – Treatment & Catchment, Senior Technical Officer – Treatment Plants, Administrative Officer - Contracts conducted the tender assessment.

A copy of the Tender Evaluation Plan Report is included in ATTACHMENT 1 which is CONFIDENTIAL in accordance with Section 10A:

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The information identifies the tenderer in relation to the tender price and the evaluation of the products offered by the tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest. Recommendations appear below for the Tender.

### **OPTIONS:**

1. That Council accepts the submission as nominated from the submitting contractor and enters into a maintenance agreement for the Mowing Services to Water and Wastewater Treatment Plant Sites.
2. That Council takes no action.

### **CONCLUSION:**

That Council accepts the tender as per recommendation.

### **COUNCIL IMPLICATIONS:**

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

Procurement Policy v1.5

In accordance with Local Government (General) Regulations 2005.

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

Provisions made in operational expenses

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*(Confidential)* Attachment 1. Tender Evaluation Report (ECM 3753510)

*(Confidential)* Attachment 2. Tender Evaluation Scoring Sheet (ECM 3752595)

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**24 [E-CM] Drought Water Restrictions Policy**

**SUBMITTED BY: Water and Wastewater**

Valid



**Supporting Community Life**

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

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

**SUMMARY OF REPORT:**

Council exhibited the revised Policy - *Drought Water Restrictions (Version 3.0)* from 26 May to 6 July 2015. The Policy had been amended to align it with North Coast Consistent Water Restrictions issued in September 2014 and correct minor errors and anomalies.

No submissions were received during the exhibition period.

**RECOMMENDATION:**

**That Council adopts the *Drought Water Restrictions Policy (Version 3.0)* as exhibited.**

## **REPORT:**

Council adopted the Policy - *Drought Water Restrictions (Version 2.0)* on 24 January 2013.

In September 2014, the NSW Office of Water convened a meeting of North Coast local water utilities to determine a consistent approach to drought water restrictions. As a result, North Coast Consistent Water Restrictions were issued in September 2014.

Council subsequently amended its Policy and *Drought Water Restrictions (Version 3.0)* was exhibited from 26 May to 6 July 2015. The Policy had been amended to align it with the North Coast Consistent Water Restrictions and correct minor errors and anomalies. The required changes only affected residential garden watering and the naming of the Water Restriction Levels.

No submissions were received during the exhibition period.

## **OPTIONS:**

Council can now proceed to adopt the Policy as per Section 160 of the Local Government Act 1993.

## **CONCLUSION:**

The amendments to the Policy ensure that it is consistent with the North Coast Consistent Water Restrictions agreed with other water utilities and the NSW Office of Water in September 2014.

## **COUNCIL IMPLICATIONS:**

### **a. Policy:**

Drought Water Restrictions v2.0.

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

Not Applicable.

### **c. Legal:**

Not Applicable.

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

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

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

Attachment 1. Drought Water Restrictions Policy (ECM 3685279).

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## REPORTS FROM THE DIRECTOR CORPORATE SERVICES

### 25 [CS-CM] Councillor Numbers

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:

Within the Local Government Act 1993 there is a requirement that the Council determines the number of Councillors prior to the next Ordinary Election to be conducted in September 2016.

Section 224 of the Local Government Act 1993, states:

***"How many councillors does a council have?***

- (1) A council must have at least 5 and not more than 15 councillors (one of whom is the mayor).*
- (2) Not less than 12 months before the next ordinary election, the council must determine the number, in accordance with subsection (1), of its councillors for the following term of office.*
- (3) If the council proposes to change the number of councillors, it must, before determining the number, obtain approval for the change at a constitutional referendum."*

Therefore, Council is required to determine the number of Councillors for election in September 2016.

### RECOMMENDATION:

**That in accordance with Section 224 of the Local Government Act 1993, Council determines the number of Councillors for the electoral term commencing September 2016.**

## REPORT:

Within the Local Government Act 1993 there is a requirement that the Council determines the number of Councillors prior to the next Ordinary Election to be conducted in September 2016.

Section 224 of the Local Government Act 1993, states:

***"How many councillors does a council have?"***

- (1) A council must have at least 5 and not more than 15 councillors (one of whom is the mayor).*
- (2) Not less than 12 months before the next ordinary election, the council must determine the number, in accordance with subsection (1), of its councillors for the following term of office.*
- (3) If the council proposes to change the number of councillors, it must, before determining the number, obtain approval for the change at a constitutional referendum."*

From a historical perspective, Councillor numbers have been:

- up to May 2005 – 11
- from September 2008 – 7

Whilst Council was under Administration – May 2005 to September 2008, it was resolved to reduce the Councillor numbers from 11 to 7.

To accord with the requirements of the Local Government Act 1993, Council is required to determine the number of Councillors for election in September 2016.

## OPTIONS:

1. Council can confirm the current number of Councillors as 7.
2. Should Council wish to alter the number of Councillors, a Constitutional Referendum would be required to be conducted with the September 2016 Ordinary Election with the outcome then becoming effective from the September 2020 Ordinary Election.

## CONCLUSION:

To accord with the requirements of the Local Government Act 1993, Council is required to determine the number of Councillors for election in September 2016.

## COUNCIL IMPLICATIONS:

**a. Policy:**

Corporate Policy Not Applicable

Section 224 of the Local Government Act 1993

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

Allowance has been made in the future 2016/2017 budget for the conducting of the Ordinary Election in September 2016.

No allowance has been made for the conducting of a Constitutional Referendum.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**26 [CS-CM] Council and Planning Committee Venue 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:**

Council resolved on 20 November 2014 to conduct the September 2015 Planning Committee (3 September) and Council Meeting (17 September) at a venue in Tweed. It was also resolved to defer the October 2015 Council Meeting for a week, to enable the Annual Financial Statements to be externally audited and then reviewed by the Audit Committee, prior to being considered by Council.

This report requests that the venue for the September 2015 meetings be retained at Murwillumbah, due to the unavailability of the new Meeting Room at the Tweed Heads building and further notes the October Council Meeting to be held on 22 October 2015.

### **RECOMMENDATION:**

**That:**

- 1. The September 2015 Planning Committee – 3 September and Council Meeting – 17 September 2015 be conducted at the Council Chambers Murwillumbah, and**
- 2. Council confirms the date of the October 2015 Council Meeting of 22 October 2015, to enable consideration of the 2014/2015 Annual Financial Statements.**

## **REPORT:**

Council resolved on 20 November 2014 to conduct the September 2015 Planning Committee (3 September) and Council Meeting (17 September) at a venue in Tweed. It was also resolved to defer the October 2015 Council Meeting for a week, to enable the Annual Financial Statements to be Externally Audited and then reviewed by the Audit Committee, prior to being considered by Council.

The proposed meeting room at the former Southern Cross University Building at Tweed Heads is not yet available, due to ongoing air conditioning works and it is proposed that the September 2015 meetings that were to be held at Tweed Heads be conducted as normal in the Council Chambers at Murwillumbah.

It should also be noted that the October 2015 Council Meeting will be conducted on Thursday 22 October 2015, being the fourth Thursday of the month, rather than the third, to enable the consideration of the 2014/2015 Annual Financial Statements, following the completion of the External Audit and review by the Audit Committee.

## **OPTIONS:**

1. Council can resolve to conduct the September 2015 Meetings at an alternate venue.
2. Resolve to conduct the September 2015 Meetings at the Council Chambers Murwillumbah.

## **CONCLUSION:**

In accordance with the Code of Meeting Practice, Council is required to resolve any alternate venues and change of dates of meetings.

## **COUNCIL IMPLICATIONS:**

### **a. Policy:**

Code of Meeting Practice v2.5

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

Expenditure associated with Council Meetings is included in the annual budget.

### **c. Legal:**

Not Applicable.

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

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

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

Nil.

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27 [CS-CM] Enterprise Risk Management Policy Version 1.1

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:

An internal review of Council's Risk Management practices has been undertaken. The Enterprise Risk Management Policy is designed to communicate Council's commitment to managing enterprise-wide risks whilst establishing clear responsibilities to ensure that all levels of Council, management and staff are aware of and responsible for the management of risk.

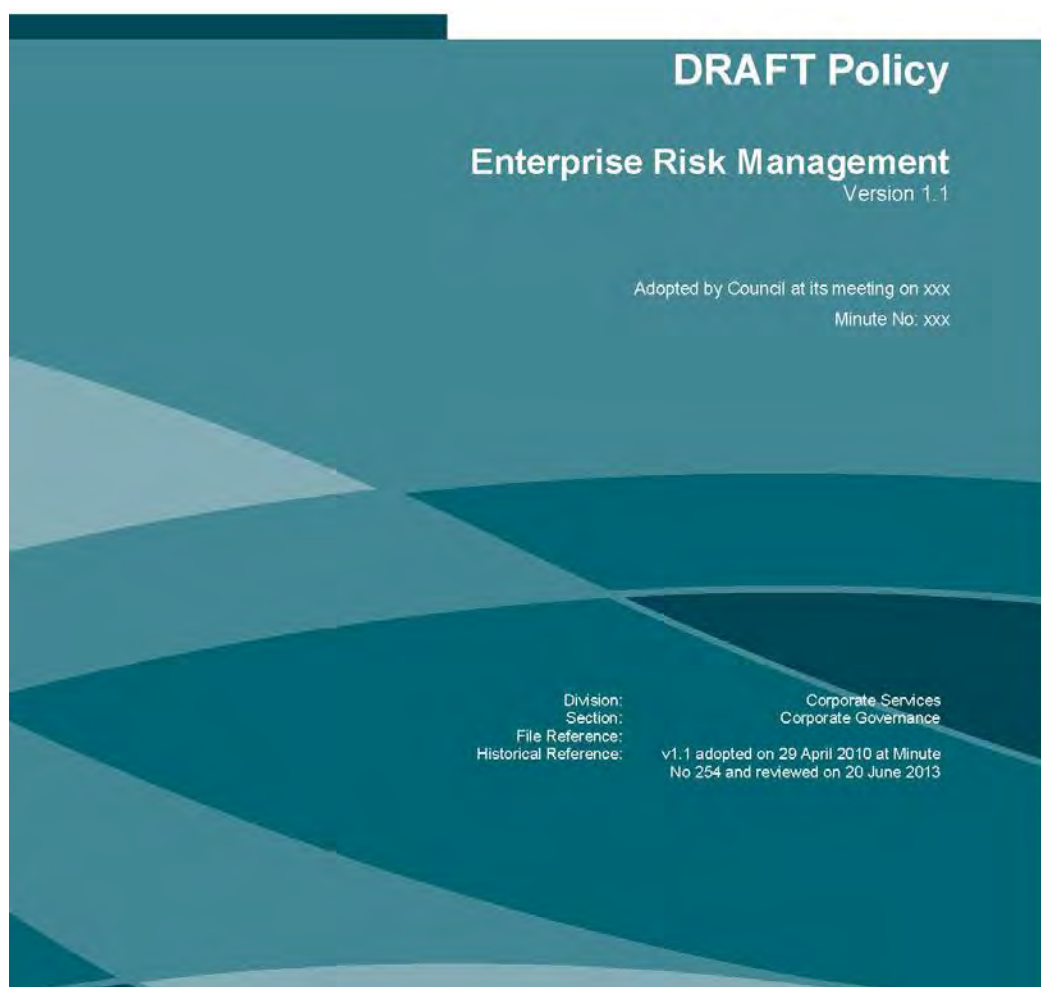
In accordance with Section 161(2) of the Local Government Act 1993 it is deemed that as this Policy relates directly to the operations of Council there is no necessity to place the document on public exhibition.

The revised policy is submitted for consideration by Council.

### RECOMMENDATION:

**That the Enterprise Risk Management Policy Version 1.1 be adopted as a Corporate Policy of Council in accordance with Section 161(2) of the Local Government Act 1993.**

**REPORT:**



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## **Enterprise Risk Management**

### **Policy Objective**

The purpose of this Enterprise Risk Management Policy is to communicate Council's commitment to managing enterprise-wide risks and establish clear responsibilities to ensure that all levels of Council, management and staff are aware of and responsible for the management of risk.

### **Definitions**

Not applicable

### **Policy Background**

Risk is defined as the effect of uncertainty on objectives.

Tweed Shire Council understands that large, unmitigated risks can adversely impact its stakeholders and its ability to achieve strategic, operational, financial and regulatory objectives.

Risk management involves coordinated activities to direct and control the organisation with regard to risk. It is a systematic process that involves establishing the context of risk management, identifying risks, analysing risks, addressing risks, periodically monitoring risks and communication and consultation. Risk management explicitly addresses uncertainty but, whilst it is based on the best available information, it does not eliminate all risk. The application of risk management thinking, principles and practices aims to help Council deliver quality services, improve decision-making, set priorities for competing demands/resources, minimise the impact of adversity and loss, ensure regulatory compliance and support the achievement of objectives.

### **Policy**

This policy applies to all councillors, directors, management, staff, contractors and volunteers across all Council activities and processes.

Tweed Shire Council is committed to the formal, systematic, structured and proactive management of risks across the organisation.

Council recognises that whilst risk is inherent in all its activities, the management of risk is good business practice, creates value, is integral to sound corporate governance and in some instances, a mandatory legal requirement. In particular, effective risk management can lead to better decision-making and planning as well as better identification of opportunities and threats.

## RISK MANAGEMENT FRAMEWORK

Council's risk management framework is a set of components that provides the foundations and organisational arrangements for designing, implementing, monitoring reviewing and continually improving risk management throughout the organisation.

Council is committed to maintaining an effective, efficient and tailored risk management framework that consists of:

- this policy
- an ~~enterprise~~- risk management plan
- supporting policies that complement risk management such as fraud prevention, business continuity management, OH&S management systems and code of conduct.

The framework will enable:

- a formal, structured approach to risk management that is appropriate to the organisation's activities and operating environment;
- a risk management approach consistent with the principles of AS/NZS ISO 31000:2009;

## RISK APPETITE

Council's risk appetite is expressed in the form of a risk appetite statement which covers a number of critical risk categories. The current risk appetite statement is:

### Environmental

1. There is considerable appetite for decisions that promote ecologically sustainable development

### Work, Health and Safety

1. There is no appetite for compromising staff safety and welfare.

### Strategic

1. There is no appetite for decisions that will adversely impact on Council's ability to achieve significant objectives.

### Fraud and Corruption

1. There is no appetite for decisions that will result in instances of fraud and/or corruption.

### Financial

1. There is no appetite for decisions that have a significant negative impact on Council's long term financial sustainability

### Staffing

1. There is no appetite for staff turnover above the industry benchmark or decisions that result in formal industrial action.

### Operational

1. There is considerable appetite for improvements to service delivery  
2. There is considerable appetite for improved efficiency of Council operations

### Legal and Compliance

~~1. There is no appetite for non compliance with legal, professional and regulatory requirements.~~

~~Reputational~~

~~1. There is a low appetite for significant adverse media at state level significant, well publicised outcry from residents or a long story life.~~

~~Public Safety and Wellbeing~~

~~1. There is no appetite for unduly placing the public at risk.~~

~~Risks are typically measured in terms of impact and likelihood of occurrence. Impact ratings of risk should mirror the units of measure used for organisational objectives, which may reflect different types of impact such as financial, environment, and reputation. Similarly, the time horizon used to assess the likelihood of risks should be consistent with the time horizons related to objectives.~~

~~Risk appetite is the amount and type of risk that an organisation is prepared to pursue, retain or take. It is expressed in the form of a risk appetite statement which covers a number of critical risk categories. The current risk appetite statement is:~~

~~Financial~~

~~1. There is no appetite for decisions that have a significant negative impact on Council's long term financial sustainability~~

~~Legal and Regulatory~~

~~2. There is no appetite for non compliance with legal, professional and regulatory requirements~~

~~Human Resources~~

~~3. There is no appetite for compromising staff safety and welfare~~

~~Operational~~

~~4. In considering opportunities a disciplined approach to the management of risk must be taken.~~

~~5. Council's approach to managing risk should set an example to the rest of the community.~~

~~6. There is considerable appetite for improvements to service delivery~~

~~7. There is considerable appetite for improved efficiency of Council operations~~

~~Environmental~~

~~8. There is considerable appetite for decisions that promote ecologically sustainable development~~

## IMPLEMENTING RISK MANAGEMENT

Council is committed to ensuring that a strong risk management culture exists and will develop and maintain a risk management plan that:

- Aligns enterprise risk management processes to Council's existing planning and operational processes;
- allocates sufficient funding and resources to risk management activities;
- provides staff with appropriate training in risk management principles;



- assigns clear responsibilities to staff at all levels for managing risk;
- embeds key controls to manage risks into business processes;
- establishes appropriate mechanisms for measuring and reporting risk management performance;
- communicates risk management policies, plans and issues to staff and other stakeholders;
- takes human and cultural factors into account; and
- is dynamic, iterative and facilitates continual improvement

#### ACCOUNTABILITIES AND RESPONSIBILITIES FOR MANAGING RISK

**Council** is ultimately responsible for adopting and committing to this enterprise risk management policy, identifying and monitoring emerging risks and fully considering risk management issues contained in Council reports.

The **Enterprise Risk Management Committee** is responsible for establishing and reviewing the framework for identifying, monitoring ~~and~~ managing significant business risks and for adopting and periodically review Council's Risk Management Plan.

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The **General Manager** is responsible for leading the development of an enterprise risk management culture across the organisation and ensuring that the Enterprise Risk Management Policy and Plan are being effectively implemented.

The **Executive Management Team** is responsible for considering urgent, sensitive and/or complex risk management issues that cannot be resolved by staff, the Enterprise Risk Management Committee or the Corporate Management Team.

~~The **Corporate Management Team** is responsible for adopting and periodically reviewing Council's Risk Management Plan, considering and discussing risk management issues and initiatives brought to its attention by the Risk Management Committee and providing feedback to the Risk Management Committee on risk management issues.~~

The **Manager Corporate Governance** is responsible for ensuring that all administrative requirements necessary for the implementation of the Enterprise Risk Management Plan across Council are in place.

**Directors** are responsible for ensuring that the Risk Management Policy and Plan are being effectively implemented within their areas of responsibility.

**Internal Audit** will periodically review the enterprise risk management framework, including the internal controls designed to manage risk.

**Managers** at all levels, are the risk owners and are required to create an environment where the management of risk is accepted as the personal responsibility of all staff, volunteers and contractors. Managers are accountable for the implementation and maintenance of sound risk management processes and structures within their area of responsibility in conformity with Council's enterprise risk management framework.

All **staff** are required to act at all times in a manner which does not place at risk the health and safety of themselves or any other person in the workplace. Staff are responsible and accountable for taking practical steps to minimise Council's exposure to risks including contractual, legal and professional liability in so far as is reasonably practicable within their area of activity and responsibility.

**EFFECTIVE DATE**

20 April 2010.

**REVIEW DATE**

This policy will be reviewed within 12 months of the election of each new Council or more frequently in the event of any material changes in circumstances.

**Related Legislation**

Not applicable

**Compliance**

Not applicable

**Forms**

Not applicable

**Review Period**

This policy will be reviewed within 12 months of the election of each new Council or more frequently in the event of any legislative changes or change in circumstances.

**Useful Links**

[Tweed Shire Council website](#)

**Version Control:**

Version History		
Version #	Summary of changes made	Date changes made
1.0	Incorporated into new policy template	20/06/2013

**OPTIONS:**

Nil.

**CONCLUSION:**

It is recommended that Council adopts the Enterprise Risk Management Policy Version 1.1.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Amendments required to current Enterprise Risk Management Policy Version 1.0

This Policy aids in risk management practices being undertaken in accordance with the principles of AS/NZ ISO 31000:2009.

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

Financial resources are available within the Risk Management expenses area of the budget to undertake the requirements associated with Enterprise Risk Management.

**c. Legal:**

This Policy aids in risk management practices being undertaken in accordance with the principles of AS/NZ ISO 31000:2009.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**28 [CS-CM] Legal Services Register for the Period 1 April to 30 June 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 April to 30 June 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 April to 30 June 2015 is \$152,469 compared to \$168,483 for the previous quarter.

The principal legal instructions that relate to this quarter include:

• 2689 - Oakvale Capital Ltd	\$3,089
• 2698- Homestead Caravan Park - Compliance	\$7,500
• 2763 - Hacienda Caravan Park - Compliance	\$13,629
• 2773 - Prospero/Colin Street Murwillumbah	\$51,087
• 2774 - DA13/0591 & DA13/0594 Enid Street	\$1,840
• 2776 - DA13/0654 40 Queen Street Fingal	\$29,439
• 2780 - DA13/0383N 120-126 Chinderah Bay Drive	\$11,705
• 2785 - Dangerous Dog - advice	\$11,880
• 2789 - Pottsville Road Sleepy Hollow - advice	\$1,407
• 2791 - DA14/0164 – 27-37 Bells Boulevard, Salt-defence	\$10,853
• Local Government Act – advice	\$5,794
• Local Government Act – advice, extension of Waste Services Contract	\$3,330

This brings the total legal expenditure, for the year ending 30 June 2015, to \$561,263.



**RECOMMENDATION:**

**That Council receives and notes the Legal Services Register report as at 30 June 2015.**

## REPORT:

Expenditure incurred on legal instructions for the period 1 April to 30 June 2015 follows:

Category 1 Planning and Environmental Law	Category 2 Local Government Law	Category 3 Commercial/Property Law	Category 4 District/Local Court
\$119,892	\$25,077	\$0	\$7,500

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 April to 30 June 2015
DLA Piper Australia	\$98,143	\$1,540
HWL Ebsworth Lawyers	\$53,887	\$10,853
Lindsay Taylor Lawyers	\$33,471	\$0
Maddocks Lawyers	\$8,252	\$0
Marsdens Law Group	\$56,822	\$29,439
Sparke Helmore Lawyers	\$149,831	\$52,726
Wilshire Webb Staunton Beattie Lawyers	\$20,214	\$11,705
<b>Other</b>		
SK Partners Legal & Strategic Solutions	\$2,625	\$0
Stacks/The Law Firm	\$30,054	\$13,629
<b>Sub Total</b>	<b>\$453,299</b>	<b>\$119,892</b>

Category 2 Local Government Law (litigation and advice)	Year to Date	Current Period 1 April to 30 June 2015
DLA Piper Australia	\$8,717	\$984
Lindsay Taylor Lawyers	\$3,330	\$3,330
Local Government Legal	\$725	
Maddocks Lawyers	\$24,327	\$17,674
Marsdens Law Group	\$0	\$0
Prevention Partners NSW	\$2,607	\$0
<b>Other</b>		
Piper Alderman Lawyers	\$30,739	\$3,089
SINC Solutions Pty Ltd	\$3,198	\$0
Sparke Helmore Lawyers	\$2,444	\$0
Australian Financial Securities Authority	\$13,775	\$0
Hall Wilcox	\$1,600	\$0
<b>Sub Total</b>	<b>\$91,462</b>	<b>\$25,077</b>

<b>Category 3 Commercial/Property Law</b>	<b>Year to Date</b>	<b>Current Period 1 April to 30 June 2015</b>
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	\$3,575	\$0
Wilshire Webb Staunton Beattie Lawyers	\$0	\$0
<b>Sub Total</b>	<b>\$3,575</b>	<b>\$0</b>

<b>Category 4 District/Local Court</b>	<b>Year to Date</b>	<b>Current Period 1 April to 30 June 2015</b>
DLA Piper Australia	\$0	\$0
Stacks /The Law Firm	\$10,137	\$7,500
<b>Other</b>		
Russell Baxter Solicitor	\$2,790	\$0
<b>Sub Total</b>	<b>\$12,927</b>	<b>\$7,500</b>
<b>Total</b>	<b>\$561,263</b>	<b>\$152,469</b>

## LEGAL SERVICES REGISTER as at 30 June 2015

Category 1 - Planning and Environmental Law					
Provider (reference)	Description	General instructions	Costs	Comments	Current Status as at 16 July 2015
HWL Ebsworth Lawyers (2719)	DA10/0160 Tamarind Avenue Bogangar	Review development consent and seek appropriate advice on section charges.	Prev. Years \$11,715 <b>14/15</b> \$335 <b>Total</b> <b>\$12,050</b>	Information received pertaining to development consent and section charges. Information sent to all owners regarding status of development consent.	Completed
Lindsay Taylor Lawyers (2735)	Voluntary Planning Agreement, Area E Altitude Aspire	Prepare a Voluntary Planning Agreement for the Altitude Aspire Part 3 Major Application by Metricon.	Prev. Years <b>\$27,111</b>	Council, at its meeting of 18 September 2014 accepted the Altitude Aspire Voluntary Planning Agreement.	Completed
HWL Ebsworth Lawyers (2742) (2746)	DA11/0456 Noble Lakeside	Council resolved on 21 March 2013 to defend Class 1 Appeal in the Land and Environment Court.	Prev. Years \$361,087 <b>14/15</b> (\$9,529) <b>Total</b> <b>\$351,558</b>	Appeal dismissed 17 December 2013. Agreed costs of \$30,000 accepted. Payment of costs made in accordance with Agreement. Specialist consultant overpaid, credit received.	Completed
Sparke Helmore Lawyers (2758)	DA12/0527 Gollan Drive Tweed Heads (IGA / Seagulls)	Council resolved on 12 December 2013 to defend Class 1 Appeal in Land and Environment Court.	Prev. Years \$283,457 <b>14/15</b> \$21,341 <b>Total</b> \$304,798	Class 1 Appeal heard in Land and Environment Court. Judgment was handed down on 16 July 2014, when the Class 1 Appeal was dismissed with no order as per costs.	Completed
Wilshire Webb Staunton Beattie Lawyers (2762)	DA13/0397 Pearl Street Kingscliff	Council resolved on 6 March 2014 to defend Class 1 Appeal in Land and Environment Court	Prev. Years \$3,291 <b>14/15</b> \$8,495 <b>Total</b> <b>\$11,786</b>	Matter adjourned in Land and Environment Court for draft conditions to be provided by Council. Judgment was handed down on 21 July 2014 when the Class 1 Appeal was upheld with amended consent with no order as to costs.	Completed

Provider (reference)	Description	General instructions	Costs	Comments	Current Status as at 16 July 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.	<b>14/15</b> \$30,054	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.	<b>In Progress.</b> 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) .
Marsdens Law Group (2764)	Unauthorised excavation Tyalgum Road Tyalgum	Seek appropriate legal advice to support legal action.	<i>Prev. Years</i> \$6,312 <b>14/15</b> \$4,337 <b>Total</b> <b>\$10,649</b>	Council information forwarded to Solicitors. Detailed advice received from Solicitors. Reported to Planning Committee Meetings of 6 November, 4 December 2014, 5 February 2015, 5 March 2015 and 21 May 2015	<b>Completed.</b> Reported to Council Meeting of 2 July 2015, Council resolved to discontinue the proposal to take Class 5 proceedings.
DLA Piper (2765)	DA14/0164 27-37 Bells Boulevard, Kingscliff	Provide advice on Development Application for dual use of existing tourist accommodation	<b>14/15</b> \$3,321	Detailed advice provided on owner's consent requirements.	<b>Completed</b>
Maddocks Lawyers (2767)	Boys Bay Caravan Park	Review conditions of Development Consent.	<b>14/15</b> \$3,098	Advice received.	<b>Completed</b>
Lindsay Taylor Lawyers (2769)	2/1 Beatrice Court, Pottsville DA13/0678	Council resolved on 3 July 2014 to defend a Class 1 Appeal in Land and Environment Court.	<b>14/15</b> \$25,589	Conciliation conference conducted on site on 28 & 29 August 2014 resulting in amendments to the Development Application, which then resulted in application being granted consent, subject to conditions.	<b>Completed</b>

Provider (reference)	Description	General instructions	Costs	Comments	Current Status as at 16 July 2015
DLA Piper Australia (2772)	Tweed LEP 2014	Challenge in Land and Environment Court - amendment to LEP - made in error.	<b>14/15</b> \$20,432	Court matter adjourned for a directions hearing on 19 December 2014. LEP changes approved on 24 October 2014. Notice of Discontinuance filed with the Land and Environment Court on 5 January 2015.	<b>Completed</b>
Sparke Helmore Lawyers (2773)	Prospero/Colin Streets, Murwillumbah	Class 4 Civil Enforcement action initiated against owners.	<b>14/15</b> \$115,036	Notice of Intention to issue an order served on the property owners. Summons filed with Land and Environment Court and served upon owners. On 15 May 2015 Consent Orders were issued against one of the parties. The matter pertaining to the other party has been stood over until 5 June 2015.	<b>In Progress.</b> 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. This has been referred to mediation.
DLA Piper Australia (2774)	DA13/0591 and DA13/0594 Enid Street, Tweed Heads.	Council resolved on 7 August 2014 to defend Class 1 Appeal in Land and Environment Court.	<b>14/15</b> \$74,390	Directions Hearing and conciliation conference conducted. Statement of Facts and contentions filed with Court for both properties. Amended plans filed with court on 13 October 2014, which have been assessed and considered, report prepared which has been lodged with the court. Appeal heard on 5 and 6 February 2015. Judgment handed down on 6 March 2015 where the Court dismissed both Appeals with no Orders as to cost.	<b>Completed</b>
HWL Ebsworth Lawyers (2775)	DA13/0201 Depot Road, Kings Forest - Telstra Corporation.	Council resolved on 4 September 2014 to defend the Class 1 Appeal in the Land and Environment Court	<b>14/15</b> \$47,335	Advice provided to Council. Considered at Planning Committee meeting 2 October 2014. Council has now withdrawn its contention.	<b>Completed</b> Case determined on 20 November 2014, appeal was upheld, granted consent for the application, subject to conditions.

Provider (reference)	Description	General instructions	Costs	Comments	Current Status as at 16 July 2015
Marsdens Law Group (2776)	DA13/0654 40 Queen Street, Fingal	Defend Class 1 Appeal in the Land and Environment Court	<b>14/15</b> \$51,895	Final statement of facts and contentions forwarded to solicitors. S34 Conciliation Conference held on 28 November 2014. Amended plans lodged with court, reviewed with comments by Council's external consultants.	<b>Completed.</b> Matter heard on 13-14 April. Judgment handed down on 28 April 2015 - Appeal upheld and Approval granted, subject to conditions.
Lindsay Taylor Lawyers (2777)	Use of waterways and public land.	Provide advice on the use of waterways and public land.	<b>14/15</b> \$6,350	Advice incorporated into draft policy non-motorised water recreation businesses.	<b>Completed</b>
HWL Ebsworth Lawyers (2779)	DA13/0618 Willow Avenue Bogangar	Seek information in compliance with DA approval for restaurant	<b>14/15</b> \$2,926	Information received regarding compliance with DA approval.	<b>Completed</b>
Wilshire Webb Staunton Beattie Lawyers (2780)	DA13/0383 120-126 Chinderah Bay Drive Chinderah	Council resolved on 6 November 2014 to negotiate consent orders or enter into Section 34 agreement.	<b>14/15</b> \$11,719	Statement of facts prepared and served upon applicants solicitors. Draft conditions have been prepared. Applicants amended draft conditions being assessed subject to conditions. Matter heard on 10 February 2015. Approval granted in accordance with Draft Conditions of Consent.	<b>Completed</b>
Sparke Helmore Lawyers (2781)	DA13/0440 5 Knox Court, Kingscliff	Request advice on being able to approve some elements of a S96 Application.	<b>14/15</b> \$4,803	Detailed advice provided in approving a S96 Application.	<b>Completed</b>
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 construction of illegal earthworks.	<b>14/15</b> \$4,214	Evidence being gathered for Council's Solicitor to institute action.	<b>In Progress.</b>
HWL Ebsworth (2784)	DA14/0892 Wooyung Road, Wooyung	Staged developed for dwelling house - associated works	<b>14/15</b> \$1,967	Advice provided in relation to DA14/0892 being a staged Development Application.	<b>Completed</b>

Provider (reference)	Description	General instructions	Costs	Comments	Current Status as at 16 July 2015
Lindsay Taylor Lawyers (2786)	DA03/0445.02 Uriup Road, Uriup	Provide advice on options for enforcement.	<b>14/15</b> \$1,532	Advice provided on options for implementing compliance with Development Consent conditions.	<b>Completed</b>
Marsdens (2787)	Casuarina Town Centre,	S94 credits assignment	<b>14/15</b> \$590	Detailed advice provided on Council's agreement to assign S94 credits to 2 separate entities.	<b>Completed</b>
Maddocks (2788)	DA14/0164 27-37 Bells Boulevard, Dual use of existing tourist accommodation	Provide advice on Planning Committee rescission motion	<b>14/15</b> \$5,154	Detailed advice provided and considered at Council's Extraordinary Meeting held 12 February 2015.	<b>Completed</b>
Sparke Helmore (2789)	Pottsville Road Sleepy Hollow No approval for dwelling or Shed	Provide advice on appropriate response to Complainant	<b>14/15</b> \$1,407	Detailed advice received and response sent to Complainant	<b>Completed</b>
HWL Ebsworth (2791)	DA14/0164 27-37 Bells Boulevard, Dual use of existing tourist accommodation	Defend Class 1 Appeal in Land & Environment Court	<b>14/15</b> \$10,853	9 April Planning Committee recommendation to Council that it engages Solicitor to negotiate Consent Orders or enter into a S34 Agreement. Consent Orders hearing date for 14 May 2015 was vacated. Notice of Motion seeking leave for Mantra to be adjourned was listed for 22 May 2015 and was consented to by the applicant.	<b>In Progress</b> Matter was listed for case management on 12 June 2015. Matter now listed for a further case management hearing on 31 August 2015.



Provider (reference)	Description	General instructions	Costs	Comments	Current Status as at 16 July 2015
Marsdens Law Group (2794)	DA15/0201 40 Creek Street, Hastings Point	Defend Class 1 Appeal in Land & Environment Court	<b>15/16</b>	Planning Committee at its meeting on 6 August 2015 resolved to defend this matter. Proceedings are listed for a directions hearing on 10 August 2015.	<b>In Progress</b>
Sparke Helmore Lawyers (883763)	136-150 Dry Dock Road Tweed Heads	Provide advice on the proposed development of a general store	<b>14/15</b> \$3,030	Detailed planning advice received. Reported to Council's meeting of 4 December 2014. Development Application approved at Planning Committee meeting of 5 February 2015.	<b>Completed</b>
SK Partners Legal & Strategic Solutions (140804)	Cobaki Development	Provide general advice on the conditions of relevant consents	<b>14/15</b> \$2,625	Detailed advice received.	<b>Completed</b>
Lindsay Taylor Lawyers	New Voluntary Planning Agreement - Pottsville employment land.	Prepare new Voluntary Planning Agreement for 39 Kudgerie Avenue, Cudgera Creek.	<i>Prev. Years</i> \$10,054 <b>14/15</b> \$0	Updated version of Voluntary Planning Agreement provided to council for review (to be funded by landowner).	<b>Completed</b> Matter reported to May 2015 Planning Committee meeting.
HWL Ebsworth Lawyers	LEDA seeking copy of advice provided to council re: Land and Environment Court proceedings, 80 Depot Road, Kings Forest.	Provide advice on the question of whether LEDA could be provided with a copy of solicitor's advice.	<b>14/15</b> \$0	Advice received and considered by Council at its meeting held 16 October 2014.	<b>Completed</b>

## Category 2 - Local Government Law

Provider (Reference)	Description of Matter	General Instructions	Costs to date	Comments	Current Status as at 16 July 2015
DLA Piper Australia (713071078)	Local Government	General advice.	<b>14/15</b> \$1,372	Advice received.	<b>Completed</b>
Piper Alderman Lawyers (2689)	Appeal against Oakvale Capital Ltd ACN 009 070 884	Commence proceedings in Federal Court in claim against security bond.	<i>Prev. Years</i> \$63,933 <b>14/15</b> \$30,739 <b>Total</b> <b>\$94,672</b>	Appeal currently being implemented. Mediation in respect of the Appeal conducted on 21 November 2014. Settlement agreed in council's favour.	<b>Completed</b> Deed of settlement signed on 10 April 2015 now finalised, reported to Council Meeting of 18 June 2015.

Provider (Reference)	Description of Matter	General Instructions	Costs to date	Comments	Current Status as at 16 July 2015
Maddocks (2771)	Provide advice relating to legal options available to Council to respond to CSG	Provide appropriate advice	<b>14/15</b> \$4,067	Advice received and considered by Council at its meeting held on 11 December 2014.	<b>Completed</b>
Maddocks (2785)	Review Council documentation and provide advice on Breach of Companion Animals Act - Dangerous Dog	Provide appropriate advice in proceeding with the matter	<b>14/15</b> 11,880	Advice received penalty infringement action implemented	<b>Completed</b>
Hall Wilcox Lawyers (33033)	Leda - Cobaki Development	Assist with dealings with Leda. Matter pertaining to the Cobaki Development	<b>14/15</b> \$1,600	Assistance provided in dealing with matter.	<b>Completed</b>
DLA Piper Australia	Provide advice on GIPAA Applications.	Provide appropriate advice.	<i>Prev. Years</i> \$8,822 <b>14/15</b> \$4,223 <b>Total</b> <b>\$13,045</b>	Advice received and information supplied to NCAT. NCAT decision on 26 March 2015 to release documents with redaction.	<b>Completed</b>
Prevention Partners NSW	Local Government Act	General advice.	<b>14/15</b> \$2,609	Advices received.	<b>Completed</b>
DLA Piper Australia (713093748)	Flood Plain Risk Management Plan	Provide appropriate advice.	<b>14/15</b> \$3,122	Advice received on the Plan.	<b>Completed</b>
Local Government Legal (796)	Local Government Act	General advice.	<b>14/15</b> \$725	Advice received.	<b>Completed</b>

Provider (Reference)	Description of Matter	General Instructions	Costs to date	Comments	Current Status as at 16 July 2015
SINC Solutions Pty Ltd (1408008)	NCAT/GIPAA and Independent Chair Panel Review matters.	Prepare/review documents and associated activities.	<b>14/15</b> \$3,198	Advice received	<b>Completed</b>
Sparke Helmore Lawyers (880278)	Council power in dealing with unregistered vehicles	Provide appropriate advice with particular reference to the Impounding Act	<b>14/15</b> \$2,444	Detailed advice received on Council's legislative powers in dealing with unregistered vehicles	<b>Completed</b>
Lindsay Taylor Lawyers (10166)	Extension of Waste Services Contract	Provide detailed advice on extension of Waste Services Contract	<b>14/15</b> 3,330	Detailed advice received on Council's legislative powers in dealing with an extension of Waste Services Contract	<b>Completed</b>
Maddocks Lawyers (818400)	Boyd's Bay Caravan Park	Provide appropriate advice with particular reference to SEPP 21 & Local Government (Caravan Park) Regulation 2005	<b>14/15</b> \$1,500	Detailed advice received.	<b>Completed</b>
Maddocks Lawyers (823868)	Local Government Act	Provide appropriate advices on the Act	<b>14/15</b> \$6,879	Advices received.	<b>Completed</b>
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.	<b>In Progress.</b> Recovery of assessed costs of \$134,058 being pursued.
Australian Financial Securities Authority	7 Year Special Rate Variation	Recovery of assessed costs	<b>14/15</b> \$13,775	Action to recover assessed costs.	<b>In Progress.</b>

Category 3 - Commercial/Property Law					
Provider (Reference)	Description of Matter	General Instructions	Costs to Date	Comments	Current Status as at 16 July 2015
Stacks/The Law Firm (2766)	The Anchorage Lease with Lend Lease	Review Lease Conditions - tenants obligation to maintain and repair.	<b>14/15</b> \$3,575	Interim advices received. Further advice received from Lend Lease and Council's solicitor reviewed by Council officers.	<b>Completed.</b> Lease conditions agreed, Lend Lease now proceeding with maintenance/repair activities.

Category 4 - District/Local Court					
Provider (Reference)	Description of Matter	General Instructions	Costs to Date	Comments	Current Status as at 16 July 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> \$40,818	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.	<b>In Progress</b> One claims for costs have been lodged with Council- \$ 7,500 paid.
Stacks/The Law Firm (150098)	68 Oyster Point Road, Banora Point	Prosecute owner in the Local Court for development works without consent.	<b>14/15</b> \$773	Matter heard in Local Court - owner was convicted of the offence, fined and ordered to pay Council's costs of the prosecution.	<b>Completed</b>
Russell Baxter Solicitor	Local and District Court Appeals	Defend Appeal issues in Local and District Court.	<i>Prev. Years</i> \$3,360 <b>14/15</b> \$2,790 <b>Total</b> <b>\$6,090</b>	Case on hold - appeal in the District Court can only be actioned by applicant.	<b>In Progress</b> Matter listed for mention on 20 July 2015.
Stacks/The Law Firm (2760)	2 Willow Avenue, Bogangar	Prosecution for offence of "development without consent"	<b>14/15</b> \$1,864	<b>Completed.</b> Judgment was handed down on 2 October 2014 where the Defendant was convicted of the offence "development without consent", fined and ordered to pay professional costs.	<b>Completed</b>

**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 - \$425,196

Total legal expenditure to 30 June 2015 - \$561,263

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**29 [CS-CM] Compliments and Complaints Analysis Report for Period 1 April to 30 June 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 Compliments and Complaints Handling Policy contains a quarterly reporting requirement. The Policy is designed to:

- Ensure compliments and complaints received are appropriately recorded;
- Recognise and acknowledge compliments Council receives;
- Deal with complaints in a fair and equitable manner; and
- Increase the level of customer satisfaction with the way feedback is handled, and in the delivery of services and systems.

The compliments and complaints analysis report for the period 1 April to 30 June 2015 identifies 51 compliments and 45 complaints and is provided for the information of Council.

### RECOMMENDATION:

**That Council receives and notes the Compliments and Complaints Analysis Report for the period 1 April to 30 June 2015.**

## REPORT:

The Compliments and Complaints Handling Policy contains a quarterly reporting requirement. The Policy is designed to:

- Ensure compliments and complaints received are appropriately recorded;
- Recognise and acknowledge compliments Council receives;
- Deal with complaints in a fair and equitable manner; and
- Increase the level of customer satisfaction with the way feedback is handled, and in the delivery of services and systems.

There are many instances where Council is complimented on the broad range of services it provides to the community, often in the form of a follow up phone call, written thank you or certificate of appreciation. These occasions highlight when Council has met or exceeded citizen expectations. Information about compliments Council receives often goes unrecognised because, unlike complaints, they require little action. However Council values its staff and compliments are an important feedback mechanism to organisational performance as well as a good sign of an engaged and active community.

A complaint is an expression of dissatisfaction, made in:

- a) respect to a Council Officers role in the provision of service delivery or lack of service delivery that has allegedly affected an individual, group or body of stakeholders whether justified or not; or
- b) the quality of service provided by council; or
- c) failing to act upon a request from the public and policies adopted by council.

A complaint can progress from Council's lack of action following the lodgement of a customer request for service or a request for information.

It is not a request for service (customer request management), or information, or an explanation of a policy or procedure, or objections to a development application before Council determination.

A complaint analysis report is presented to Council, detailed by type and outcomes/actions on a quarterly basis, without personal identifying particulars of complainants or associated persons or properties.

Complaints principally refer to the:

- Failure of Council Officers to comply with Council's Customer Service Charter in not responding to items within 14 days in accordance with the Correspondence - Response to Policy.
- Respondents being dissatisfied with the actions of Council Officers in handling their original request for service.
- Complainants being dissatisfied by decisions made by Council.

The complaint type has been categorised in accordance with categories used by the Office of Local Government. This methodology assists in monitoring the effectiveness of Council's handling of complaints and improving service delivery.

Council received **51** compliments for the period 1 April to 30 June 2015, as follows:

Compliment Type	Ref	Details of Compliment	Comments
<b>Customer Service; Service Standards; Administration</b>	1.	1. 11 Compliments regarding courtesy and prompt attention to services from various sections of Council.	Referred to appropriate staff member/s.
		2. 2 Thank you for assistance with Museum visits.	Referred to Museum Staff member.
		3. Compliment to Fingal Holiday Park Management for excellent service.	Referred to Manager of Unit.
		4. Thank you for provision of youth activities and community events.	Referred to Staff member.
		5. Thank you for organising casual park hire approval.	Referred to Staff member.
		6. Commend employee who helped an elderly lady struggling to cross the road on corner of Wharf & Francis Streets Tweed Heads.	Referred to relevant Construction Staff.
		7. Thank you to Murwillumbah Library Staff who returned lost property to patron.	Referred to Murwillumbah Library Staff.
<b>Enforcement and Regulatory Powers; Building/Noise</b>	2.	1. Thank you to Compliance Staff member for information regarding off-leash areas in the Tweed area.	Referred to Staff member.
<b>Roads; Parks and Water</b>	3.	1. 6 Compliments of appreciation to Recreation Unit Staff for well maintained and quick response to complaints in Parks, Reserves and Sporting Fields.	Referred to appropriate Recreation Unit Staff members.
		2. 6 Thank you to Recreation Unit Staff for their response regarding planting, trimming or removal of trees.	Referred to appropriate Recreation Unit Staff members.
		3. 2 Thank you to Council Staff for the excellent condition of Anzac Memorials prior to Services.	Referred to appropriate Recreation Unit Staff members.
		4. 6 Appreciation with regard to maintenance of roads, drains and footpaths.	Referred to appropriate Engineering Staff members.
		5. Bay Street Tweed Heads - Upgrades recently completed look great & street is safer - well done to all involved.	Referred to Construction Staff members.
		6. Praise the crew who have been doing the upgrade on Kennedy Drive from Roundabout through to the second set of lights.	Referred to Construction Staff members.
		7. Thank you for arranging Rotary Tour of Cemetery.	Referred to Cemetery Staff members.
		8. Appreciation for Council Officers assistance with Year 10 excursion.	Referred to Natural Resources Staff members.
		9. Thank you to South Tweed Indoor Pool for Learn to Swim evaluation paperwork.	Referred to Learn to Swim Staff member.



Compliment Type	Ref	Details of Compliment	Comments
		10. Sincere gratitude to the two water meter readers who informed me of a water leak.	Referred to the two Water Unit Staff members.
		11. Thank you to Building Maintenance Staff for being so tidy and accommodating.	Referred to appropriate Building Maintenance Staff member/s.
		12. Thank you for the work done on Cudgera Creek boardwalk so far.	Referred to appropriate Engineering and Natural Resources Staff members.
<b>Council Miscellaneous</b>	4.	1. Appreciation for Council support of new tennis centre at Terranora.	Referred to Manager Recreation Services.
		2. Thank you for organising Seniors Bus Trip to Amberley RAAF Museum.	Noted by Manager Community and Cultural Services.
		3. Appreciate the informative Tweed Link - continuity of publication.	Noted by Manager Communication and Marketing Services.
		4. Appreciation for time & effort of members of Coastal Committee.	Referred to Councillors and Executive Management Team.

During this quarter **45** complaints have been recorded as follows:

Complaint Type	Ref	Details of Complaint	Comments
<b>Customer Services; Service Standards; Administration</b>	1.	1. Debt Recovery - Rates paid on the incorrect property.	Email sent advising that the legal fees will not be waived - requested payment in full or arrangement by 30 April 2015.
		2. The Anchorage Estate Issues - 7 Complaints received pertaining to various issues regarding road rules compliance, maintenance of the inner harbour rock wall, bridge and public reserve, Officers conduct in investigating complaints and Staff methodology in undertaking maintenance.	Complaints investigated resulting in two emails forwarded outlining a detailed response to each of the complaints lodged, including Council's proposed maintenance action.
		3. The Anchorage Estate - Requesting formal response to Officer's conduct whilst investigating a complaint.	Email sent providing a response to the complaint.
		4. Fingal Holiday Park – Complaint. Due to unsafe road conditions we requested our booking be deferred to another weekend. Was told this couldn't happen. Disappointed with the response and request the booking be deferred.	Complaint resulted in an amendment to Holiday Parks Procedures, complainant advised, booking rescheduled.
		5. Debt Recovery - Change of mailing address & customer service complaint.	Complainant issues addressed and arrangement entered into to pay the amount due.
		6. Complaint - Staff member's conduct.	Discussion held with Staff member to address complainant's issues.
		7. Complaint about time on hold when calling council after hour's service.	No response required by complainant- issue added to after hour's service action/discussion items.

Complaint Type	Ref	Details of Complaint	Comments
<b>Enforcement and Regulatory Powers; Building/Noise</b>	2.	1. Stott's Creek Garbage Depot Disposal of Rubbish Fees - no wonder there is a marked increase in illegally dumped rubbish.	Response advised that the fees include a NSW Waste Levy of \$65.40 per tonne onto the disposal rate, which does not apply in Queensland.
		2. Kingscliff - Dissatisfaction of dealing with Council for development application - hope can assist in eliminating further occurrence of these experiences.	A request was made for the lodgement of a Section 96 application, further telephone discussions held with complainant.
		3. Pottsville - Complaint re: roof colour of dwelling - dominates outlook & glare nuisance.	Lengthy discussion held with complainant, outlined compliance with BASIX and Complying Development Legislation.
		4. Pottsville -Complaint about building works - Have not received any correspondence in relation to this complaint.	Email sent advising previously left telephone message, provided information on legislation requirements including private certification.
		5. Concern & disappointment with Council's response & action to issue of rubbish being dumped on property - request illegal rubbish be collected & investigation as to who is responsible & ideas for control measures.	Response sent advising that Council has programmed the clean-up of the property and area has been noted for future deployment of surveillance cameras.
		6. Backyard burning - urban areas - concerned at information provided by Council Staff.	Detailed email providing information on backyard burning in the area, advising of legislative and Council Policy requirements.
		7. Kennedy Drive Tweed Heads - 2 complaints. Request explanation as to why property has not been cleared by new owner.	Email sent advising that the site has been mown except for an area which has land form difficulties and the tree complaint is a civil matter. Second email is currently being investigated.
<b>Roads, Parks and Water</b>	3.	1. Bilambil Road - road maintenance & repairs - workmanship is unacceptable.	Email sent advising that comments on the finish noted - other maintenance to the asphalt surface undertaken on 2 June 2015.
		2. Kennedy Drive Roadworks 14 complaints - inadequate site planning --traffic management issues -temporary roundabout along Kennedy Drive is very dangerous.	Emails sent to all complainants advising of the nature of the works being undertaken, complaints noted especially in respect to traffic management.
		3. Complaint: Second email - Tree lopping debris along Duranbah Road Duranbah is still outstanding.	Email sent advising that the complaint would be inspected and material removed if necessary.

Complaint Type	Ref	Details of Complaint	Comments
		4. Pottsville - Mowing of block on corner in Pottsville - Now 14 days since council was notified. Nothing has been done.	Email sent advising that clean-up has occurred.
		5. Banora Point – water logged footpath.	Email sent advising that maintenance to the sub- surface drainage has been carried out, nature strip maintenance to be undertaken on 12 June 2015.
		6. Kingscliff - Have been waiting since November 2014 for Council to repair kerb & gutter at front of property.	Email sent advising that the work has been assessed as low priority, to be undertaken when concrete gang is next in the area.
		7. Cudgen Road Kingscliff roadside slashing - tractor has mowed grass & it was a complete waste of ratepayers money.	Response provided that the roadside slashing has again been undertaken on 22 June 2015.
		8. Closure of Anthonys Bridge - 2 complaints -Why could this small body of work have been deferred until construction was actually ready - causing unnecessary delays.	Email sent to both complainants advising the reasons for the early closure prior to construction commencing.
		9. Kennedy Drive and surrounding streets -complaint about roads full of potholes.	Third Stage Kennedy Drive proposed for 2015/2016 construction programme subject to grant funding and other work has been referred to the maintenance section for attention.
		10. Bilambil Heights - Complainant: neighbours experience pungent raw sewage odour several times daily - request further action, investigation & explanation.	Information communicated with resident, testing to be undertaken when specialist equipment is available, results will determine treatment plan.

**OPTIONS:**

Mandatory report in accordance with Council's Compliments and Complaints Handling v1.4.

**CONCLUSION:**

The Compliments and Complaints Analysis Report for the period 1 April to 30 June 2015 be received and noted.

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

Compliments and Complaints Handling v1.4

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

Not applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

The compliments are included in the monthly edition of InsideOut (staff newsletter).

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**30 [CS-CM] Corporate Quarterly Performance Report 1 April to 30 June 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
- 1.3.2 Council will seek the best value in delivering services

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### **SUMMARY OF REPORT:**

The Corporate Quarterly Report for the period 1 April to 30 June 2015 is presented to Council for consideration.

This report and accompanying attachments detail the progress of the 2014/2015 Operational Plan activities up to 30 June 2015.

### **RECOMMENDATION:**

**That Council receives and notes the Corporate Quarterly Performance Report as at 30 June 2015.**

## REPORT:

At the Council meeting held Tuesday 20 June 2013 the Operational Plan 2013/2014 was adopted by Council and a reporting structure has been developed which is based upon four themes identified below:



**Civic Leadership** - Aim: To set the overall direction and long-term goals for the Tweed in accordance with community aspirations.



**Supporting Community Life** - Aim: To create a place where people are healthy, safe, connected and in harmony with the natural environment, to retain and improve the quality of community life.



**Strengthening the Economy**- Aim: To strengthen and diversify the region's economic base in a way that complements the environmental and social values of the Tweed.



**Caring for the Environment** - Aim: For Council and the community to value, respect and actively participate in the care and management of our natural environment for current and future generations.

Some highlights for the quarter 1 April to 30 June 2015 are as follows:

Item	Description
<b>P1.3.1.04</b>	<b>Tweed Heads Streetscape Stage 2 design and project management</b> Reconstructed road surface of high quality and access to Centro loading docks. Official opening held in Bay Street for the project.
<b>P1.5.2.03</b>	<b>Heritage Development Control Plan</b> Preliminary drafts of the work being carried out show promising signs of information that will be readily accessible and useable to the broader community. In turn this should better assist with the conservation practices.
<b>P1.5.2.09</b>	<b>Rural Villages Strategy</b> Public engagement has been very well received and the village's communities have provided excellent feedback. The community continues to provide invaluable participation and is providing a significant contribution to the process and content of the review of the Strategy. The process itself has seemingly brought members of the villages together and provided a platform for networking between the villages.
<b>S2.1.1.02</b>	<b>Banora Point Community Centre – Seniors Program</b> Membership of the Fun Activities Banora Point Seniors group has exceeded estimates and participation in programs offered at the centre continues to grow.
<b>S2.1.3.1</b>	<b>Regional Art Gallery</b> 1,875 visitors enjoyed Guided Tours of the Gallery presented by the Volunteer Gallery Guides during this quarter.
<b>S4.2.1.2</b>	<b>Pest Management</b> Councils Compliance and Natural Resource Management Units have been working collaboratively to implement a 'Wildlife Friendly Pets' program. This program is being implemented through funding provided through the NSW Office of Local Government.

Item	Description
<b>S4.1.2.1</b>	<b>Environmental Sustainability</b>
	Across 2014/2015 power use in Council's operations has decreased overall by 3%. Eight of Council's top 20 energy use facilities have reduced their power use in 2014/2015.
<b>S4.4.1.1</b>	<b>Coastal Management</b>
	The NSW Government has provided 20,000 cubic metres of sand nourishment to Kingscliff Beach from dredging of Terranora Inlet.
<b>CP2.4.3.31</b>	<b>Cunningham Street</b>
	Project completed.
<b>CP2.4.3.32</b>	<b>Collier Street</b>
	Project completed.
<b>CP2.4.3.51</b>	<b>Kyogle Road, Byrill Creek Road to McDonalds Road Terragon</b>
	Project completed.
<b>CP2.4.3.6</b>	<b>Terrace Street</b>
	Project completed.

**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 final quarterly report on the progress of the 2014/2015 plan and following adoption by Council will be made available via the Integrated Planning and Reporting Framework page on Council's website.

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

Corporate Policy Not Applicable

Being reported in accordance with requirements associated with Integrated Planning and Reporting Framework.

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

Not Applicable.

**c. Legal:**

In line with the impacts of the adopted Operational Plan.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Corporate Quarterly Performance Report for the period 1 April to 30 June 2015 (ECM 3751116)

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**31 [CS-CM] Six Monthly Delivery Program Exception Report to 30 June 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
  - 1.3.2 Council will seek the best value in delivering services
- 

### **SUMMARY OF REPORT:**

As a requirement of section 404(5) of the *Local Government Act 1993* (NSW) and the Integrated Planning and Reporting Framework, council must highlight in a six monthly progress report all principle activities identified in the Delivery Program that are not meeting expected performance targets. The Quarterly Corporate Report, which is reported separately, highlights progress across all activities.

The delivery of key actions in the 2013/2017 Delivery Program are monitored by performance indicators that ensure principle activities are completed within the planned timeframe and allocated budgets. Performance outcomes are reported to Council on a six monthly basis in the form of an exception report.

### **RECOMMENDATION:**

**That Council receives and notes the Six Monthly Progress Report detailing principle activities from the 2013/2017 Delivery Program that have not met expected performance targets for the period to 30 June 2015.**

## REPORT:

At the Council meeting held Thursday 19 June 2014 the Operational Plan 2014/2015 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:

As a requirement of section 404(5) of the *Local Government Act 1993* (NSW) and the Integrated Planning and Reporting Framework, council must highlight in a six monthly progress report all principle activities identified in the Delivery Program that are not meeting expected performance targets. Performance outcomes are reported to Council on a six monthly basis in the form of an exception report.

## 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:

Not Applicable.

### d. Communication/Engagement:

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.                      Six Monthly Delivery Program Exception Report to 30 June 2015 (ECM 3751228)

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**32 [CS-CM] 2015/2016 Annual Loan Borrowing Program**

**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 annual loan borrowing requirements adopted in the 2015/2016 budget total \$1,976,000 and are detailed in the body of this report.

It is Council practice to call quotations for the supply of loan funds from various financial institutions each financial year. This report provides the necessary delegations and resolutions for Council Officers to call for quotations and execute loans as adopted within the 2015/2016 budget.

### **RECOMMENDATION:**

**That:**

- 1. The General Manager and Manager Financial Services be authorised to negotiate acceptance of the loan quotations.**
- 2. Relevant loan documentation is to be executed under the Common Seal of Council.**

**REPORT:**

The annual loan borrowing requirements adopted in the 2015/2016 budget total \$1,976,000 and are detailed below:

**New Loans**

<b>Purpose</b>	<b>Term</b>	<b>\$</b>
Public Toilets	20	100,000
Bridges	20	776,000
Drainage	20	1,100,000
		<u>1,976,000</u>

In order to distribute the cost of long term facilities over the period which the facilities benefits will be enjoyed, it is usual for Council to finance part of these works from borrowings. This ensures that both current and future ratepayers share the cost of the facility equally.

It is Council practice to call quotations for the supply of loan funds from various financial institutions each financial year. This report provides the necessary delegations and resolutions for Council Officers to call for quotations and execute loans as adopted within the 2015/2016 budget.

**OPTIONS:**

Not Applicable.

**CONCLUSION:**

The General Manager and Manager Financial Services be authorised to negotiate acceptance of the loan quotations for 2015/2016 totalling \$1,976,000 and relevant loan documentation be completed under the Common Seal of Council.

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

Corporate Policy Not Applicable

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

The loan funds are included in the 2015/2016 Budget and Long Term Financial Plan.

**c. Legal:**

Under Section 55.1(f) of the Local Government Act 1993, Council is not required to call tenders for the Provision of Banking, Borrowing, or Investment Services.

Loan borrowings were adopted by Council in the 2015/2016 Budget.

Quotations for the loan borrowing program will be invited from all major banks in due course, depending upon funding requirements for the various loan purposes.

The Manager Financial Services as the Responsible Accounting Officer has the following delegation:

*"FI017    Loans - accept from lending institutions*

*To accept loans from lending institutions within the Council approved loan program and arrange the necessary mortgage deed and documentation."*

**d.    Communication/Engagement:**

Not Applicable.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**33 [CS-CM] Monthly Investment and Section 94 Developer Contribution Report  
for Period Ending 31 July 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), Clause 212 of the Local Government (General) Regulations and Council policies. Council had **\$212,433,598** invested as at **31 July 2015** and the accrued net return on these funds was **\$613,488** or **3.46%** 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 July 2015 totalling \$212,433,598 be received and noted.**

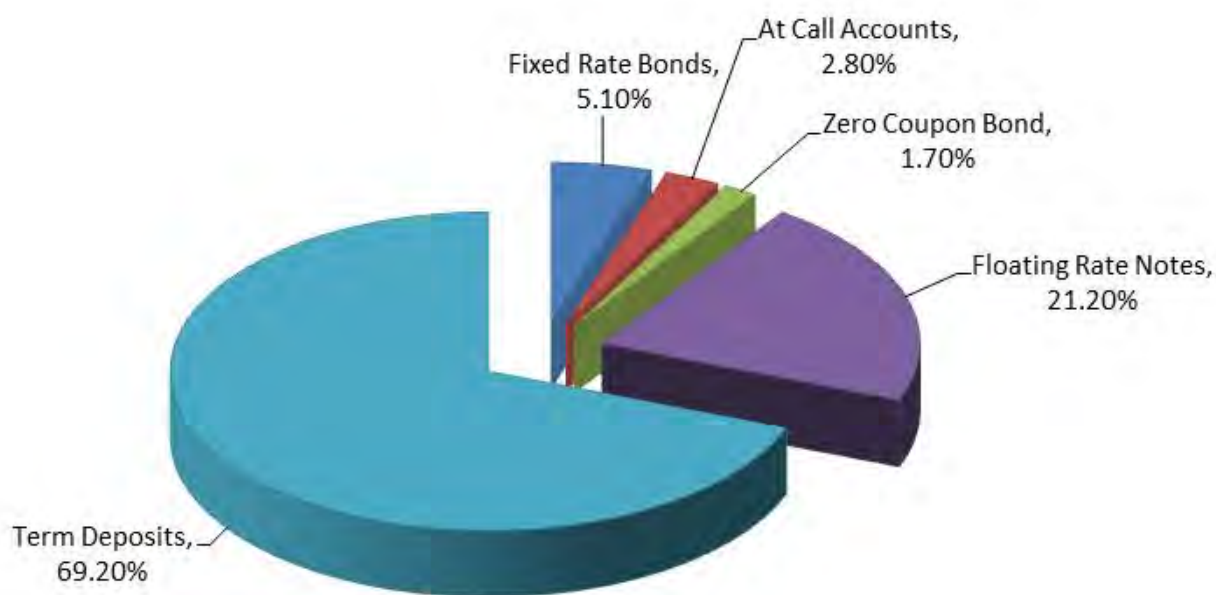
## REPORT:

### 1. Restricted Funds as at 1 July 2014

Description	(\$'000)			
	General Fund	Water Fund	Sewer Fund	Total
<b>Externally Restricted (Other)</b>	11,504	18,795	47,006	<b>77,305</b>
Crown Caravan Parks	18,338			<b>18,338</b>
Developer Contributions	23,639	2,615		<b>26,254</b>
Domestic Waste Management	11,407			<b>11,407</b>
Grants	2,764			<b>2,764</b>
<b>Internally Restricted (Other)</b>	29,998			<b>29,998</b>
Employee Leave Entitlements	9,811			<b>9,811</b>
Grants	2,753			<b>2,753</b>
Unexpended Loans	9,436			<b>9,436</b>
<b>Total</b>	<b>119,650</b>	<b>21,410</b>	<b>47,006</b>	<b>188,066</b>

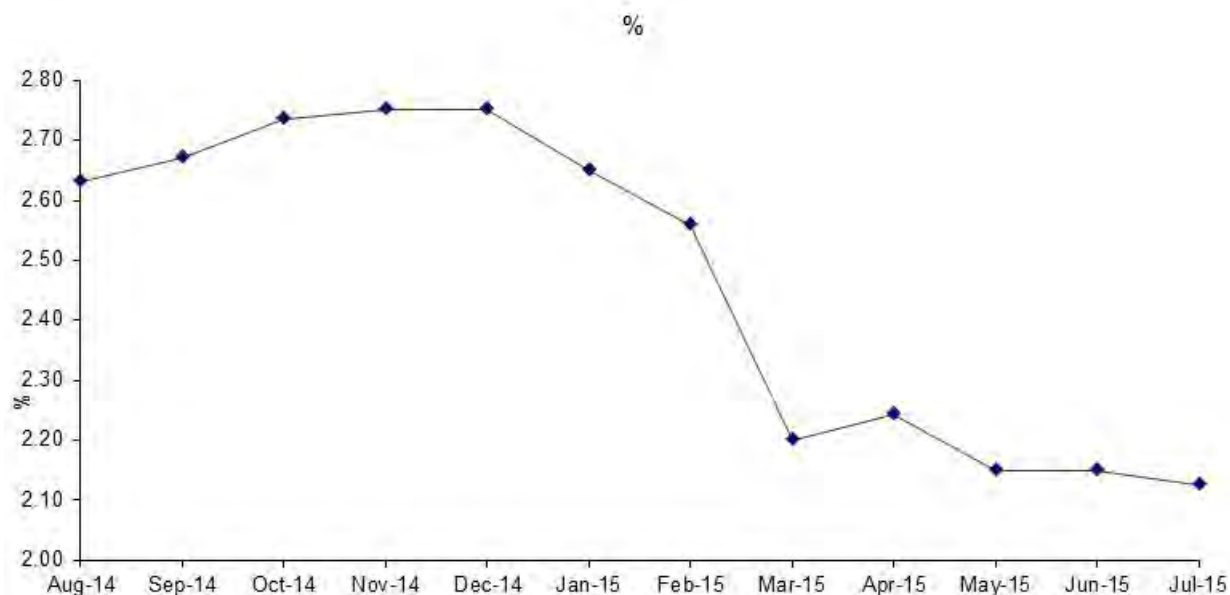
Note: Restricted Funds Summary updated September 2014, corresponding with the Annual Financial Statements as at 30 July 2014

### 2. Investment Portfolio by Category





### 3. Investment Rates - 90 Day Bank Bill Rate



### 4. Bond and Floating Rate Note Securities

	Counterparty	Face Value	Market Value	% Return on Face Value	Investment Type	Maturity Date
	AMP (6/18)	1,000,000.00	1,009,010.00	3.01	FRN	06/06/2018
	AMP (RIM) (05/17)	2,500,000.00	2,536,950.00	3.43	FRN	29/05/2017
	ANZ (04/20)	1,600,000.00	1,605,312.00	3.08	FRN	17/04/2020
*	ANZ Green Bond (06/20)	2,000,000.00	2,011,140.00	3.25	FRN	03/06/2020
	ANZ (11/18)	1,000,000.00	1,016,500.00	3.03	FRN	06/11/2018
*	Bendigo (FIIG) (11/15)	1,000,000.00	1,011,210.00	3.62	FRN	02/11/2015
*	Bendigo (RBS) (05/17)	3,000,000.00	3,049,260.00	3.34	FRN	17/05/2017
*	Bendigo (RBS) (11/18)	1,000,000.00	1,021,050.00	3.42	FRN	14/11/2018
*	BOQ (06/18)	1,000,000.00	1,009,550.00	3.16	FRN	12/06/2018
*	BOQ (06/18)	1,000,000.00	1,032,950.00	4.00	Fixed Rate Bond	12/06/2018
*	BOQ (11/19)	2,000,000.00	2,021,540.00	3.22	FRN	06/11/2019
	CBA (04/19)	1,000,000.00	1,009,720.00	3.02	FRN	24/04/2019
	CBA (07/20)	2,000,000.00	2,012,380.00	3.05	FRN	17/07/2020
	CBA (08/16)	1,000,000.00	1,017,030.00	3.34	FRN	02/08/2016
	CBA (10/19)	2,000,000.00	2,014,400.00	2.99	FRN	18/10/2019
	CBA Bond (04/19)	1,000,000.00	1,059,070.00	4.25	Fixed Rate Bond	24/04/2019
	CBA/Merrill Lynch Zero Coupon Bond (01/18)	4,000,000.00	3,608,000.00	7.17	Fixed Rate Bond	22/01/2018
	CUA (03/17)	1,000,000.00	1,005,660.00	3.45	FRN	20/03/2017
	CUA (03/17) (CBA)	1,000,000.00	1,005,660.00	3.45	FRN	20/03/2017

	Counterparty	Face Value	Market Value	% Return on Face Value	Investment Type	Maturity Date
	CUA (12/17) ANZ	1,000,000.00	1,003,870.00	3.35	FRN	22/12/2017
	Heritage (RBS/RIMSEC) (06/17)	1,500,000.00	1,597,500.00	7.25	Fixed Rate Bond	20/06/2017
	Heritage (WBC) (05/18)	1,000,000.00	1,008,000.00	3.31	FRN	07/05/2018
	ING Bond (RBS) (09/15)	2,000,000.00	2,050,080.00	5.50	Fixed Rate Bond	03/09/2015
	ING Bond(RBS) (08/16)	1,000,000.00	1,034,090.00	4.25	Fixed Rate Bond	23/08/2016
	Macquarie (RIMSEC) (03/20)	2,000,000.00	2,014,680.00	3.25	FRN	03/03/2020
*	ME Bank	1,000,000.00	1,009,110.00	3.56	FRN	17/04/2018
*	ME Bank (ANZ) (11/17)	1,000,000.00	1,006,840.00	3.14	FRN	17/11/2017
*	ME Bank (CBA) (09/15)	1,400,000.00	1,408,386.00	3.40	FRN	03/09/2015
*	ME Bank (CBA) (11/16)	1,000,000.00	1,012,380.00	3.40	FRN	28/11/2016
*	ME Bank (Morgans) (11/16)	1,000,000.00	1,012,380.00	3.58	FRN	28/11/2016
	NAB (06/16)	2,000,000.00	2,023,800.00	3.32	FRN	21/06/2016
	NPBS (Morgans) (02/18)	1,000,000.00	1,005,120.00	3.25	FRN	27/02/2018
	Rabo (RBS) (09/18)	1,000,000.00	1,012,010.00	3.30	FRN	25/09/2018
*	Suncorp (04/19)	2,000,000.00	2,023,840.00	3.24	FRN	23/04/2019
*	Suncorp (11/19)	1,000,000.00	1,005,280.00	2.88	FRN	05/11/2019
*	Suncorp (CBA) (08/19)	1,000,000.00	1,007,630.00	3.08	FRN	20/08/2019
*	Suncorp Covered (RIMSEC) (12/16)	2,000,000.00	2,073,420.00	4.75	Fixed Rate Bond	06/12/2016
*	WBC (JP Morgans) (02/19)	2,000,000.00	2,033,640.00	3.07	FRN	25/02/2019
*	WBC (07/20)	2,000,000.00	2,007,700.00	3.03	FRN	28/07/2020
*	WBC (RBS) (02/17)	1,000,000.00	1,027,450.00	3.79	FRN	20/02/2017
	<b>Total</b>	59,000,000.00	59,433,598.00	3.62		
<b>LEGEND</b> Investment Type ABS = Asset Backed Security Bond = Fixed Rate Bond FRN = Floating Rate Note						
<b>Counterparty</b> AMP = AMP Bank ANZ = ANZ Bank BOQ = Bank of Queensland CBA = Commonwealth Bank BB = Bendigo Bank Heritage = Heritage Bank ING = ING Bank Investec = Investec Bank Macquarie = Macquarie Bank NAB = National Australia Bank ME = Members Equity Bank RaboDirect = Rabo Bank Rural = Rural Bank (previously Elders Bank) Suncorp = Suncorp Metway Bank WBC = WBC Banking Corporation						

## 5. Term Deposits

	Counterparty	Date Lodged or Rolled	Interest Due or Maturity Date	Maturity Date	Principal	% Yield
	Rabo Bank (Mar 2017) (RIMSEC)	04/03/2014	07/03/2017	07/03/2017	2,000,000.00	4.15
	NAB (Curve) (Aug 2015)	06/08/2014	04/08/2015	04/08/2015	2,000,000.00	4.10
	RaboDirect (Curve) (Aug 2019)	07/08/2014	07/08/2015	13/08/2019	2,000,000.00	4.30
	NAB (Aug 2015)	18/08/2014	18/08/2015	18/08/2015	1,000,000.00	3.65
*	WBC (Aug 2019)	19/08/2014	18/08/2019	18/08/2019	3,000,000.00	3.75
	Rabo Bank (Curve) (Aug 2018)	20/08/2014	20/08/2015	21/08/2018	2,000,000.00	4.10
*	Bendigo Bank (Sept 2019)	01/09/2014	03/09/2019	03/09/2019	1,000,000.00	4.15
	Rabo Bank (Curve) (Sept 2019)	01/09/2014	03/09/2019	03/09/2019	1,000,000.00	4.05
	ING (RIMSEC) (Sept 2015)	02/09/2014	02/09/2015	02/09/2015	1,000,000.00	4.14
*	Investec (RIMSEC) (Sept 2015) annual interest	03/09/2014	03/09/2015	03/09/2015	1,000,000.00	4.14
	NAB (Sept 2015) annual interest	03/09/2014	03/09/2015	03/09/2015	4,000,000.00	4.05
	NAB (Sept 2016)	04/09/2014	04/09/2015	06/09/2016	4,000,000.00	4.25
	NAB (Aug 2015)	10/09/2014	11/08/2015	11/08/2015	4,000,000.00	3.60
*	WBC (Sept 2015)	10/09/2014	08/09/2015	08/09/2015	2,000,000.00	3.82
*	Investec (Sept 2015) annual interest	11/09/2014	15/09/2015	15/09/2015	2,000,000.00	4.37
*	WBC (Sept 2015)	16/09/2014	15/09/2015	15/09/2015	3,000,000.00	3.74
*	BOQ (Sept 2015) annual interest	20/09/2014	21/09/2015	21/09/2015	2,000,000.00	4.20
	P&N Bank (RIMSEC) (Sept 2017)	22/09/2014	21/09/2017	21/09/2017	1,000,000.00	4.00
	CUA (Oct 2015) (Curve)	09/10/2014	06/10/2015	06/10/2015	1,000,000.00	3.60
	CBA (Oct 2015) annual interest	11/10/2014	11/10/2015	11/10/2015	1,000,000.00	4.85

	Counterparty	Date Lodged or Rolled	Interest Due or Maturity Date	Maturity Date	Principal	% Yield
	ING (Curve) (Oct 2015)	15/10/2014	13/10/2015	13/10/2015	2,000,000.00	4.01
	RaboDirect (Curve) (Nov 2016) annual interest	11/11/2014	11/11/2015	22/11/2016	1,000,000.00	6.30
	Auswide Bank (Dec 2016)	08/12/2014	08/12/2015	13/12/2016	3,000,000.00	3.76
*	Bendigo Bank (Dec 2015)	09/12/2014	15/12/2015	15/12/2015	2,000,000.00	3.45
	RaboDirect (Curve) (Jan 2019)	13/01/2015	15/01/2019	15/01/2019	1,000,000.00	4.00
	Auswide Bank (Curve) (Feb 2017)	03/02/2015	07/02/2017	07/02/2017	1,000,000.00	3.50
	RaboDirect (Curve) (Feb 2017) annual interest	10/02/2015	10/02/2016	14/02/2017	1,000,000.00	3.40
	ING (FIIG) (Aug 2015)	17/02/2015	18/08/2015	18/08/2015	1,000,000.00	3.15
	ING (RIMSEC) (Aug 2015)	17/02/2015	11/08/2015	11/08/2015	1,000,000.00	3.14
	NAB (Feb 2016)	17/02/2015	16/02/2016	16/02/2016	2,000,000.00	3.17
*	BCU (Feb 2017)	19/02/2015	18/02/2016	21/02/2017	1,000,000.00	3.20
*	Suncorp (Aug 2015)	19/02/2015	25/08/2015	25/08/2015	2,000,000.00	3.15
*	BOQ (Feb 2016)	23/02/2015	23/02/2016	23/02/2016	3,000,000.00	4.05
*	Suncorp (Aug 2015)	24/02/2015	25/08/2015	25/08/2015	2,000,000.00	3.10
*	MEB (Curve) (Mar 2016)	25/02/2015	25/02/2016	01/03/2016	2,000,000.00	4.07
*	BOQ (Aug 2015)	03/03/2015	11/08/2015	11/08/2015	3,000,000.00	3.10
*	Suncorp (Sept 2015)	03/03/2015	01/09/2015	01/09/2015	3,000,000.00	3.15
*	Suncorp Metway (Sept 2015)	10/03/2015	15/09/2015	15/09/2015	4,000,000.00	3.15
*	Bankwest (Mar 2016)	17/03/2015	15/03/2016	15/03/2016	1,000,000.00	3.00
	RaboDirect (RIMSEC) (Mar 2016) annual interest	22/03/2015	22/03/2016	22/03/2016	1,000,000.00	7.15
	Auswide Bank (RIMSEC) (Mar 2016)	25/03/2015	22/03/2016	22/03/2016	1,000,000.00	3.06
*	MEB (Oct 2015)	14/04/2015	13/10/2015	13/10/2015	2,000,000.00	3.00

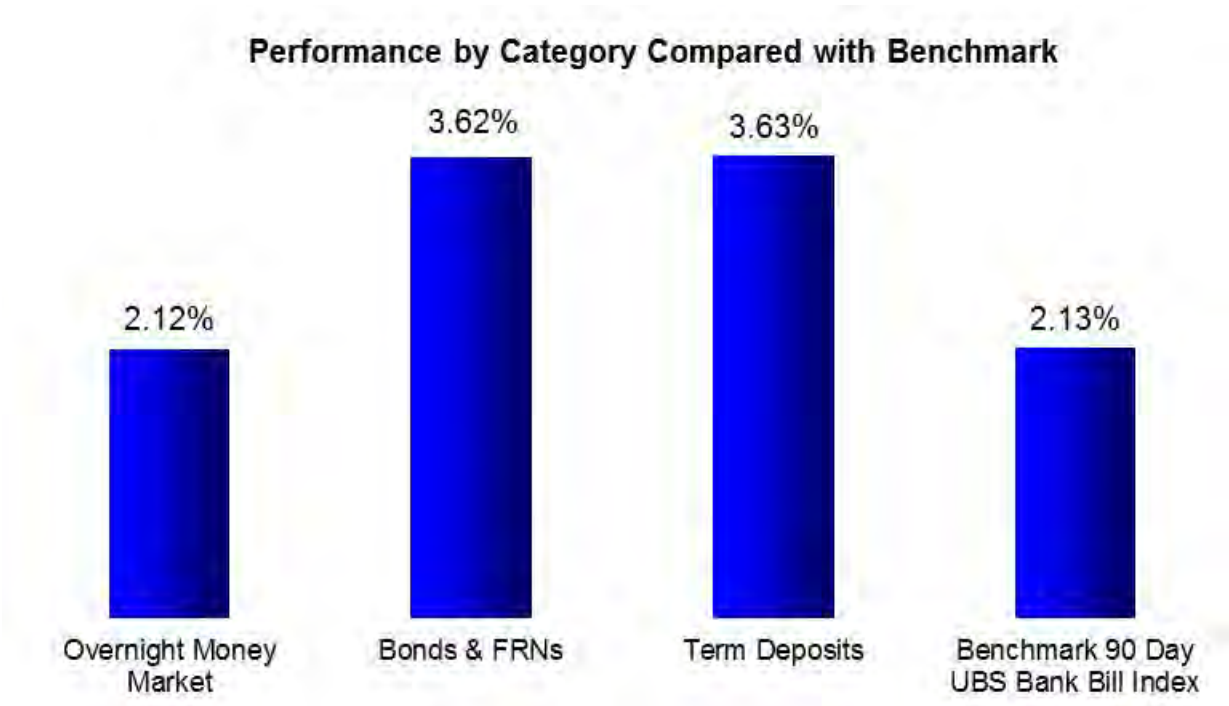
	Counterparty	Date Lodged or Rolled	Interest Due or Maturity Date	Maturity Date	Principal	% Yield
	Maitland Mutual BS (Sept 2015)	28/04/2015	29/09/2015	29/09/2015	1,000,000.00	3.00
	IMB (Nov 2017)	05/05/2015	05/08/2015	06/11/2017	1,000,000.00	3.03
	ING (RIMSEC) (Feb 2020)	11/05/2015	11/08/2015	11/02/2020	1,000,000.00	3.34
*	Investec (RIMSEC) (Aug 2015)	11/05/2015	11/08/2015	11/08/2015	1,000,000.00	3.69
	NAB (RBS) (Aug 2015) quarterly interest	11/05/2015	11/08/2015	11/08/2015	2,000,000.00	4.35
	NAB (Feb 2020) annual interest	12/05/2015	12/08/2015	12/02/2020	2,000,000.00	3.40
	CBA (Feb 2020)	13/05/2015	13/08/2015	13/02/2020	1,000,000.00	3.05
	Macquarie Bank (RIMSEC) (Feb 2016)	13/05/2015	08/02/2016	08/02/2016	1,000,000.00	3.00
*	WBC (Feb 2016)	18/05/2015	18/08/2015	18/02/2016	2,000,000.00	3.35
*	Bankwest (Oct 2015)	19/05/2015	20/10/2015	20/10/2015	3,000,000.00	3.00
	CBA (May 2020)	19/05/2015	19/08/2015	19/05/2020	2,000,000.00	3.41
	CBA (May 2020) annual interest	19/05/2015	19/08/2015	19/05/2020	1,000,000.00	3.01
	NAB (May 2016)	20/05/2015	20/05/2016	24/05/2016	3,000,000.00	4.00
*	BOQ (Feb 2016)	25/05/2015	25/08/2015	23/02/2016	1,000,000.00	3.73
*	Bankwest (Oct 2015)	26/05/2015	27/10/2015	27/10/2015	3,000,000.00	3.00
	NAB (RBS) (Aug 2015)	27/05/2015	27/08/2015	27/08/2015	2,000,000.00	3.35
*	BOQ (Jan 2016)	02/06/2015	02/09/2015	12/01/2016	2,000,000.00	3.00
*	Investec (RIMSEC) (Jun 2016)	10/06/2015	10/09/2015	14/06/2016	1,000,000.00	3.43
*	Suncorp Bank (Dec 2015)	10/06/2015	08/12/2015	08/12/2015	2,000,000.00	3.00
	NAB (Dec 2019)	19/06/2015	21/09/2015	17/12/2019	2,000,000.00	3.19
*	BOQ (Sept 2016) quarterly interest	22/06/2015	21/09/2015	20/09/2016	2,000,000.00	3.45
*	Bankwest (Nov 2015)	23/06/2015	10/11/2015	10/11/2015	2,000,000.00	3.00
*	Suncorp (Jan	25/06/2015	19/01/2016	19/01/2016	3,000,000.00	3.05

	Counterparty	Date Lodged or Rolled	Interest Due or Maturity Date	Maturity Date	Principal	% Yield
	2016)					
	Rural Bank (Curve) (Jul 2016)	01/07/2015	05/07/2016	05/07/2016	1,000,000.00	3.00
	IMB (Jan 2020) annual interest	06/07/2015	06/10/2015	06/01/2020	1,000,000.00	3.14
*	WBC (Apr 2016) quarterly interest	07/07/2015	07/10/2015	07/04/2016	2,000,000.00	3.44
*	WBC ( Jan 2016)	13/07/2015	12/10/2015	11/01/2016	8,000,000.00	3.40
	NAB (Jan 2020)	16/07/2015	16/10/2015	21/01/2020	2,000,000.00	3.75
	NAB (Oct 2016)	21/07/2015	21/08/2015	18/10/2016	2,000,000.00	2.97
*	Investec (July 2016)	24/07/2015	26/10/2015	26/07/2016	2,000,000.00	3.24
	RaboDirect (Curve) (Jul 2016)	28/07/2015	26/07/2016	26/07/2016	1,000,000.00	5.40
	ING (RIMSEC) (Jan 2019)	29/07/2015	29/10/2015	29/01/2019	2,000,000.00	2.98
*	MEB (Jul 2016)	29/07/2015	29/10/2015	26/07/2016	2,000,000.00	3.75
	NAB (Feb 2020)	04/08/2015	03/11/2015	03/02/2020	1,000,000.00	3.70
*	Suncorp (Jan 2016)	02/07/2016	27/01/2016	27/01/2016	2,000,000.00	3.05
				<b>Total</b>	<b>147,000,000.00</b>	3.63
	LEGEND	Counterparties				
	AMP = AMP Bank					
	ANZ = ANZ Bank		NAB = National Australia Bank			
	BOQ = Bank of Queensland		ME = Members Equity Bank			
	CBA = Commonwealth Bank		NPBS = Newcastle Permanent Building Society			
	Heritage = Heritage Bank		RaboDirect = Rabo Bank			
	ING = ING Bank		Rural = Rural Bank			
	Investec = Investec Bank		Suncorp = Suncorp Metway Bank			
	Macquarie = Macquarie Bank		WBC = WBC Bank			

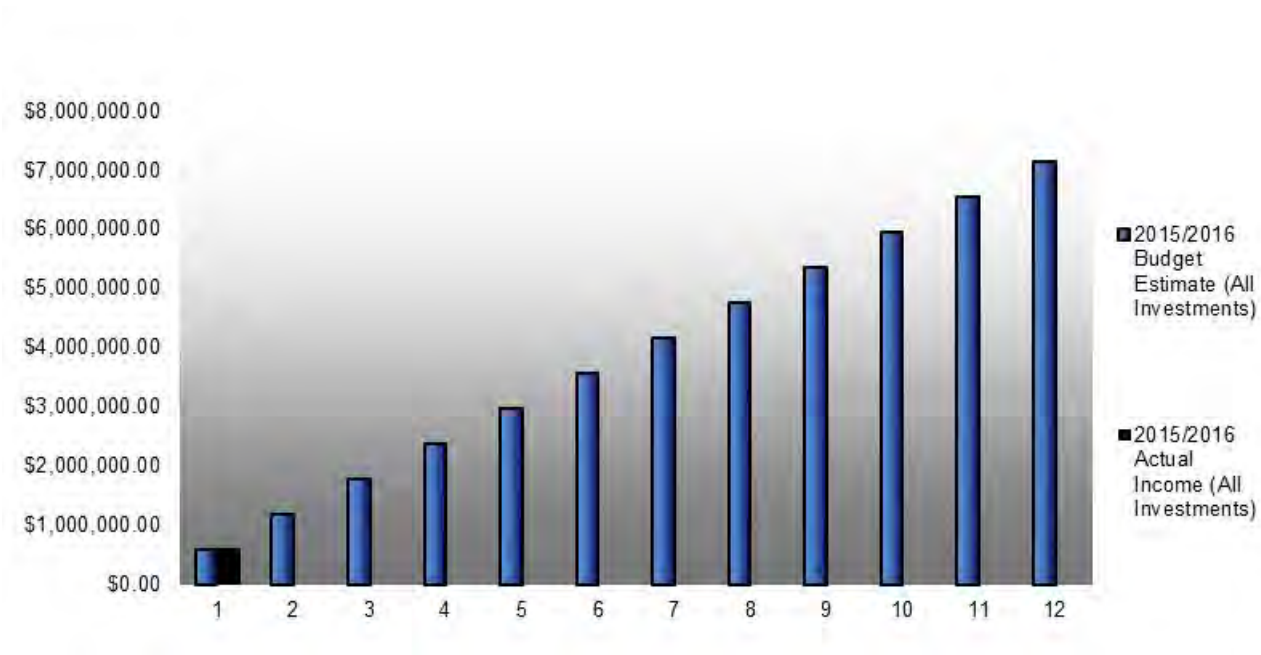
## 6. Ethical Investments

- \* Ethical Financial Institutions highlighted  
**\$78,443,381** which represents **36.93%** of the total portfolio  
*Source: Australian Ethical - [www.australianethical.com.au](http://www.australianethical.com.au)*

7. Performance by Category



8. Total Portfolio Income v Budget



## 9. Investment Policy Diversification and Credit Risk

Total Portfolio Credit Limits Compared to Policy Limits					
Long-Term Credit Ratings	Investment Policy Limit	Actual Portfolio	Short-Term Credit Ratings	Investment Policy Limit	Actual Portfolio
AAA Category	100%	0.98%	A-1+	100%	17.42%
AA Category	100%	29.87%	A-1	100%	10.83%
A Category	60%	15.26%	A-2	60%	13.18%
BBB Category	20%	7.75%	A-3	0%	0.00%
Unrated	10%	0.47%	Unrated	10%	4.24%
		54.33%			45.67%

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	52.96%	Minimum 40%
More than 365 days and less than 3 years	24.98%	Maximum 60%
3 years and less than 5 years	22.06%	Maximum 35%
Total	100.00%	

Market Value by Term Remaining

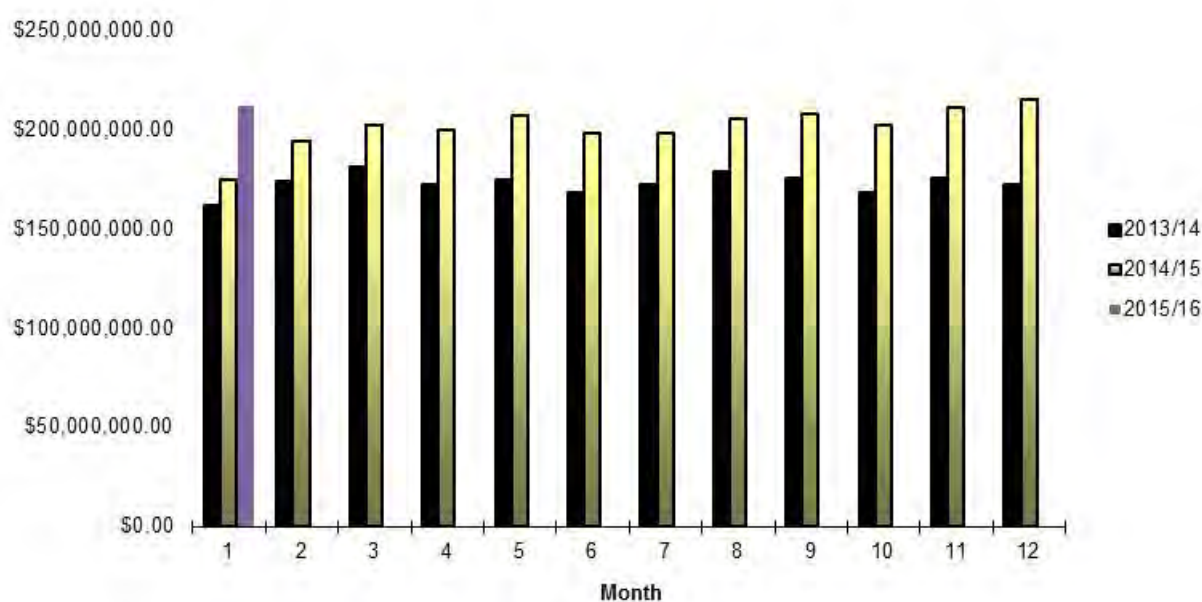


## 11. Investment Alternatives Explained

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

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

## 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	4,236,783	
2	Western Drainage	600,950	
3	DCP3 Community Facilities	1,636	
4	TRCP Road Contributions	10,500,663	86,889
5	Open Space	325,776	777
6	Street Trees	186,472	
7	West Kingscliff	454,290	
10	Cobaki Lakes	-1,353	
11	Libraries	2,100,421	4,120
12	Bus Shelters	84,139	314
13	Cemeteries	57,019	605
14	Mebbin Springs	90,452	
15	Community Facilities	992,353	927
16	Surf Lifesaving	389,300	
18	Council Administration/Technical Support	1,473,148	10,806
19	Kings Beach	739,112	
20	Seabreeze Estate	755	
21	Terranora Village	30,968	
22	Cycleways Shirewide	227,360	315
23	Carparking Shirewide	1,411,480	
25	SALT	1,143,010	
26	Open Space Shire wide	2,580,672	3,319
27	Tweed Heads Masterplan	176,201	
28	Seaside City	270,495	17,803
91	DCP14	108,247	
92	Public Reserve Contributions	128,911	
95	Bilambil Heights	529,337	
<b>Total</b>		<b>28,838,598</b>	<b>125,876</b>

**14. Economic Commentary*****Australian and World Economy and Cash Rate***

At its 4 August 2015 meeting the Reserve Bank of Australia (RBA) left the cash rate unchanged at 2 per cent.

The global economy is expanding at a moderate pace, but some key commodity prices are much lower than a year ago. Much of this trend appears to reflect increased supply, including from Australia. Australia's terms of trade are falling nonetheless.

The US Federal Reserve Bank is expected to start increasing its policy rate later this year, but some other major central banks are continuing to ease policy. Hence, global financial conditions remain very accommodative. Despite fluctuations in markets associated with the respective developments in China and Greece, long-term borrowing rates for most sovereigns and creditworthy private borrowers remain remarkably low.

In Australia, the available information suggests that the economy has continued to grow. While the rate of growth has been somewhat below longer-term averages, it has been associated with stronger growth of employment and a steady rate of unemployment over the past year. Overall, the economy is likely to be operating with a degree of spare capacity for some time yet. Recent information confirms that domestic inflationary pressures have been contained. That should remain the case for some time, given the very slow growth in labour costs. Inflation is thus forecast to remain consistent with the target over the next one to two years, even with a lower exchange rate.

In such circumstances, monetary policy needs to be accommodative. Low interest rates are acting to support borrowing and spending. Credit is recording moderate growth overall, with growth in lending to the housing market broadly steady over recent months. Dwelling prices continue to rise strongly in Sydney, though trends have been more varied in a number of other cities. The Bank is working with other regulators to assess and contain risks that may arise from the housing market. In other asset markets, prices for equities and commercial property have been supported by lower long-term interest rates. The Australian dollar is adjusting to the significant declines in key commodity prices.

The Board today judged that leaving the cash rate unchanged was appropriate at this meeting. Further information on economic and financial conditions to be received over the period ahead will inform the Board's ongoing assessment of 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 72% of the portfolio held in cash and term deposits. Term deposits and bonds particularly are paying slightly 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 "at call" rates to less than the 2% RBA cash rate.

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 except "at call" cash. The investment portfolio again benefited this month from higher yielding bonds and term deposits. This was due to higher returns from bonds and term deposits purchased before yields began contracting. Overall, the investment portfolio has returned an average 1% pa above the 90 day UBS bank bill index for the last month.

*Source: RBA Monetary Policy Decision*

**15. Investment Summary**

<b>GENERAL FUND</b>	CORPORATE FIXED RATE BONDS	14,466,250.00	
	FLOATING RATE NOTES	44,967,348.00	
	ASSET BACKED SECURITIES	0.00	
	FUND MANAGERS	0.00	
	TERM DEPOSITS	53,000,000.00	
	CALL ACCOUNT	6,000,000.00	<b>118,433,598.00</b>
<b>WATER FUND</b>	TERM DEPOSITS	37,000,000.00	
	FUND MANAGERS	0.00	<b>37,000,000.00</b>
<b>SEWERAGE FUND</b>	TERM DEPOSITS	57,000,000.00	
	FUND MANAGERS	0.00	<b>57,000,000.00</b>
<b>TOTAL INVESTMENTS</b>			<b>212,433,598.00</b>

It should be noted that the General Fund investments of **\$118 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.

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## ORDERS OF THE DAY

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### Civic Leadership

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

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

#### **34 [NOR] [PR-CM] Planning Proposal PP10/0007 - Mooball Planning Proposal**

##### **NOTICE OF RESCISSION:**

Councillors B Longland and C Byrne hereby gave notice that at the August Ordinary meeting of Council that they would move that the resolution from the meeting held on Thursday 21 November 2013 at Minute No 736 Item No 31 titled [PR-CM] Planning Proposal PP10/0007 - Mooball Planning Proposal being:

*" that:*

*...*

- 3. *On receiving an affirmative Determination Notice all outstanding studies, to include Flood Impact Study (including cumulative impacts), Geotechnical and Slope Stability Assessment and Bushfire Hazard Assessment, and works be prepared and the Planning Proposal finalised, following which it is to be exhibited in accordance with the Determination or where there is no condition or a condition requiring a public notification less than 28 days, for a period not less than 28 days; and,*

*...*

- 6 *Prior to any public exhibition of the Planning Proposals provisions are put in place to protect the existing agricultural land-use pursuits of Lot B and against noise complaints, protection of the existing Right of Way servicing Lot B and for the exclusive use of Lot B, provision of an adequate clear buffer to retain rural amenity for the life of Lot B as a rural Lot and Plan of how the buffer is to be maintained/managed and including during earthworks/construction phase."*

***be rescinded.***

---

**35 [NOM] Update on the Trial of the New Flight Path over the Banora Point Golf Course**

**NOTICE OF MOTION:**

**Councillor C Byrne moves that Council requests Airservice Australia, and in particular Mr Neil Hall, to attend Council to provide Councillors and staff with an update on the trial of the new airport flight path over the Banora Point Golf Course.**

**Councillor's Background Notes**

This trial is now half way through its proposed 12 month trial. Mr Neil Hall has been working closely on this project.

The new flight path appears to have an extremely negative impact on some residents without any significant improvement to other residents.

An update from Mr Hall would be appreciated to assist Councillors should they agree to take any further actions in this matter.

Recommended Priority:

Nil.

Description of Project:

Nil.

**Management Comments:**

There has been a number of complaints from residents that have experienced an increase in aircraft noise caused by the trial, particularly from those in the Farrants Hill area which were reported to the Gold Coast Airport Noise Abatement Consultative Committee (ANACC) meeting in February.

Complaints regarding the trial are with Airservices for consideration and representatives from Airservices have met with residents of Farrants Hill regarding their concerns and it is believed that aircraft noise monitoring by Airservices in the Farrants Hill area occurred in March in response to these complaints.

Other residents in the Terranora area and Oxley Cove area have also reported their concerns over the trial to the Airport and Airservices.

Airservices are still currently engaged in the Trial review process.



Delivery Program:

Valid



## Strengthening the Economy

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 Strengthening the Economy
  - 3.1 Expand employment, tourism and education opportunities
  - 3.1.9 Develop coordinated cross border relationships
- 

Budget/Long Term Financial Plan:

Nil.

Legal Implications:

Nil.

Policy Implications:

Nil.

### UNDER SEPARATE COVER/FURTHER INFORMATION:

- Attachment 1. Outline of Trial of Gold Coast Airport Noise Abatement Process (ECM 3739657)
-

**36 [NOM] Rail Trail Project**

**NOTICE OF MOTION:**

**Councillor B Longland moves that, in conjunction with Northern Rivers Rail Trail Inc, Council prepares an Expression of Interest (EOI) to the State Government for the funding of a Rail Trail project on the existing corridor from the Murwillumbah Railway Station to the Shire boundary at Crabbes Creek. The Tweed Shire Council will be nominated in the EOI as the lead agency for the design and contract management of the project.**

**Councillor's Background Notes**

Recommended Priority:

Following approval for the Rosewood to Tumbarumba Rail Trail, a series of meetings between the Northern Rivers Rail Trail Inc (NRRT) and State officials concerning the EOI for a Murwillumbah to Casino Rail Trail have taken place. Cr Longland has attended these meetings which also included the Minister for Regional Development, the Hon. John Barilaro, who has responsibility for rail trail projects and the Minister for Planning, the Hon. Rob Stokes.

There is strong support from the Government for a further EOI for a section of a northern rivers rail trail covering one local government area with that council managing the project (as is the case with the successful Tumbarumba project). Our local State members for Lismore and Tweed have also participated in these meetings and strongly support the submission of a revised EOI.

Description of Project:

Nil.

**Management Comments:**

Delivery Program:

Valid



**Supporting Community Life**

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

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

---

Budget/Long Term Financial Plan:

Council has previously allocated \$275,000 of capital funding in its budget to progress the Rail trail project. Given the limited capacity of Council to raise additional funds, the

construction of the Murwillumbah to Crabbes Creek section of the rail trail would require significant contributions from higher levels of Government.

The proposal recently submitted to the Federal Government under its National Stronger Regions Fund advises that the project would be delivered by Council and in the long term handed over to a state created Trust which would own, manage and operate the rail trail independently of Council. Under this model the Rail Trail would be maintained using existing State Rail funding for the corridor and income from the various ancillary businesses associated with the terminus structures.

Legal Implications:

Not applicable.

Policy Implications:

Not applicable.

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**37 [NOM] Improving Compliance Processes and Providing Appropriate Funding**

**NOTICE OF MOTION:**

**Councillor K Milne moves that Local Government NSW (LGNSW) requests the State Government review the compliance roles of various agencies with a view to devolving greater compliance authority to local councils, with appropriate funding, as local councils are best placed to undertake such actions.**

**Councillor's Background Notes**

Compliance is a major task for Local and State Governments. These matters can be very complicated and resource intensive for both governments and the non-compliant party. A number of different agencies can be responsible for the various and often overlapping components.

Except for major incidents of national significance, such as large scale oil spills etc, councils are usually best placed to undertake compliance, particularly in regional areas, as they on ground, can respond quickly, and usually have a better understanding of local conditions.

The faster response capability of local councils can be extremely important in some instances, to both prevent works, or to facilitate works continuing. In regional areas it can be days or even weeks before State agencies respond or carry out site inspections.

Compliance issues can also require ongoing monitoring and review with numerous repeat visits. This is a particularly inefficient for State agencies regional areas with the long travel distances involved.

Devolving compliance powers to local councils would streamline these processes, but it would be imperative that councils would need to be resourced appropriately.

**Recommended Priority:**

Nil.

**Description of Project:**

Nil.

## Management Comments:

### Delivery Program:

Valid



## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

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### Budget/Long Term Financial Plan:

The undefined breadth of what statutory powers and regulations that this motion applies to makes it very difficult to estimate the extent of additional Council resources that would be required to support such a shift in government responsibilities.

It is however worth noting that, even under the current statutory compliance roles that Council performs the demands created by the increasing benchmarks of evidence and documentation of investigation of illegal activities is already generating an increased level of staff resourcing and referral to Council's solicitors for advice. There are also increasing levels of risk and threats to the safety of Council officers in regularly managing major conflicts between land owners and complainants.

Further, it should be noted that Independent Pricing and Regulatory Tribunal (IPART) have been requested by the NSW State Government to conduct a review to identify burdens placed on Local Government in the form of planning, reporting and compliance obligations by the NSW Government, and to make recommendations for how identified unnecessary or excessive burdens can be reduced. The aim of the review is to improve the efficiency of local government in NSW and enhance the ability of councils to focus on delivering services to their communities. Refer:

[http://www.ipart.nsw.gov.au/Home/Industries/Local\\_Govt/Reviews/Local\\_Government\\_Regulatory\\_burdens/Review\\_of\\_reporting\\_and\\_compliance\\_burdens\\_on\\_Local\\_Government](http://www.ipart.nsw.gov.au/Home/Industries/Local_Govt/Reviews/Local_Government_Regulatory_burdens/Review_of_reporting_and_compliance_burdens_on_Local_Government)

### Legal Implications:

The proposed motion will necessitate a major overhaul of current State Government legislation. The practicality of this emphasis on State legislation and greater Council implementation is also questioned, given the many examples of the introduction of generic State Government legislation, which councils have found it very difficult to implement and adapt to local circumstances, particularly in regional areas.

**Policy Implications:**

Council would be aware that a major priority of the Planning and Regulation Division is to create a new regime of Compliance Policy and Procedures. The NSW State Ombudsman's Office is also currently finalising a major review of its recommended compliance policy and procedures for local councils. The review of responsibilities suggested by this motion, would necessitate a deferral of these processes.

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**38 [NOM] State Government Funding for Legal Actions for Local Councils**

**NOTICE OF MOTION:**

**Councillor K Milne moves that Local Government NSW (LGNSW) requests the State Government provides councils with appropriate funding to undertake legal actions**

**Councillor's Background Notes**

Local councils are often involved in legal actions. These actions can be many and varied but are predominantly instigated by other parties due to refusals of development applications or instigated by councils in an effort to resolve compliance matters.

Legal actions are an important component of council operations and the community has an expectation that councils will defend matters of public interest.

Court actions can be a significant cost and resource burden on councils. Councils are often unable to recoup these costs, even if successful, as costs are often not awarded in planning appeals, or the other parties may be unable to pay costs.

These legal costs can act as a significant deterrent to councils to pursue such matters. A State Government central legal fund for councils would remove this disincentive and greatly assist councils, particularly smaller councils, to defend the public interest.

Recommended Priority:

Nil.

Description of Project:

Nil.

**Management Comments:**

Council obtains legal advice for matters involving the defence of State Legislation and also for operational matters that lie with the sole responsibility of council. Solicitors are engaged through a Panel that was developed following a tender process.

Delivery Program:

Valid



**Civic Leadership**

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

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

Budget/Long Term Financial Plan:

In the last five years Council's expenditure on legal matters are as follows:

2010/2011	\$407,764
2011/2012	\$400,853
2012/2013	\$422,091
2013/2014	\$814,881
2014/2015	\$561,263

Legal Implications:

If the State were to fund councils legal action, the State would logically need to provide consent for the expenditure which could mean that council may find itself in the position where it wished to pursue legal action but the State vetoed it through not agreeing to fund the action.

Policy Implications:

If funding of legal expenses were to be undertaken by the State it would require development of a set of procedures/guidelines which would detail which matters, including expenditure caps, potentially which solicitors could or could not be used.

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## **QUESTIONS ON NOTICE**

### **39 [QON-Cr G Bagnall] Public Openings**

#### **QUESTION ON NOTICE:**

Councillor G Bagnall asked:

What costs are involved when Council conducts an event for the opening of infrastructure/facilities etc.?

Does Council consider these frequent openings efficient use of ratepayers funds ?

Would Council staff consider the reallocation of these funds to support community projects rather than celebratory moments and photo opportunities ?

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## REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

### 40 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 May 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 Aboriginal Committee Meeting held Friday 1 May 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 1 May 2015 be received and noted; and**
2. **The Executive Management Team's recommendations be adopted as follows:**

#### ***IC1. Arkinstall Park Opening – Welcome to Country***

**That the Aboriginal Advisory Committee approach Victor Slockee to do the Welcome.**

#### ***IC2. Local Government Aboriginal Network - 2015 Conference August 2015***

**That Mayor Cr Gary Bagnall be present for the handover of the 2016 Conference to Tweed Shire Council during the 2015 Local Government Network Conference in Port Macquarie in August.**

***GB1. NOM Supporting Aboriginal Communities in Western Australia***

**That the CDO-Aboriginal works with the General Manager to draft the letter to the Prime Minister and the Western Australian Government with delegated authority from the Aboriginal Advisory Committee.**

## REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 May 2015 are reproduced as follows for the information of Councillors.

Venue:

Tweed Byron Local Aboriginal Land Council, Ourimbah Road, Tweed Heads

Time:

10.12am

Present:

Leweena Williams (Tweed Aboriginal Corporation for Sport), Des Williams (Tweed Byron Local Aboriginal Land Council representative), Jackie McDonald (Tweed Wollumbin Aboriginal Education Consultative Group representative), Aunty Joyce Summers (Canowindra representative), Mayor Gary Bagnall (Tweed Shire Council).

Ex-officio:

Robert Appo (Tweed Shire Council) (Minutes).

Apologies:

Desrae Rotumah (Tweed Aboriginal Co-operative Society), Anne McLean (Tweed Shire Council), Gabby Arthur (Tweed Shire Council).

Chair: Aunty Joyce Summers

Moved: Leweena Williams

Seconded: Jackie McDonald

RESOLVED that the Chair was declared vacant and nominations were called. Aunty Joyce Summers was nominated and was unanimously elected to Chair the meeting.

Aunty Joyce Summers opened the meeting with a welcome and paid respect to Elders past and present.

Minutes of Previous Meeting:

Moved: Cr Gary Bagnall

Seconded: Leweena Williams

RESOLVED that the Minutes of the Aboriginal Advisory Committee (AAC) meeting held Friday 13 March 2015 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

BA1. IC1. Tweed Shire Council - Renaming of Parkes Drive, Tweed Heads West

Rob tabled correspondence from Council Officer, Vanessa Barr, that unfortunately Council is unable to accept "Murraba Way" as we already have a "Murraba Crescent" existing within the Shire and we are not allowed to duplicate road names. As submissions are now closed it was agreed the AAC will provide an alternative name to Council during the exhibition phase of the road naming process for consideration.

BA2. GB2. Crown Lands Review - Update

Cr Gary Bagnall provided an update on the Crown Lands Review pilot that Council is currently participating in with Crown Lands. Cr Bagnall has been advised that there are confidentiality clauses attached to the pilot and therefore no update is available.

AGENDA ITEMS

A1. Outstanding Matters Report

OM1. Memorandum of Understanding (MOU)

Rob advised the MOU is in final draft and awaiting the Reconciliation Action Plan. *Item on hold.*

OM2. Bush Regeneration Teams

Rob asked the AAC about the potential for an Aboriginal bush regeneration team operating within the Tweed Shire or if the AAC would like to close this item. The AAC have asked Rob to again look at the possibilities. *Item in progress.*

Action: Rob to follow up and bring information forward to the next AAC meeting.

OM3. Designated Aboriginal Positions

Update to AAC that this item and the Aboriginal Employment Strategy will be placed on hold awaiting the RAP. *Item on hold.*

OM4. Churaki Stone Sculpture

Action: Jackie advised she is happy to follow up with Councillor Chris Robbins, Gold Coast City Council and the Surfing Museum at Currumbin. *Item Closed.*

OM5. Mooball Residential Rezoning

Action: Rob to follow up with Colleen Forbes to confirm the Voluntary Planning Agreement (caveat) has been lodged on the Certificate Title. Tim Robbins has confirmed Everick's role in the project is complete. *Item on hold.*

OM6. Cobaki Lakes (a)

Rob reported that Terry Watson and Kerryn Liddell have both moved from previous roles within DEEWR and that Everick's role for Cobaki is complete. The AAC agree the prospects of Aboriginal employment outside of the Cultural Heritage Plan of Management may have passed. *Item closed.*

OM7. Cobaki Lakes (b)

The AAC decided to take over this action item from Everick and will negotiate directly with the developer (Leda) to pursue funding for the housing of artefacts retrieved during the Cultural Heritage investigations at Cobaki which will be located at the Minjungbal Cultural Centre. *Item on hold.*

OM8. Cobaki Lakes (c)

Action: CDO-Aboriginal will work with Everick and Tweed Byron Local Aboriginal Land Council (TBLALC) to arrange the necessary paperwork for recovered artefacts from Cobaki Cultural Heritage excavation to be temporarily stored at TBLALC. *Item in progress.*

OM9. ATSI Issues Paper (Recommendation that Council uses Aboriginal consultancies and follows a select tender process)

Rob reported the ATSI issues paper is an action item embedded in the Reconciliation Action Plan (RAP) and will be required to be completed within the RAP timeline. *Item on hold.*

OM10. ATSI Issues Paper (Recommendation that a member of AAC sits on the selection process panel)

Rob reported the ATSI issues paper is an action item embedded in the Reconciliation Action Plan (RAP) and will be required to be completed within the RAP timeline. *Item on hold.*

OM11. ATSI Issues Paper (AAC members are to consider Aboriginal people with facilitation and consultancy skills to update the 2001 Issues Paper)

Rob reported the ATSI issues paper is an action item embedded in the Reconciliation Action Plan (RAP) and will be required to be completed within the RAP timeline. *Item on hold.*

OM12. Kirkwood Road Project

No further action. *Item closed.*

OM13. Wardrop Valley Road, Murwillumbah

Rob advised by Everick that this project is on hold, with no further information available. *Item on hold.*

OM14. "The Palms" Caravan Park, Dry Dock Road, Tweed Heads South

Rob advised by Everick that this project is on hold, with no further information available. *Item on hold.*

OM15. Aboriginal Cultural Heritage Management Plan (ACHMP)

Rob reported that Robyn Eisermann is still working on completing the draft Plan of Management for the mapping and has been liaising with NSW Department of Planning for further advice. The AAC have asked since it has been almost six months since the last update that Iain Lonsdale and Robyn Eisermann be invited to the June AAC meeting to provide an update. *Item in progress.*

*Action:* CDO – Aboriginal to invite Iain Lonsdale and Robyn Eisermann to the June AAC meeting to provide an update on the ACHMP.

OM16. Kirkwood Road Project - Scarred Tree

Rob reported that he is working with Jason Young, Senior Engineer Contracts on the scarred tree project. Jason has confirmed with Rob that the budget will cover the costs associated with the manufacture of the steel which will house the scarred tree and to relocate the tree at the southern entrance to Arkinstall Park. *Item in progress.*

*Action:* Rob to bring an update on progress of the scarred tree to the next AAC meeting.

## INWARDS CORRESPONDENCE

### IC1. Arkinstall Park Opening – Welcome to Country

Rob tabled correspondence from Council's Communications and Customer Service unit seeking advice from the AAC for a nomination for the Welcome to Country at the opening of Arkinstall Park on Friday 8 May 2015.

Moved: Des Williams

Seconded: Aunty Joyce Summers

RECOMMENDATION that the AAC approach Victor Slockee to do the Welcome.

*Action:* Rob to follow up with Victor and provide contact details to Council.

### IC2. Local Government Aboriginal Network - 2015 Conference August 2015

Rob tabled correspondence from the Local Government Aboriginal Network announcing the early bird registrations for the 2015 Conference at Port Macquarie – Hastings Council are hosting are now open. Rob advised during the conference Tweed Shire Council will be involved in the hand-over of the 2016 conference. Rob asked for the AAC to consider nominating representatives of the AAC to attend the 2015 conference. The AAC requested Mayor Gary Bagnall attend and be present for the hand – over of the 2016 Conference and the AAC will nominate representatives and provide details to Rob.

Moved: Des Williams

Seconded: Jackie McDonald

RECOMMENDATION that Mayor Cr Gary Bagnall be present for the handover of the 2016 Conference to Tweed Shire Council during the 2015 Local Government Network Conference in Port Macquarie in August.

Moved: Leweena Williams

Seconded: Cr Gary Bagnall

RESOLVED that the AAC receives and notes inwards correspondence.

## General Business

### GB1. NOM Supporting Aboriginal Communities in Western Australia

Rob advised that Cr Milne's Notice of Motion (NOM) was carried at the Council Meeting of 16 April 2015. The AAC were asked if they would like to have input into the drafting of the letters to the Prime Minister and the Western Australian Government. The AAC notes the Notice of Motion and thanks Council for supporting those communities facing loss of funding and closure. The AAC also notes the attendance of Cr Bagnall and Cr Milne at recent local marches against the closure of these communities.

Moved: Des Williams

Seconded: Jackie McDonald

RECOMMENDATION that the CDO-Aboriginal works with the General Manager to draft the letter to the Prime Minister and the Western Australian Government with delegated authority from the AAC.

**Next Meeting:**

The next meeting of the Aboriginal Advisory Committee will be held on Friday 26 June 2015.

The meeting closed at 1.40pm.

**EXECUTIVE MANAGEMENT TEAM COMMENTS:**

*IC1. Arkinstall Park Opening – Welcome to Country*

Victor Slockee presented the Welcome to Country at the Arkinstall Park opening ceremony.

*IC2. Local Government Aboriginal Network - 2015 Conference August 2015*

The Mayor is registered to attend the Local Government Aboriginal Network 2015 conference in Port Macquarie in August 2015.

*GB1. NOM Supporting Aboriginal Communities in Western Australia*

These letters have been prepared and sent.

**EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:**

*IC1. Arkinstall Park Opening – Welcome to Country*

That the Aboriginal Advisory Committee approach Victor Slockee to do the Welcome.

*IC2. Local Government Aboriginal Network - 2015 Conference August 2015*

That Mayor Cr Gary Bagnall be present for the handover of the 2016 Conference to Tweed Shire Council during the 2015 Local Government Network Conference in Port Macquarie in August.

*GB1. NOM Supporting Aboriginal Communities in Western Australia*

That the CDO-Aboriginal works with the General Manager to draft the letter to the Prime Minister and the Western Australian Government with delegated authority from the Aboriginal Advisory Committee.

**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.

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**41 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 10 June 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 10 June 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 10 June 2015 be received and noted.**

## REPORT:

The Minutes of the Tweed Coastal Committee Meeting held Wednesday 10 June 2015 are reproduced as follows for the information of Councillors.

Venue:

Murwillumbah Auditorium

Time:

1.12pm

Present:

Cr Barry Longland (Chair); Rhonda James (Restoration Industry); John Harbison (Mooball); Suzi Bourke (Cabarita Beach-Bogangar); Tim Jack Adams (Kingscliff); David Cranwell (Pottsville); Roger Graf (Fingal Head); Jane Lofthouse, Tom Alletson (Tweed Shire Council).

Informal:

Cathey Philip (Minutes Secretary).

Apologies:

Cr Gary Bagnall; Stewart Brawley, Marama Hopkins (Tweed Shire Council); Ben Fitzgibbon (Office of Environment and Heritage); Pat Dwyer (Department of Primary Industries - Fisheries NSW); Jason Pearson (Kingscliff); Peter Sloan (Hastings Point) Michael Munday (Bogangar).

Minutes of Previous Meeting:

Moved: David Cranwell

Seconded: Roger Graff

RESOLVED that the Minutes of the Tweed Coastal Committee meeting held Wednesday 15 April 2015 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

BA1. NSW Government Dredging Program

Jane provided an update. The dredged sand from Terranora Inlet is currently being deposited on the southern end of Kingscliff Beach.

The dredging of the Tweed River adjacent to Fingal Head should commence in August 2015.

BA2. Water Quality Review of Coastal Creeks

Deferred to the August meeting.

BA3. Ambrose Brown Park - Access to Creek

Jane provided an update advising that she and Rod Keevers recently did a site inspection and that she is getting a new section of the walkway costed.

Agenda Items:

A1. Coastal Projects Update

Jane advised that the Kingscliff Risk Options Study is currently being finalised for submission to Council.

It was noted that the Options Study only deals with the high hazard area along Kingscliff foreshore. The full Coastal Zone Management Plan will consider the broader range of environmental, social and economic issues along the Dreamtime/Kingscliff Beach embayment.

Tom provided feedback on the following projects:

- improving access to Mooball Creek from Overall Drive, Pottsville
- noting that the dog exclusion signs have been erected at the northern sand spit of Cudgera Creek at Hastings Point
- the "dogs' breakfast" recently held at Hastings Point highlighted the new dog exclusion zones and was successful
- working with Local Land Services on a beach-nesting birds project
- working with Hastings Point Holiday Park regarding encroachments onto the riverbank
- working with Council's Water Unit on options to improve the aesthetics of the water main valve pit on the bank of Cudgera Creek
- Cudgen Creek - work to commence on erosion of riverbank in Ed Parker Rotary Park

**Action items:**

Jane to:

- contact the Pony Club regarding horses on beaches
- check if signs still exist in Cudgen Creek regarding horses
- send note to Regulatory Services asking if horses will be included in assessment of dog areas

Jane provided a brief update on the wild dog situation. Reports received of dogs being sighted in Koala Beach and Casuarina areas. Wild Dog Management Strategy to be developed.

A2. Investigation into Acid Sulfate Soils Discharge in the Mooball Creek Catchment

Tom provided information on the current investigation into Acid Sulfate Soil Discharge in the Mooball Creek Catchment and the proposed works.

A general discussion was held with members asking various questions.

A3. Tweed DuneCare Coordinating Committee Minutes

A general discussion was held on the minutes of the Tweed DuneCare Coordinating Committee meeting held 28 May 2015.

Of note is:

- Bulk kerbside clean up and dumping of furniture in dunes
  - Bitou Bush aerial survey completed
-

General Business:

GB1. Hazard Reduction Burns

Jane advised that National Parks & Wildlife Service is doing reduction burns around Cabarita/Hastings Point. Council staff will be given notice prior to the burns so they can check for koalas. Natural Resource Management staff have undertaken bushfire training so that they can assist during bushfires.

GB2. Buoys Cudgen Creek

Tim advised that these buoys do not have a "no wash" sign.

**Action Item:**

Jane to contact Carl Cormack for further information.

GB3. Bridge over Cudgen Creek

Tim noticed drilling work being carried out and asked if the new bridge is close to construction.

**Action Item:**

Tom to investigate the design to ensure that the pylons for the new bridge align with the pylons of the pedestrian bridge and the timeframe for construction.

GB4. Natural Granite Rocks - Fingal Head

Roger raised concerns about the exposed patch of granite rock in the wave zone on Fingal Head Beach. He has observed someone recently diving into the area and enquired on Council's liability should someone injure themselves. Jane explained that as this is a natural hazard in a natural area Council would not be liable if an incident occurred.

**Action Item:**

Jane to discuss requirements for signage with Neil Baldwin.

GB5. Fingal Head Surf Life Saving Club

A general discussion was held on the current status of the surf club. It was noted that the clubhouse requires the toilets to be completed for full occupation and utilisation.

GB6. Pottsville Fishing Competition

David advised that the Greenback competition was not held this year.

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Next Meeting:

The next meeting of the Tweed Coastal Committee will be held Wednesday 12 August 2015.

The meeting closed at 2.50pm.

**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.

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**42 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held 23 July 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

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### SUMMARY OF REPORT:

The Minutes of the Local Traffic Committee Meeting held Thursday 23 July 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 23 July 2015 be received and noted; and**
- 2. The Executive Management Team's recommendations be adopted as follows:**

**A1 [LTC] Murwillumbah Multi Level Car Park, Queen Street**

**That free parking in the multi-level car park, Queen Street, Murwillumbah be supported for the duration of the stormwater works in Murwillumbah Street.**

**A2 [LTC] 2015 National Masters Championships (Cycling)**

**That the proposed 2015 National Masters Championships on Saturday 26 and Sunday 27 September 2015 be supported, subject to:**

- 1. The proposed closure of the Tweed Coast Road between Coronation Avenue and Overall Drive is not supported and the applicant be requested to modify this event to commence and finish the races on Tweed Coast Road south of the Pottsville Bridge**
- 2. NSW Police approval being obtained**
- 3. Endorsement of the event by Cycling Queensland**

4. Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.
5. Community and affected business consultation addressing raised concerns
6. The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints
7. Adequate public liability insurance being held by the event organiser
8. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event
9. Consultation with emergency services and any identified issues addressed
10. Arrangements made for private property access and egress affected by the event
11. That the applicant organise for the event to be listed on Council's Calendar of Events web page. Go to [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details
12. The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein
13. The event be conducted in accordance with the current RMS guidelines for bicycle races to ensure consistency across the network.

**A3 [LTC] St Ambrose Primary School, Charles Street, Pottsville**

That:

1. An 'all traffic left' sign be erected on Charles Street at the intersection with Overall Drive.
2. Left turn pavement arrows be installed on Charles Street at the intersection with Overall Drive.
3. All signage should be installed to RMS NSW standards.
4. Cross walk linemarking for the children's crossing is not to RMS standards.
5. Details of the proposed 40km/hr School Zone be forwarded to the RMS for approval.

**A4 [LTC] Twin Towns Triathlon Season - 2015/2016**

That the proposed Twin Towns Triathlon 2015/2016 season events on:

19 and 26 September 2015  
3, 10, 17, 24 and 31 October 2015  
7, 14, 21 and 28 November 2015  
5, 12, 19 and 26 December 2015  
2, 9, 16, 23 and 30 January 2016  
6, 13, 29 and 27 February 2016  
5, 12, and 19 March 2016 be supported, subject to:



1. **NSW Police approval being obtained**
2. **Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons**
3. **Community and affected business consultation addressing raised concerns**
4. **The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints**
5. **Adequate public liability insurance being held by the event organiser**
6. **All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.**
7. **Consultation with emergency services and any identified issues addressed**
8. **That the applicant organise for the event to be listed on Council's Calendar of Events web page. Go to [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details**
9. **The event be conducted in accordance with the current RMS guidelines for bicycle races to ensure consistency across the network.**

## REPORT:

The Minutes of the Local Traffic Committee Meeting held Thursday 23 July 2015 are reproduced as follows for the information of Councillors:

### VENUE:

Mt Warning Meeting Room

### TIME:

Commencing at 10.00am

### PRESENT:

Committee Members: Cr B Longland, Miss Jessica Healey Roads and Maritime Services of NSW, Mr Geoff Provest MP, Member for Tweed, Mr Col Brooks on behalf of Mr Thomas George, MP Member for Lismore.

Informal: Mr Ray Clark (Chairman), Miss Alana Brooks, Mr Steve Sharp, Mr Nick Tzannes, Mr Rod Bates, Ms Judith Finch (Minutes Secretary).

### APOLOGIES:

Mr Thomas George MP, Member for Lismore, Snr Constable Tony Darby, NSW Police.

### CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED that the Minutes of the Local Traffic Committee Meeting held 18 June 2015 be adopted as a true and accurate record of proceedings of that meeting.

*FOR VOTE - Unanimous*

MIN1 [LTC] Confirmation of Previous Minutes Meeting held 18 June 2015

### SCHEDULE OF OUTSTANDING RESOLUTIONS

Nil.

### BUSINESS ARISING

Nil.

### A. FORMAL ITEMS SECTION

#### DELEGATIONS FOR REGULATORY DEVICES - MURWILLUMBAH

A1 [LTC] Murwillumbah Multi Level Car Park, Queen Street

### ORIGIN:

Roads & Stormwater

FILE NO: Traffic - Committee; Car Parks - Murwillumbah; Drainage - Stormwater - Council; Queen Street; Murwillumbah Street

#### SUMMARY OF REPORT:

Council has programmed the next stage of the stormwater drainage upgrade project in Murwillumbah Street, Murwillumbah, with a duration from September to early December 2015.

In order to minimise the impacts of lost car parking in the main street due to these works, Council is considering the provision of free parking in the multi level carpark (second storey).

This matter is reported to gauge Committee support for the proposal in order for it to be endorsed formally by Council.

#### COMMITTEE ADVICE:

That the proposed free parking in the multi level car park, Queen Street, Murwillumbah be supported for the duration of the stormwater works in Murwillumbah Street.

#### RECOMMENDATION TO COUNCIL:

That free parking in the multi level car park, Queen Street, Murwillumbah be supported for the duration of the stormwater works in Murwillumbah Street.

*FOR VOTE - Cr B Longland, Miss Jessica Healey, Roads & Maritime Services, Mr Col Brooks*

#### A2 [LTC] 2015 National Masters Championships (Cycling)

##### ORIGIN:

Roads & Stormwater

FILE NO: ECM 3730095; Traffic - Committee; Traffic - Local Area Traffic Management; Roads - Closures - Temporary; Festivals/Events - Other; Bicycle Matters - General; Tweed Coast Road, Pottsville; Wooyung Road; Tweed Valley Way, Pottsville; Coolman Street, Tyalgum; Wollumbin Street, Tyalgum; Carraboi Terrace, Tyalgum; Lundberg Drive, Honeyeater Circuit; Kite Crescent, South Murwillumbah

#### SUMMARY OF REPORT:

At the Local Traffic Committee meeting held 19 February 2015 the 2015 National Masters Championships (Cycling) was discussed and Council at its meeting on 19 March 2015 resolved:

*"That the proposed criterium races for the 2015 National Masters Championships are not supported in their proposed locations and the applicant needs to put forward alternate sites to reduce the impact on the road network and consult with impacted stakeholders."*

Further information has been received for the 2015 National Masters Championships Cycling Event featuring three disciplines of time trial, road race and Criterium (circuit) races, as follows:

#### Time Trial

Proposed for Friday 25 September 2015 to start and finish at Tweed Coast Road, Pottsville (adjacent to the Philip Street Reserve) from 10.00am to 2.30pm.

Estimated number of participants is 250 across 10 categories.

Road closure is proposed for Tweed Coast Road (south of Coronation Avenue roundabout) and Wooyung Road (from Tweed Valley Way) between 9.30am and 3.00pm. Detours in place for through traffic. Access maintained for local residents only.

#### Road Race

Proposed for Saturday 26 September 2015 to start and finish in Coolman Street, Tyalgum (opposite Tyalgum Hall) from 7.30am to 5.00pm.

Estimated number of participants is 350 competitors across 10 categories.

Road Closure is proposed for Coolman Street between the Coodgie Street intersection and Carraboi Terrace intersection from 7.00am and 4.30pm on Saturday 26 September 2015. Detours will be established via Wollumbin Street and Carraboi Terrace.

#### Criterium

Proposed for Sunday 27 September 2015 to start and finish at Lundberg Drive, Murwillumbah from 8.00am to 4.00pm.

Estimated number of competitors is 300 across 10 categories.

Complete road closure of the course between 7.30am and 5.00pm with detours in place for Lundberg Drive, Honeyeater Circuit and Kite Crescent,

For community consultation advice has been received that there is a notice going into the Tyalgum Newsletter for local businesses and residents. A letter is being personally delivered to businesses in Lundberg Drive week of 13 July. Wooyung Caravan Park has been contacted but needs official consultation, however access/egress for patrons would not be restricted. Given the nature of the event with single riders on the road at 1 minute intervals, Cycling Queensland has advised that *"it is fine to allow local resident access."*

#### COMMITTEE ADVICE:

That the Road Race and Criterium on Saturday 26 and Sunday 27 September 2015 are supported in principle. The proposed closure of the Tweed Coast Road between Coronation Avenue and Overall Drive requires review as this would have significant impact on access to Pottsville Waters Estate.

#### RECOMMENDATION TO COUNCIL:

That the proposed 2015 National Masters Championships on Saturday 26 and Sunday 27 September 2015 be supported, subject to:

1. The proposed closure of the Tweed Coast Road between Coronation Avenue and Overall Drive is not supported and the applicant be requested to modify this event to commence and finish the races on Tweed Coast Road south of the Pottsville Bridge
2. NSW Police approval being obtained
3. Endorsement of the event by Cycling Queensland
4. Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.
5. Community and affected business consultation addressing raised concerns
6. The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints
7. Adequate public liability insurance being held by the event organiser
8. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event
9. Consultation with emergency services and any identified issues addressed
10. Arrangements made for private property access and egress affected by the event
11. That the applicant organise for the event to be listed on Council's Calendar of Events web page. Go to [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details
12. The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein
13. The event be conducted in accordance with the current RMS guidelines for bicycle races to ensure consistency across the network.

*FOR VOTE - Cr B Longland, Miss Jessica Healey, Roads & Maritime Services, Mr Col Brooks*

A3 [LTC] St Ambrose Primary School, Charles Street, Pottsville

ORIGIN:  
Roads & Stormwater

FILE NO: ECM 3722710; Traffic - Committee; Traffic - School Zones; Charles Street;  
School - St Ambrose Primary

SUMMARY OF REPORT:

The DTAG meeting held in April 2012 requested that *"when detailed designs are complete they should be referred to the Traffic Committee for consideration of regulatory sign posting."*

The plan is submitted (as an attachment to this report) for the review of the Committee.

COMMITTEE ADVICE:

That the Committee review the proposed signage for St Ambrose Primary School on Charles Street, Pottsville.

*Mr David Oxenham and Mr Danny Rose arrived at 11.00am.*

RECOMMENDATION TO COUNCIL:

That:

1. An 'all traffic left' sign be erected on Charles Street at the intersection with Overall Drive.
2. Left turn pavement arrows be installed on Charles Street at the intersection with Overall Drive.
3. All signage should be installed to RMS NSW standards.
4. Cross walk linemarking for the children's crossing is not to RMS standards.
5. Details of the proposed 40km/hr School Zone be forwarded to the RMS for approval.

*FOR VOTE - Cr B Longland, Miss Jessica Healey, Roads & Maritime Services, Mr Col Brooks*

DELEGATIONS FOR REGULATORY DEVICES - TWEED HEADS

A4 [LTC] Twin Towns Triathlon Season - 2015/2016

ORIGIN:

Roads & Stormwater

FILE NO: ECM 3711547; Traffic - Committee; Traffic - Local Area Traffic Management ; Bicycles - General; Amaroo Drive; Ash Drive; Botanical Circuit; Darlington Drive; Fraser Drive; Glen Ayr Drive; Leisure Drive; Woodlands Drive

SUMMARY OF REPORT:

Request received for permission to use Tweed Shire Roads for the 2015/2016 Twin Towns Triathlon Season.

*"Cycle management plan*

*Cycle leg of TTTC Saturday morning triathlon event comprises 14.5 km course with members on the road at intervals between 6.15am and 7.15am.*

- *TTTC program starts on 19 September, 2015 and concludes on 19 March, 2015 (a total of 27 weeks).*
- *All members must adhere strictly to NSW road rules.*
- *Bikes must meet strict standard of maintenance. Lights (front & rear) are compulsory for all competitors.*
- *Helmets must be worn at all times.*
- *Drafting is illegal (bunches should not form).*
- *Road signs are displayed at strategic points to alert motorists of the presence of cyclists*

- *Amaroo Drive prior to turning right onto Fraser Drive*
- *Fraser Drive prior to roundabout at South Tweed Leagues Club playing fields*
- *Greenway Drive prior to roundabout at Leisure Drive*
- *All registered persons are numbered allowing identification of any breaches of road rules. Breach of road rules and not complying with the Traffic Act will result in:*
  - *First offence - two week suspension*
  - *Second offence – suspension for rest of season*
- *Events will be cancelled when weather conditions are dangerous, as the club has a duty of care to all members.*
- *All members understand their obligation to be part of the road traffic flow and at no time to take precedence over normal traffic flow.*
- *Volunteer Traffic Marshalls are posted on the intersection of Fraser and Amaroo Drive and Leisure Drive and Woodlands Drive (marked on map below with a red M). They wear fluorescent safety vests and carry mobile phones. In case of an emergency, they ring 000. For small incidents (e.g. flat tyre), they ring the registration desk on 0438 785 659.*
- *Club Championship day will be March 19<sup>th</sup>, 2016. The club pays for police supervision of the traffic lights at Winders Place, Eucalyptus Drive and the Fraser Drive & Amaroo Drive intersection.*

#### *Dates of Competition*

<i>September</i>	<i>19, 26</i>
<i>October</i>	<i>3, 10, 17, 24, 31</i>
<i>November</i>	<i>7, 14, 21, 28</i>
<i>December</i>	<i>5, 12, 19, 26</i>
<i>January</i>	<i>2, 9, 16, 23, 30</i>
<i>February</i>	<i>6, 13, 20, 27</i>
<i>March</i>	<i>5, 12, 19*</i>

*\* Police supervised Club Championship race*

#### *Course details*

*The cycle leg begins at Club Banora (side adjacent to tennis courts) then turn left onto Leisure Drive. Continue straight until traffic lights at Fraser Drive and turn left. Continue up Fraser Drive and turn left at Glen Ayr Drive and then left at Ash Drive, then left onto Amaroo Drive. Proceed to Fraser Drive and turn right. Turn left at Botanical Circuit and continue the loop until left at Leisure Drive and left at Fraser Drive. Continue to roundabout at Vintage Lakes and turn right 180° until travelling south on Fraser Drive. Turn left at the traffic lights then turn right at roundabout into Woodlands Drive and right at roundabout into Darlington Drive. Continue around loop until left at roundabout into Leisure Drive and then left back into Club Banora."*

*Mr David Oxenham & Mr Danny Rose left the meeting at 11.59am*

#### COMMITTEE ADVICE:

That the previous standard conditions be applied to the Twin Towns Triathlon Season 2015/2016 events.

RECOMMENDATION TO COUNCIL:

That the proposed Twin Towns Triathlon 2015/2016 season events on:

19 and 26 September 2015  
3, 10, 17, 24 and 31 October 2015  
7, 14, 21 and 28 November 2015  
5, 12, 19 and 26 December 2015  
2, 9, 16, 23 and 30 January 2016  
6, 13, 29 and 27 February 2016  
5, 12, and 19 March 2016 be supported, subject to:

1. NSW Police approval being obtained
2. Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons
3. Community and affected business consultation addressing raised concerns
4. The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints
5. Adequate public liability insurance being held by the event organiser
6. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.
7. Consultation with emergency services and any identified issues addressed
8. That the applicant organise for the event to be listed on Council's Calendar of Events web page. Go to [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details
9. The event be conducted in accordance with the current RMS guidelines for bicycle races to ensure consistency across the network.

*FOR VOTE - Cr B Longland, Miss Jessica Healey, Roads & Maritime Services, Mr Geoff Provest*

B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE - MURWILLUMBAH

B1 [LTC] Australian Government Black Spot Funding

ORIGIN:

Roads & Stormwater

FILE NO: Traffic - Committee; Government Grant - Black Spot Program; Fraser Drive; Terranora Road; Gollan Drive; Lakes Drive; Tweed Coast Road; Clothiers Creek Road; Condor Place



## SUMMARY OF REPORT:

Council has been successful in securing Australian Government Blackspot funds to improve historical crash locations within the Tweed. The funding needs to be expended within the 2015/2016 financial year and is provided nationally based on the estimated benefit cost ratio of the projects.

The four funded projects are:

### Fraser Drive/Terranora Road intersection

- Currently a T-intersection, funding is for the construction of a single lane roundabout.
- Five year crash data identified 14 reported crashes including 4 injury crashes.
- The BCR was calculated at 6.71.
- Cost of project \$270,000.
- The project will reduce the speed of vehicles approaching the intersection.

### Gollan Drive/Lakes Drive intersection

- Currently a T-intersection with a seagull configuration on Gollan Drive, funding is for the construction of a single lane roundabout.
- Five year crash data identified 10 reported crashes including 4 injury crashes.
- 7 of the 10 crashes were drivers exiting Lakes Drive failing to give way to right.
- The BCR was calculated at 5.55.
- Cost of project \$220,000.
- The project will reduce the speed of vehicles approaching the intersection.

### Tweed Coast Road (between Crescent Street and Morton Street)

- The 650m section of road north of Crescent Street has a significant crash history of 11 crashes including 9 casualty crashes and one fatal crash.
- 8 of the crashes involved a southbound vehicle running of the road to the left.
- Cost of the project is \$360,000 and involves widening of the road and separating the north and south bound lanes with a painted median.
- BCR of the project is projected at 5.95.

### Clothiers Creek Road/Condor Place intersection

- Rural T-intersection where vehicles on Clothiers Road are failing to make the curve at the intersection.
- There were 7 crashes in the five year period with 5 being casualty crashes and 1 fatality.
- The project will widen the road shoulder and relocate a power pole.
- The BCR is estimated at 8.32.
- Cost of the project is \$242,000.

## COMMITTEE ADVICE:

For the information of the Committee.

B2 [LTC] Berkleys Lane, Pottsville

ORIGIN:  
Roads & Stormwater

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.

## GENERAL TRAFFIC ADVICE - TWEED HEADS

B3 [LTC] Machinery Drive / Minjungbal Drive, Tweed Heads South

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.

B4 [LTC] Sedalia Place, Banora Point

ORIGIN:  
Roads & Stormwater

FILE NO: ECM 3720985; Traffic - Committee; Traffic - Speed Zones; Traffic - Parking Zones; Sedalia Place

### SUMMARY OF REPORT:

Request received for Local Traffic Committee assistance with speeding and parking concerns in Sedalia Place, Banora Point.

*"Sedalia Place is becoming a dangerous street for traffic at Banora Point where I live currently. Since the Rosso development on the hill Sedalia Place has been opened up from a cul de sac to a very short street bringing residents into this new development, and soon another 15 units on the hill at Banora Point. I cannot see the top of the street from the top of my driveway - an accident is waiting to happen and cars speed down this street. There's even a big sign on this development saying "Slow down". When development occurs, tradies park their cars and trucks on both sides of Sedalia Place, and it's extremely hard to get out of the street. Signs need putting up, maybe saying 'No Stopping' or speed bumps to curve these problems."*

COMMITTEE ADVICE:

That once the development is completed and occupied that the issue of parking on Sedalia Place be reviewed.

B5 [LTC] Bay Street, Tweed Heads

ORIGIN:

Roads & Stormwater

FILE NO: ECM 3694035; ECM 3722573; Traffic - Committee; Traffic - Safety; Traffic - Directional Signs; Bay Street, Tweed Heads

SUMMARY OF REPORT:

Request received for provision of a sign in the centre of Bay Street and opposite the Adult Book Shop and a directive be painted on to the road surface concerning the U TURN area from the south bound lane of Bay Street.

- "1. Erect a metal sign in the centre of the road that states "U TURN PERMITTED".*
- 2. An approach directive also to be painted on to the road surface of the south bound lane of Bay Street heading towards the traffic lights at Wharf Street and before the new metal sign. It should be a surface painted line or arrows indicating a "diverge lane" directive together with the instruction "U TURN HERE" painted on the road.*

*The reasons why these actions need to be undertaken are as follows:*

- Despite the good work of Tweed Shire Council in creating a U Turn (UT) area opposite the adult book shop, most drivers are not actually aware that the UT facility exists there or that it is legal to UT there*
- Therefore they continue to UT out of the south bound lane opposite Stuart Street and close to the pedestrian crossing where it is both dangerous for drivers and pedestrians too - and is probably also illegal*
- Whenever I attempt to UT at the book shop - which is up to four times daily - drivers following behind me think that I am performing an illegal UT and blare horns and offer streams of unsavoury verbal abuse*
- Most importantly, drivers following behind me and watching my activated blinkers actually refuse to believe that I am even going to undertake a UT there.*
- So they have come close to "rear ending" my vehicle on numerous occasions.*

*These very driving conditions will cease to exist if TSC addresses the solutions offered above.*

*I would appreciate it if Council would undertake these works as a matter of urgency before any serious accidents occur."*

Further email from customer states:

*"Thank you for your recent advice (see thread below)  
I do hope that Council can approve my request as the situation of U-turning in Bay Street is currently not safe for both drivers and pedestrians.  
I have previously drawn attention to the fact that many drivers are currently performing vehicle U-turns near the pedestrian crossing  
This puts Mums and their school age children --as well as all other pedestrians using this crossing ---at serious risk of being severely injured  
At the moment we have a potentially dangerous situation that Council should move to resolve promptly --please see my previous letter."*

The following is advice previously given to the customer on this issue:

*"Generally, these signs are installed when the road rules expressly prohibit this action and in this case a U-turn would be permitted.  
Unnecessary signage should not be installed as this leads to proliferation and motorists missing relevant warning/regulatory signage."*

#### COMMITTEE ADVICE:

That the request for the installation of a 'U Turn Permitted' sign on Bay Street at Sand Street is not supported.

B6 [LTC] Caba Eco Carnivale - 13 March 2016

ORIGIN:  
Roads & Stormwater

FILE NO: ECM 3710203; Traffic - Committee; Community Events on Council Administered Land; Beaches - Cabarita; Festivals - Events; Road Closures - Temporary; Roads - General Palm Avenue, Pandanus Parade Cabarita Beach

#### SUMMARY OF REPORT:

Request received for temporary partial road closure including road related areas for the Caba Eco Carnivale event on Sunday 13 March 2016 from 9.00am to 8.00pm with the Carnivale being held from 11.00am to 8.00pm.

The proposed temporary road closure is for Pandanus Parade to the Beach Hotel entrance with partial closure of access road off Palm Avenue through to Pandanus Parade.

Officers report that the previous event led to traffic congestion along Tweed Coast Road and although this may not be directly attributed to insufficient parking is considered that available off street parking beach side of Tweed Coast Road be left available for its intended purpose.

The applicant should be advised to apply for a community event licence to use the beach foreshore area.

COMMITTEE ADVICE:

That:

1. The proposed temporary road closure for Pandanus Parade to the Beach Hotel entrance with partial closure of access road off Palm Avenue through to Pandanus Parade for the Caba Eco Carnivale event on Sunday 13 March 2016 is not supported.
2. The applicant be advised to apply for a community event licence to use the beach foreshore area to place event infrastructure.

*Nick Tzannes left the meeting at 12.20pm*

B7 [LTC] Rose Street, Tweed Heads West

ORIGIN:

Roads & Stormwater

FILE NO: ECM 3698923; 3698556; Traffic - Committee; Traffic - Speed Zones; Rose Street, Tweed Heads West

SUMMARY OF REPORT:

A petition was received on 10 June 2015 from residents of Rose Street, Morley Street, and Honeysuckle Street, Tweed Heads West which was received and noted by Council at its meeting held 18 June 2015:

- o *"Installation of speed bumps will reduce people from speeding in the street and prevent cars from hitting children or houses, a tragedy waiting to happen.*
- o *It will also reduce residents being woken up during the night from hoon's drifting in the street.*
- o *We the residents demand Tweed Shire Council install speed bumps with the new road construction currently taking place."*

The petition was received with the following comments:

*"We the residents support speed bumps being installed into Rose Street, West Tweed Heads to reduce hoon's from speeding in our home street. Rose Street and the streets off Rose Street have many young family's, we the residents don't want to see anyones child hit and injured or even die from one of these hoon's speeding and drifting in our street. We also have elderly residents live in our streets that are scared they are going to get a car in their house one day/night.*

*Some Rose Street residents walked the street last night for one hour and did not knock on all the houses in the streets off Rose Street, but got a large majority in Rose Street that were home and they were happy to sign and support this petition. Most residents expressed 'about time someone tried to do something about it before a tragedy happens', this speaks loud and clear we 67 adults have had enough of the hoon's.*

*Whilst we didn't have time to go to all houses/units of Rose Street that include Honeysuckle and Morley Street, many also not home, we did avoid some known Hoon's and the regular's with police out the front of their homes for our safety concerns.*

*We write to you to please help us achieve this long overdue small safety feature and we all want to thank you kindly for your support.*

*Kindly Rose St Residents"*

A further request has been received for traffic calming in Rose Street:

*"With the current roadworks being carried out in our street, it was brought to my attention by a neighbour that speed bumps or some similar traffic calming on the roadway should be a priority.*

*I agree fully with her in this regard and hope the Tweed Shire Council can assist us by putting them in our street for the following reasons.*

*I have lived here for 8 years now and we regularly have cars traveling very fast up and down the street such that my wife now rarely allows our kids on the front nature strip. I still distinctly remember an occasion where a "serial speeder" accelerated from Kennedy Drive to over the speed limit and my young daughter walked across the kerb and I grabbed her as this car drove past. I gave a look to that driver that must have conveyed the danger involved and thankfully he slowed down in future times. But he has left the area and many other drivers still ignore the speed limit.*

*Your assistance in having some traffic calming method installed here would be greatly appreciated."*

#### COMMITTEE ADVICE:

In conjunction with NSW Police, a community engagement road safety project for the precinct of Rose Street, Honeysuckle Street and Morley Street, Tweed Heads West be implemented.

#### NEXT MEETING:

The next meeting of the Local Traffic Committee will be held 27 August 2015 in the Mt Warning Meeting Room commencing at 10.00am.

There being no further business the Meeting terminated at 12.35pm.

#### COUNCIL IMPLICATIONS:

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

Code of Meeting Practice v2.4.2.

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

Not Applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## CONFIDENTIAL ITEMS FOR CONSIDERATION

### REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

### REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

#### C1 [E-CM] s64 Developer Charges and Lord Linen Services

#### REASON FOR CONFIDENTIALITY:

The matter relates to the cost of establishing a particular business, Lord Linen Services. Disclosure of the information may cause the information to be used by competitors of Lord Linen Services to gain an advantage or be used by other businesses to seek to influence or mislead Council in Council's application of developer charges.

#### 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



**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
2.3.3	Provision of high quality and reliable wastewater services which meets health and environmental requirements and projected demand

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