



**TWEED**  
SHIRE COUNCIL

**Mayor:** Cr G Bagnall

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

# Agenda

## **Ordinary Council Meeting Thursday 21 May 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 the Minutes of the Ordinary and Confidential Council Meeting held Thursday 16 April 2015

**SUBMITTED BY:** Corporate Governance

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## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

The Minutes of the Ordinary and Confidential Council Meeting held Thursday 16 April 2015 are attached for information and adoption by Council.

### RECOMMENDATION:

**That:**

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

**REPORT:**

As per Summary.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice Version 2.5.

**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 April 2015 (ECM 3648954)

(Confidential) Attachment 2 Minutes of the Confidential Council Meeting held Thursday 16 April 2015 (ECM 3648955).

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**2 [CONMIN-CM] Confirmation of Minutes of Council Meeting held Thursday 7 May 2015**

**SUBMITTED BY: Corporate Governance**

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## **Civic Leadership**

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

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

The Minutes of the Ordinary Council Meeting held Thursday 7 May 2015 is attached for information and adoption by Council.

### **RECOMMENDATION:**

**That:**

- 1. The Minutes of the Ordinary Council Meetings held Thursday 7 May 2015 be adopted as a true and accurate record of proceedings of that meeting.**
- 2 ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
  - (f) matters affecting the security of the council, councillors, council staff or council property.**

**REPORT:**

As per Summary.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice Version 2.5.

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

Not applicable.

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Not Applicable.

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Attachment 1                      Minutes of the Ordinary Council Meeting held Thursday 7 May 2015 (ECM 3668704).

*Confidential* Attachment 2      Minutes of the Confidential Council Meeting held Thursday 7 May 2015 (ECM 3668706).

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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.*

**18 APRIL 2013**

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

#### NOTICE OF MOTION:

**197**

**Cr K Milne  
Cr G Bagnall**

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

**Current Status:** Initial workshop conducted 12 September 2013 and aspects are included in the Environmental Sustainability Strategy which was presented to Council at 22 January 2015 Council meeting and currently on exhibition. Further workshop scheduled for 14 May 2015.

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**19 SEPTEMBER 2013**

**ORDERS OF THE DAY**

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

**NOTICE OF MOTION:**

**532**

**Cr B Longland  
Cr K Milne**

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

**Current Status:** 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.

It is worth noting that of Council's total workforce, 2.78% of staff are indigenous, with this percentage being greater than the state average.

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**12 DECEMBER 2013**

**REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS**

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

**866**

**Cr M Armstrong  
Cr G Bagnall**

**RESOLVED** that:

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

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

Investigation is in progress.

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

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

**23 JANUARY 2014**

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

**NOTICE OF MOTION:**

**15**

**Cr W Polglase  
Cr M Armstrong**

**RESOLVED that:**

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

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

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

- (c) The Rural Villages Strategy be considered in preparing the Tweed Valley Way/Tweed River Corridor Plan of Management.

**Current Status:**

- 20 February 2014 Estimate to be prepared for Item 2.  
20 March 2014 Preliminary estimate of \$40,000 has been included for consideration in the 2014/2015 Draft Budget. Detailed estimate still to be determined.  
15 May 2014 Preliminary estimate of \$40,000 was considered for inclusion in the 2014/2015 Draft Budget, but has been excluded from the balanced budget currently on exhibition.  
18 September 2014 Item 26 Notice of Motion "Welcome to Tweed Shire Signs" also linked to this motion (Minute No 549 refers).  
26 October 2014 Deputy Premier announced \$10,000 for the provision of entry gateway signage on the Gold Coast Highway.

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

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**10 APRIL 2014**

**37 [NOM] Impacts of Cats on Native Fauna**

**NOTICE OF MOTION:**

**241**

**Cr G Bagnall  
Cr M Armstrong**

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

This report to include, but not be limited to:

- a summary of current research on the interactions between cats (domestic, free-living strays and feral) and native wildlife on the eastern seaboard;
- what measures have been successfully employed by other Australian Councils to reduce the impacts of cats on native wildlife;
- recommendations as to possible measures Tweed Shire Council can adopt to reduce the impacts of cats on native wildlife; and
- suggestions on where these measures will fit into the organisational structure, and the resourcing implications of adopting such measures.

**Current Status:** Report to be tabled at the June Council meeting.

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15 MAY 2014

**ORDERS OF THE DAY**

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

**NOTICE OF MOTION:**

289

**Cr P Youngblutt**  
**Cr G Bagnall**

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

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

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

At the General Manager's meeting of December 2014, it was resolved, following additional meetings with Minister Humphries, Cape Byron Management and Far North Coast Weeds, that a regional approach to camphor laurel harvesting be explored with the Environment Protection Authority being the preferred consent authority. Accordingly NOROC considered this as an agenda item at its meeting held 6 February 2015 and will pursue this issue regionally with Mr Rob Stokes MP, Minister for the Environment; Ms Pru Goward MP, Minister for Planning; and Mr Kevin Humphries MP, Minister for Natural Resources, Lands and Water through the General Managers' Group.

Draft letters to the Ministers were prepared by the GM's Group on 3 March 2015 and will be sent under the signature of the Executive Officer of NOROC. Further, Camphor Laurel harvesting (large scale harvesting for power generation) is an inter-government agenda item at the North Coast Regional Inter-Government Meeting held on 18 March 2015.

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



24 June 2014

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

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

Email: [thomas.george@parliament.nsw.gov.au](mailto:thomas.george@parliament.nsw.gov.au)

[tsc@tweed.nsw.gov.au](mailto:tsc@tweed.nsw.gov.au)  
[www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au)

Fax (02) 6670 2429  
PO Box 816  
Murwillumbah NSW 2484

Please address all communications  
to the General Manager

ABN 80 178 732 496

Dear Sir

### Camphor Laurel Harvesting for the Condong Cogeneration Plant

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

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

Page 1 of 2





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

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

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

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

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

Yours faithfully

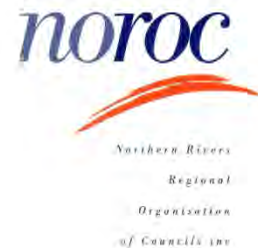
A handwritten signature in blue ink, appearing to read "Troy Green".

24 Jun 2014 3:50 PM

Troy Green  
General Manager

Enclosure

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



17 March 2015

The Hon. Kevin Humphries, MP  
Minister for Natural Resources, Lands and Water  
GPO Box 5341  
SYDNEY NSW 2001

Dear Minister

RE: CAMPHOR LAUREL HARVESTING ON NON-URBAN LAND IN THE NORTHERN RIVERS

Following discussions in 2014 between yourself, Tweed Shire Council and the Member for Lismore, Thomas George, about the harvesting of camphor laurel, in particular the compliance of harvesting relating to the Camphor Harvesting Code of Practice and the provision of fuel for the Condong co-generation plant, you recommended this matter be considered regionally via NOROC.

At your suggestion NOROC General Managers and the managers of the Condong and Broadwater co-generation plants, Cape Byron Power, have met and discussed this matter and are proposing the following solution.

NOROC and Cape Byron Power are united in seeking for the EPA to be the consent authority for the harvesting of camphor laurel in the Northern Rivers arguing that this activity should not be subject to both licensing conditions of the EPA and development consent from Councils.

Under the Standard Instrument LEP this activity could be determined as falling under the definition of "Forestry" and therefore requires development consent by councils who have Forestry as consent use in specific zones. We jointly suggest that in a non-urban environment the EPA should be the regulatory body due to their existing regulatory role in both native and plantation forestry. Where camphor removal is in an urban environment a 20 tree limit still remains as the test for whether council planning approval is required.

Under the EPA licensing conditions the licensee is not permitted to receive camphor laurel biomaterial that has not been harvested in accordance the document "Selective Harvesting of Camphor Laurel and other Non-Native Environmental Weeds - Voluntary Code of Practice (SEJV, 2010)". The following control systems are covered under the Code:

- Site assessment which may involve the preparation of a plan of management
- Development standards in relation to the protection of soil and water resources, cultural heritage and biodiversity and the management of noise impacts
- Regulation of management operations
- Regulation of harvesting operations

NOROC

A regional voice for the Tweed, Ballina, Lismore, Kyogle, Richmond Valley and Byron Councils  
NOROC | PO Box 23A Lismore NSW 2480 | ABN: 38 905 052 556  
Ph: 0404046152 | [info@noroc.com.au](mailto:info@noroc.com.au) | [www.noroc.com.au](http://www.noroc.com.au)

In early 2013 Far North Coast Weeds, who are nominated in the Code to oversee the preparation and implementation of the site plans of management, advised that they were withdrawing from the process and would no longer be resourcing any environmental assessment of plans of management for camphor harvesting operations. It is therefore suggested that the EPA assume this role also.

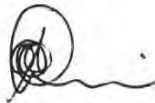
As is the case with some farm/forestry operations, members of the community sometimes have questions or concerns about work being undertaken. Cape Byron Management is committing to informing councils of camphor removal operations prior to the commencement of work therefore allowing council staff to direct public enquiries to the NSW EPA and the harvesting operator.

It is NOROC's belief that if the Voluntary Code of Practice could be enhanced as an Industry Code of Practice regulated by the EPA that both the industry and environment would benefit and it would have the added advantage of simplifying the approval process by removing the need for Cape Byron Power to deal with several councils, rather enable them to be managed by the State agency. NOROC suggests that the EPA and Cape Byron Power could work to better address the following issues in the current Voluntary Code of Practice;

- Notification process prior to works commencing
- Site management plans including threatened species identification and management
- Management of steep lands and riparian areas
- Hours of work to control noise emissions
- Ensuring landowners restrict regrowth
- Complaints handling process

NOROC and Cape Byron Management are seeking a resolution to the current impasse and your consideration of this proposal along with that of the Planning and Environment Ministers would be appreciated. We respectfully request a written response confirming or rejecting our suggestion for camphor removal performed for Cape Byron to be controlled by the EPA in non-urban environments under the Voluntary Code of Practice.

Yours faithfully



Ann Lewis  
Executive Officer

Copy: The Hon. Thomas George Member for Lismore, Mr Chris Gulaptis Member for Clarence, Mr Geoff Provest Member for Tweed, The Hon. Don Page Member for Ballina, The Hon. Rob Stokes Minister for Environment, The Hon. Pru Goward Minister for Planning

NOROC

A regional voice for the Tweed, Ballina, Lismore, Kyogle, Richmond Valley and Byron Councils

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2

The following response was copied through the Executive Officer of NOROC on 27 March 2015. It should be noted that following the NSW State Elections on 28 March 2015 it is expected that the matter will be referred to the new relevant ministerial portfolio for consideration.

**From:** A Lewis  
**Sent:** Monday, 30 March 2015 9:53 AM  
**To:** Troy Green  
**Subject:** FW: Referral from the Hon Kevin Humphries MP - Ms Ann Lewis- CAMPHOR LAUREL HARVESTING IN THE NORTHERN RIVERS

FYI

**From:** Nancy La Mott

**Date:** Friday, 27 March 2015 11:57 AM  
**To:** Stokes\_Office\_Email  
**Cc:** Annie Lewis  
**Subject:** Referral from the Hon Kevin Humphries MP - Ms Ann Lewis- CAMPHOR LAUREL HARVESTING IN THE NORTHERN RIVERS

Dear Minister Stokes

The Minister for Natural Resources, Lands and Water, and Minister for Western New South Wales has received correspondence from Ms Ann Lewis regarding camphor laurel harvesting in the Northern Rivers.

As this matter falls within your portfolio responsibilities, I am referring a copy of her correspondence to you for your consideration and direct reply.

Kind regards  
Nancy La Mott

Office of The Hon Kevin Humphries MP  
Minister for Natural Resources, Lands and Water  
Minister for Western NSW

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**19 JUNE 2014**

**ORDERS OF THE DAY**

**53 [NOM] Holiday Rentals**

**NOTICE OF MOTION:**

**370**

**Cr C Byrne**  
**Cr K Milne**

**RESOLVED** that:

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

**Current Status:** Action completed on items 3 and 4. Report to be prepared on items 1 and 2 for the July meeting.

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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 further site investigations are in progress.

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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).

Unfortunately this project has been delayed due to resourcing and competing projects. It was intended that the new Economic Development Officer would project manage this task. Unfortunately two recruitment exercises have failed to secure a suitable candidate. Other options are currently being pursued to ensure that key projects such as this and the Economic Development Strategy can be progressed.

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**16 OCTOBER 2014**

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

### **11 [CNR-CM] Community Infrastructure Framework**

**576**

**Cr M Armstrong  
Cr K Milne**

**RESOLVED** that Council:

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

**Current Status:** Workshop was held on Thursday 2 April 2015 and the following indicative timeline for the Community Infrastructure Framework is provided;

- Baseline mapping Feb- July 2015
- Consultation and planning March –Dec 2015

- Recommended network changes – First half of 2016
  - Review – end of 2016
- 

**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. With the appointment of a full time Road Safety Officer in the coming months it is anticipated that the report can be prioritised.

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**42 [NOM] A-Frame Signs**

**NOTICE OF MOTION:**

**675**

**Cr B Longland  
Cr M Armstrong**

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

**Current Status:** Workshop held on 12 February 2015. A further report is to be submitted in the third quarter of 2015 as an outcome of this workshop.

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**44 [NOM] Greening the Shire**

**NOTICE OF MOTION:**

**678**

**Cr B Longland  
Cr C Byrne**

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

**Current Status:** Workshop scheduled for 28 May 2015.

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**11 DECEMBER 2014**

**REPORTS FROM THE DIRECTOR PLANNING AND REGULATION**

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

**691**

**Cr M Armstrong  
Cr P Youngblutt**

**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.

**Current Status:** An expression of interest process seeking suitable candidates for a new re-homing service at Council's Pound closes on 29 May 2015. Further report will then be submitted to Council.

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**22 JANUARY 2015**

**ORDERS OF THE DAY**

**9 [NOM] Jack Evans Boat Harbour - Artificial Reef Construction Using Reef Balls**

**NOTICE OF MOTION:**

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27

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

**RESOLVED** that staff bring forward a report that investigates the viability of creating an artificial reef in Jack Evans Boat Harbour, utilising reef ball technology.

The report should consider a trial reef ball placement, which could if warranted, be expanded to create a larger feature. The report should consider support from within the community, potential user groups (scuba and snorkelling), potential costs, location, the approvals process and the recreational and environmental benefits that such a project would provide.

**Current Status:** Report to be prepared for the June meeting.

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### 35 [NOM] Agricultural Development

#### NOTICE OF MOTION:

33

**Cr K Milne**  
**Cr M Armstrong**

**RESOLVED** that Council invites Mr Tim Bennett, Principal of Red Primary, to a workshop to discuss opportunities for advancing agriculture and food security in the Shire.

**Current Status:** Workshop conducted on 14 May 2015.

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19 MARCH 2015

### REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

#### 13 [CNR-CM] Seniors' Exercise Equipment

138

**Cr M Armstrong**  
**Cr K Milne**

**RESOLVED** that Council:

1. Includes the consideration of seniors' exercise equipment in the development of the Shire Wide Open Space Strategy.
  2. Includes funding in the draft 2015/2016 Budget for the installation of additional seniors exercise equipment and bring back a report on suitable locations.
-

3. Brings back a report on establishing infrastructure in parks that reflect the demographics of the surrounding area.

**Current Status:** Report to be prepared for the June Council meeting and funding will be included as part of the 2015/2016 Passive Recreational Asset renewal program.

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## 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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### 51 [NOM] Sustainable House Innovations for Council

#### NOTICE OF MOTION:

180

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

**RESOLVED** that Council invites Mr Michael Mobbs to a workshop to discuss the potential for Council policies to facilitate and encourage the innovations achieved in the Sustainable House Myrtle St, Chippendale, Sydney, including but not limited to:

- Collection of water, including drinking water from the roof
  - Generation of electricity from the sun
  - Processing of all wastewater, including sewage, on site
  - Stormwater retention
  - Nature strip design
  - Street pavement surfacing to reduce the urban heat island effect
-

**Current Status:** Workshop to be scheduled as part of Sustainable Living Expo to be held in October 2015.

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16 APRIL 2015

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

13 [CNR-CM] Kerbside Bulk Waste Collection Service - Issues and Options - Contract EC2008-153

207

Cr W Polglase  
Cr M Armstrong

**RESOLVED** that Council receives and notes this report on Kerbside Bulk Waste Collection Service - Issues and Options - Contract EC2008-158 and defers this item to hold an additional Workshop on this matter.

**Current Status:** This matter will now be considered in consultation with the community within "Tweed - the future is ours".

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**REPORTS FROM THE DIRECTOR ENGINEERING**

25 [E-CM] Rainwater Tanks - Council Policy, Rebates and Voluntary Register

219

Cr K Milne  
Cr G Bagnall

**RESOLVED** that Council:

1. Reviews the "*Rainwater Tanks in Urban Areas (Version 2.1)*" Policy to cater for commercial and industrial development and that the revised Policy be renamed to "*Rainwater Tanks in Reticulated Areas of Tweed Shire*" for consideration at a future meeting of Council.
2. Proceeds with developing a rainwater tank rebate. The Rous Water rebate scheme could be used as a basis.

**Current Status:** Report to be prepared for June Council meeting.

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## MAYORAL MINUTE

### 4 [MM-CM] Mayoral Minute for April 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

- 10 April Aboriginal Advisory Committee - Minjungbal Museum and Cultural Centre, Corner Kirkwood Road and Duffy Street, Tweed Heads
- 

### INVITATIONS / MAYORAL REPRESENTATION:

#### Attended by the Mayor

- 1 April Cudgen Cenotaph Upgrade media opportunity - Cudgen Public School grounds, Collier Street, Cudgen
  - 1 April Mobile Life Education Unit Restoration Committee Meeting - Tumbulgum Hotel, Riverside Drive, Tumbulgum
  - 11 April Rededication of the Tyalgum War Memorial - Coolamon Street, Tyalgum
  - 16 April Salvo's New Store Opening - 106 Murwillumbah Street, Murwillumbah
  - 17 April Federal Member Justine Elliot inspection of Arkinstall Park - Arkinstall Park, Kirkwood Road, Tweed Heads
  - 22 April EMT/Mayor and Councillors/State Member Morning Tea - Civic Centre, Tumbulgum Road, Murwillumbah
-

- 23 April            Citizenship Ceremony - Tweed Civic Centre, corner Wharf and Brett Streets, Tweed Heads
- 25 April            Anzac Day Ceremony - Coronation Street, Pottsville
- 25 April            Anzac Day Ceremony - Murwillumbah Cenotaph, Tumbulgum Road, Murwillumbah
- 28 April            Mobile Life Education Unit Restoration Committee Meeting - Lend Lease, Sunshine Avenue, Tweed Heads South
- 29 April            Consolidated Properties Retail Development - corner Tweed Coast Road and Grand Parade, Casuarina
- 29 April            IGA Murwillumbah viewing - Pacific Highway, Murwillumbah

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

Nothing to report

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

- 04-06 April        Table Tennis Australia Junior Awards Ceremonies - Seagulls Club, Gollan Drive, Tweed Heads West

All Councillors invited none available.

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**REQUESTS FOR WORKSHOPS:**

Councillors did not request any additional workshops during April 2015

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**CONFERENCES:**

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

- 30 April-2 May    ALGWA (Australian Local Government Women's Association) Conference Wollongong - Novotel North Beach, 2-14 Cliff Road, North Wollongong. Cr Byrne attended.

**Information on Conferences to be held**

- 28-29 May        2015 Future of Local Government National Summit - Rydges, 186 Exhibition Street, Melbourne Victoria
    - \* LG is facing unprecedented challenges: is it the perfect storm or a great opportunity ?
    - \* Demand for LG services is increasing and the resources to deliver are decreasing.
-

\* The days of each Council 'doing its own thing' are coming to an end: it is not compatible with the Digital Age and is not sustainable.

\* The vision of a collaborative and more productive local government delivering priority outcomes to a more engaged community is achievable but will require fundamental change to the way services are planned, organised and delivered. This will include assessing if they are best managed at the state, regional or local level.

\* A new relationship between citizens and government (G2C) is evolving rapidly and Councils need to be collaborating and innovating as never before if they are to be relevant. Can LG innovate its way out of funding cuts and transition to people-powered public services ?

\* There are an increasing number of transformative 'lighthouse' projects and Smart Councils leading the way forward. In addition, change is often being driven by Councils 'exploring new ways in the sandpit' rather than pursuing a 'big bang' approach.

Registration \$594.00, two flights, one-two nights' accommodation.  
[www.mav.asn.au/events](http://www.mav.asn.au/events)

- 4 June Rural and Regional Issues Workshop - Stamford Plaza Sydney Airport Hotel, corner of Robey and O'Riordan Streets, Mascot  
  
The top three issues identified by councils for discussion at the workshop were Local Government reform, Local Government funding, and Rural/Regional planning issues.  
  
Registration is free, two flights, perhaps one nights' accommodation  
[www.cvent.com/events/rural-regional-issues-workshop-2015](http://www.cvent.com/events/rural-regional-issues-workshop-2015)
- 

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

- 24 April Lease - Marine Rescue NSW - Ed Parker Rotary Park and Faulks Park, Kingscliff
  - 24 April Request document - Acquisition of Land for Road Purposes - Kyogle Road, Terragon
  - 29 April Instrument creating Easement - Casuarina Way, Kingscliff (adjacent to Lot 940 DP 1079124)
- 

#### **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.

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**c. Legal:**

Not applicable.

**d. Communication/Engagement:**

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

**RECOMMENDATION:**

**That:-**

- 1. The Mayoral Minute for the month of April 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] Receipt of Petitions

SUBMITTED BY: Corporate Governance

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## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### SUMMARY OF REPORT:

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

*Petitions received by Councillors or forwarded to the (Acting) General Manager will be tabled as per the Order of Business, Item 11, Receipt of Petitions.*

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

### RECOMMENDATION:

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

**REPORT:**

As per Summary

**OPTIONS:**

That in accordance with Section 1.5.4 of the Code of Meeting Practice Version 2.5:

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

**CONCLUSION:**

Any Petition tabled should be considered under Section 1.5.4 of the Code of Meeting Practice Version 2.5.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice Version 2.5.

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

Not Applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## REPORTS THROUGH THE GENERAL MANAGER

### REPORTS FROM THE GENERAL MANAGER

#### 6 [GM-CM] National Stronger Regions Fund Round Two

**SUBMITTED BY:** General Manager

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**Civic Leadership**



**Supporting Community Life**



**Strengthening the Economy**



**Caring for the Environment**

#### 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
  
  - 2 Supporting Community Life
  - 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
  
  - 3 Strengthening the Economy
  - 3.3 Maintain and enhance the Tweed lifestyle and environmental qualities as an attraction to business and tourism
  - 3.3.2 Facilitate government-funded infrastructure
  
  - 4 Caring for the Environment
  - 4.4 Manage the Tweed coastline to ensure a balance between utilisation and conservation
  - 4.4.2 Protect and enhance the aesthetic qualities of the coastal zone
- 

#### SUMMARY OF REPORT:

Council submitted the Kingscliff Foreshore Protection and Restoration Project to the National Stronger Regions Fund (NSRF) Round 1 which closed on 28 November 2014 and the successful projects are due to be announced in May 2015. The Department of Infrastructure and Regional Development have delayed Round 2 of NSRF until the announcement of the Round 1 successful projects. It is anticipated that Round 2 will close on 31 July 2015.

To allow time for the preparation of a funding proposal Council will need to determine a preferred project.

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**RECOMMENDATION:**

**That Council:**

- 1. Should it be unsuccessful in Round 1 of the National Stronger Regions Fund (NSRF) and subject to positive feedback, resubmits the Kingscliff Foreshore Protection and Restoration Project as its preferred project for Round 2.**
- 2. Subject to the outcome of 1 above, submits the Northern Rivers Rail Trail (Murwillumbah to Crabbes Creek) project for consideration under Round 2 of the National Stronger Regions Fund (NSRF).**

## REPORT:

On 1 October 2014 the Australian Government announced the first round of the \$1 billion National Stronger Regions Fund (NSRF). This funding grant is available to local governments seeking matching funding for a range of local and regional development initiatives that are designed to spur economic growth. Council nominated Kingscliff Foreshore Protection and Restoration Project as its priority project for grant funds under round 1 of the National Stronger Regions Fund.

Round 1 closed on 28 November 2014 and the successful projects are due to be announced in May 2015. Advice from the Department of Infrastructure and Regional Development are that Round 2 of NSRF will also be called following the Round 1 announcement and will close on 31 July 2015.

Given this timing and the work required to prepare these applications it is considered prudent to determine a preferred project.

### Project Eligibility

At this stage the guidelines for round 2 are not available. However it is reasonable to assume that they will be closely based on the Round 1 guidelines. Based on round 1 it is assumed that Round 2 will require that Council must be able to identify matching funding for all projects.

Below is an extract from the previous report to Council summarising the guidelines to the Round 1 NSRF:

*The NSRF guidelines identify that the grant funding will only be provided for capital projects which involve the construction of new infrastructure, or the upgrade, extension or enhancement of existing infrastructure. It provides examples of the following types of projects:*

- *upgrade transport networks to support connectivity and freight movement (transport hubs, intermodal services, airports, or upgrades to wharves or cargo loading facilities which cannot be funded by the market);*
- *enhance the efficient movement of freight, support an industrial estate or strengthen supply chains;*
- *increase access to water and waste services, support improved water management or enhance irrigation services (routine upgrades and repairs will not be funded);*
- *extend or enhance services to regions, for example deliver gas pipelines to new industrial estates, upgrade water pipes to support irrigation and industrial growth, or more efficiently manage waste water;*
- *convention centres and community or performance centres which deliver economic benefits or support increases in tourism; or*
- *construct large flagship or signature multi-purpose sporting facilities which generate significant long term economic and social benefits and/or support leadership in local communities, for example a state-of-the-art facility which will act as the state hub and will host national, state and elite events on a regular and ongoing basis*

- *upgrades to or the expansion of local sporting facilities or the construction of sporting facilities which are otherwise available in the state or territory are unlikely to be supported; or*
- *facilities which support a single sport or which can be funded by state and national bodies are unlikely to be supported.*

The NSRF will not fund infrastructure projects which:

- *does not deliver sustainable economic benefits, including job creation;*
- *are eligible for funding under the National Disaster Relief and Recovery Arrangements;*
- *shift costs from state, territory or local governments to the Commonwealth; and/or*
- *are integral elements of hospitals, as they are funded by other Government initiatives.*

Grant funding from the NSRF cannot be used for the following:

- *expenditure incurred prior to the announcement that the project has been successful in its application for NSRF funding;*
- *provision of services and support activities;*
- *soft infrastructure, including computer software or hardware that is not an integral part of the funded capital project;*
- *payment of salaries for new or existing staff or contractors; or*
- *administrative overhead items, including office equipment, vehicles or mobile capital equipment, for example trucks and earthmoving equipment.*

## Projects Summary

Below is the estimated project costing for 10 projects that are considered to meet the selection criterion for the National Stronger Regions Fund.

<b>Project</b>	<b>Estimated Project Cost</b>
1. <i>Kingscliff Foreshore Protection and Restoration Project</i>	<i>\$20,411,500</i>
2. <i>Tweed Coast Road Upgrade</i>	<i>\$25,132,172</i>
3. <i>Arkininstall Park Stage 2</i>	<i>\$37,240,000</i>
4. <i>Kennedy Drive Upgrade - Limosa Road to Cobaki Bridge</i>	<i>\$4,050,000</i>
5. <i>Interconnection to SE QLD Water</i>	<i>\$10,000,000</i>
6. <i>Boyd Street Intersection North Facing Ramps to motorway from Cobaki</i>	<i>\$15,000,000</i>
7. <i>Northern Rivers Rail Trail (Murwillumbah to Crabbes Creek)</i>	<i>\$13,036,050</i>
8. <i>Kingscliff Sportsfield Masterplan</i>	<i>\$1,222,000</i>
9. <i>Gondwana Terminus</i>	<i>\$1,000,000</i>

### 1. Kingscliff Foreshore Protection and Restoration Project

The Kingscliff Foreshore Protection and Restoration Project is critical to preserving the Kingscliff foreshore from severe erosion and ensuring the economic future of the Kingscliff community through innovative and sustainable economic opportunities.

This project will provide an economic growth platform through immediate construction activity and long-term tourism and related industry activity. This will be achieved via a three-pronged growth strategy.

Output of the \$20 million integrated project that is scheduled to be completed by September 2018, include:

1. Constructing a sea wall that will protect the shoreline and foreshore areas of Kingscliff for decades from the immediate threat of severe and potentially catastrophic erosion and the subsequent risk of economic and social decline in the area.
2. The protective sea wall will allow the creation of a stunning beach-front park that will restore the uncluttered, natural vista of the beach front and provide an epicentre for community and visitor recreational and cultural activity, and
3. The redevelopment of the adjoining Holiday Park that will ensure sustainable economic growth and employment in the town and broader region through provision of increased quality short-stay accommodation.

The anticipated increase in visitor numbers to the Kingscliff foreshore and associated tourist activity in the region is central to the Tweed Shire Council strategy to build economic resilience, increase employment in the region, and improve the socio-economic wellbeing and environment of our community. This Business Case for the Project details how it will help the CBD of Kingscliff to achieve economic growth and sustainability.

## **2. Tweed Coast Road Upgrade**

The Tweed Coast Road is currently a two lane rural road extending south from the Pacific Motorway interchange at Chinderah to Cudgen, Depot Road, Casuarina and Cabarita Beach/Bogangar. The construction of the section from Chinderah to Casuarina (previously named "Old Bogangar Road") was funded by Section 94 contributions as required by the Tweed Coast Contribution Plan.

To facilitate a standard of road network to cater for the increasing population growth along the Tweed Coast and its accompanying traffic generation this project was identified as being required in the Tweed Road Development Strategy, which was last updated in 2007. The project involves an upgrade from the existing two lanes to four lanes for the Tweed Coast Road from the new signalised intersection at Grand Parade, Casuarina to the Pacific Motorway at Chinderah.

The project includes upgrading of the north and south on ramps to the Motorway and the installation of a roundabout at the intersection of the Tweed Coast Road and Kings Forest Parkway. As timing and need for this work is unknown it is not recommended for the Stronger Regions grant program. Total project cost is estimated at \$25million.

## **3. Arkinstall Park Stage 2**

Stage 1 of the Arkinstall Park Regional Sports Centre development is completed and officially opened May 2015. Stage 2 of the Centre 2 includes a regional indoor sports complex and rectangular multi-use sports fields with grandstands. A feasibility study and business case for stage 2 has recently been completed, and based on the recommendations of the business case a master plan and concept plan for the facilities have also been developed.

The market and demand analysis identified the following components as being required for the indoor facility:

- Three sprung timber floor courts suitable for competition level basketball, futsal and indoor netball
- One equivalent court purpose - built for gymnastics Training pits provided for all vaulting and parallel beam training
- Two multi-purpose rooms to cater for group fitness and spin activities, or be a social space directly associated with the soccer pitch No 1
- A dedicated gymnasium, to cater for cardio and weight training/fitness.
- A crèche/occasional care space, including outdoor play space.
- A centre operated sports administration area, as well as independent sports offices for local sport programming or club admin
- A precinct managed cafe which can cater for both stadium (indoor) and outdoor patrons
- Spectator seating (telescopic stadia seating) in both the gymnastics hall and sports hall to cater for both training and competition usage
- Associated break out areas to assist with event marshalling or game day competitions. These break out spaces can cater for both indoor and outdoor events
- Future expansion area (to the south) for at least 1 additional court and gym space.

The market and demand analysis identified the following components as being required for the outdoor football spectator venue and associated spaces:

- Four grass pitches suitable for regional competition level soccer (to FIFA 2014 pitch standards) and to serve rugby league, rugby union and touch football
- Under cover seating will be provided: 300 seats at pitch No. 1; 200 at pitch No. 2; and 100 at pitch Nos. 3. and 4
- Provision for State and Regional matches for amateur competition i.e. state youth championships
- A separated 'soccer' dedicated canteen and amenities (located between soccer pitches 2 and 3 to minimise distance of travel to the stadium)
- Civic hub/piazza at the frontage of the stadium connecting the soccer precinct to the northern Tennis and Netball Precinct
- Family BBQ area amongst shaded landscaped area
- Team and spectator covered seating for all soccer pitches
- Landscape buffer to all adjacent properties at a minimum depth of 15 metres
- Car park with an additional 240 spaces in the east and 61 spaces to the north
- Court expansion space to the south
- Sport lighting to 250 lux to the southern 3 pitches. No lighting will be provided to pitch No. 4. to ensure no light spread (pollution) to the adjoining residential properties to the west of soccer pitch No.4
- External storage zones to all individual soccer pitches.

#### Capital and operating costs

Based on the concept design, the estimated capital cost of stage 2 is \$28,100,000 comprising of:

- The approximate value of Sports Fields/External Works equates to \$7,518,500
- The approximate value of the Sports Stadium equates to \$13,470,000
- Environmental Sustainable Design costs estimated at \$630,000



- Contingency fees of \$2,151,000
- Professional and Authority Fees of \$2,330,450
- The approximate equipment, furniture and fittings value being \$2,000,000

To take advantage of funding opportunities and within current funding constraints, it is recommended that the development of stage 2 staged. An application through Round 2 of the Stronger Regions Fund can be submitted for the construction of the multi-purpose indoor facility and associated car parking estimated at \$17,000,000.

#### **4. Kennedy Drive Upgrade-Limosa Road to Cobaki Bridge**

The scoping of works and design for the upgrade of Kennedy Drive between the Pacific Motorway and the Cobaki Bridge to dual lanes within each direction was undertaken by Council during 2010. Phase 1 of the project, Gray Street to Limosa Road, funded by Council was constructed during 2011. Following a commitment by the Federal Government to support further stages of works, the Department of Infrastructure and Regional Development has granted Council \$3.3M under its Infrastructure Investment Program for Phase 2 of the works between the Pacific Motorway and Gray Street. This phase of works commenced in October 2014 with completion due at the end of May 2015.

The final phase of works shall see the upgrade of Kennedy Drive from Limosa Road to the Cobaki Bridge, resulting in dual traffic lanes in each direction, improved drainage and a safer road network for traffic volumes of 19,000 traffic movements per day. The NSW State Government, as pre-election commitment, proposed a \$3.6million grant to construct Stage 3 of the Kennedy Drive upgrade. Council has yet to receive confirmation of this grant however it is envisaged that formal advice will be received in the coming months. This project is therefore not recommended for the Stronger Regions grant program. Project cost for Stage 3 is estimated at \$4million.

#### **5. Interconnection to SE QLD Water**

This project involves the design and construction of a water pipeline and pump station to interconnect the South East Queensland Water Grid to the Tweed District Water Supply. This project is the preferred contingency approach identified in the Tweed Shire Council Drought Management Strategy (Tweed Shire Council Drought Management Strategy, Final Report April 2009). It was considered in the Tweed District Water Supply Augmentation Options Study and could be implemented in a timely manner if some pre-construction and construction activities are undertaken concurrently.

This proposal provides an opportunity to connect to one of the most secure water supplies in Australia. The interconnection to the SEQ Water Grid would not necessarily negate the longer term need for the raising of Clarrie Hall Dam or construction of Byrill Creek Dam. Negotiations have been ongoing with SEQ Water regarding the operational arrangements and the proposed price of the water. The total estimated cost of the design and construction portion of the project is \$10million.

#### **6. Boyd Street Intersection North Facing Ramps to motorway from Cobaki**

The North facing ramps onto the Motorway at the Boyd Street intersection will provide a vital long term connection from the Cobaki development and the surrounding locality to South East Queensland and the Motorway. The ramps are a component of the Tweed Road Contribution Plan and were originally envisaged to be required when the development at Cobaki reached 1500 lots.

With the proposal to locate Southern Cross University on the Cobaki site there is a desire from the developer to bring forward the construction of the North facing ramps to coincide with the initial stages of the development. As this project is required for the Cobaki development and Council has limited funds in the Tweed Roads Contribution Plan it is proposed that the developer designs and constructs the works and claims the appropriate financial credits.

The Stronger Regions program presents an opportunity to source additional funding for this project however under the grant conditions, Local Government and Not For Profit groups are the only organisations eligible to apply. For this project to be funded under the Stronger Regions program, Council would need to be the applicant and sign a binding agreement with the developer for them to complete the work, or for Council to complete the work with an agreement with the developer for them to fund and pay Council their portion of the project costs. It is considered, that given the uncertainty around timing of the Cobaki development, the complexity of the work and Council's limited resources that this project not be recommended for the Stronger Regions program. Ideally this project should be funded directly by the Federal Government, and the Council and developer should lobby for a change in funding criteria. The estimated project cost is \$15,000,000.

#### **7. Northern Rivers Rail Trail (Murwillumbah to Crabbes Creek)**

The Murwillumbah to Crabbes Creek section of the Northern Rivers Rail Trail would be 24 kilometres of trail connecting the regional centre of Murwillumbah with the villages of Stokers Siding, Burringbar, Mooball and Crabbes Creek. This section of rail trail would form a backbone linking features such as Mooball National Park, Tweed Regional Gallery, Mt Jerusalem National Park and Wollumbin/Mt Warning.

The trail would attract valuable tourism to the area and facilitate active transport and recreation activities for locals. The 24km Murwillumbah to Crabbes Creek section incorporates 2 tunnels (one approximately 500m long), 27 bridges and 25 level crossings. This section could be the initial stage of the regional Northern Rivers Rail Trail Project, a plan to establish a 130km rail trail all the way from Murwillumbah to Casino. The Northern Rivers Rail Trail Inc. have made a submission to the NSW State Government under the Regional Tourism Infrastructure Fund to design build and operate a substantial portion of the entire Trail from Casino to Murwillumbah.

On the basis that funding is secured under the State grant program, Tweed Shire Council could partner with NRRT Inc. and/or the proposed Trust under the model put forward, and make application for matching grant funding under the Federal Stronger Regions program to construct the section of rail trail from Murwillumbah to Crabbes Creek. Establishment of the section is estimated to cost \$13,036,050.

#### **8. Kingscliff Sportsfield Masterplan**

The Kingscliff Sports Fields Master Plan is Council's response to a key recommendation in the Tweed Shire Sports Field Strategy (2015). A significant increase in sporting use of this 12 hectare site over the last 15 years has caused considerable conflict for the 6 sports clubs using the fields. The area allocated to each sport and the low quality facilities available reflects the historical arrangement and has not kept pace with increasing use. A particular problem is the fields are bisected by Wommin Bay Road which carries up to 10,000 vehicles per day.

The Kingscliff Sports Fields complex comprises 3 separately named fields being the Walter Peate Field and Merve Edwards Fields, and the Reg Dalton Oval.

The Master Plan proposes to:

- Consolidate areas allocated to each sport, particularly to reduce risk and problems associated with Wommin Bay Road. This requires construction of a new clubhouse, change rooms and toilet facilities on the Walter Peate Field north of the road.
- Increase the level of use by developing new key facilities, particularly sports lights.
- Undertake earthworks and relocate some existing facilities to allow a more efficient allocation of sports field layouts.
- Upgrade existing facilities that are very old and no longer meet the needs of the user groups

This application is for funds to commence stage 1a of the project, which addresses the problem of soccer and hockey operations being split by Wommin Bay Road. Soccer is to move to the Walter Peate Field (north of Wommin Bay Road) while Hockey will relocate to the southern Reg Dalton Oval.

• Construct a central clubhouse, change room, toilet facility and access driveway on the field north of Wommin Bay Road (Walter Peate Field)	\$800,000
• Construct sports lights on newly allocated soccer fields on the same field. This will include a transformer upgrade to support further sports lights improvements	\$350,000
• Construct 900mm fencing around new main soccer field on Walter Peate Field	\$37,000
• Relocate one synthetic cricket wicket to allow space for these newly allocated soccer fields	\$15,000
• Reconstruct part of the cricket wicket, and install hockey safety fencing to the Reg Dalton oval to allow hockey use	\$20,000
<b>Total</b>	<b>\$1,222,000</b>

## 9. Gondwana Terminus

The area encompassing the World Heritage Rainforest Centre (WHRC), Budd Park, Tweed Valley Way roundabout, Murwillumbah Railway Station (North Coast Rail Trail Terminus) forms the gateway to Murwillumbah and the National Parks of the Border Ranges. Iconically, it is the entrance to the defining rim of the 'Green Cauldron' and the Gondwana rain forest. This area has the clear potential to consolidate these elements to produce a powerful entry statement to the Town and to the national parks and the Northern Rivers region.

The Murwillumbah Railway Station is proposed to be the terminus of the Northern Rivers Rail Trail project being immediately across the road. It has the potential to be connected with the WHRC which accommodates the Murwillumbah Visitor Information Centre (VIC) forming a powerful entry statement for visitors to the Northern Rivers and users of the rail trail and offering tourists essential VIC services and advice.

The Gondwana Entry Statement project is conceived to achieve:

- improved services to visitors
- powerful interpretation of and orientation for the local Green Cauldron region and the Gondwana World Heritage Rainforest, of which the Green Cauldron is significant part
- Launching point for the Northern Rivers Rail Trail
- improved sense of 'entry' to Murwillumbah, including enhanced streetscape and pedestrian safety and amenity
- improved local park and riverfront amenity for community and visitors alike

**OPTIONS:**

Council has several options at this point in time:

1. That Council determine the most appropriate capital works project from the above Projects List to submit to the grants program.
2. That Council nominates an alternative project to recommend to Council to submit to the grants program.
3. Council not submit an application to the grants program.

**CONCLUSION:**

The Round 1 nomination from Council for the National Stronger Regions Fund (NSRF) was Kingscliff Foreshore Protection and Restoration Project.

Subject to the outcome of Round 1 and if unsuccessful it is recommended that Council resubmit this project for Round 2. If negative feedback is received from the Department on the Kingscliff Foreshore Protection and Restoration Project it is recommended that the Northern Rivers Rail Trail (Murwillumbah to Crabbes Creek) Project be submitted for Round 2.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

This report recommends that Council submit an application for Federal Grant funding. Budget implications are as per the report.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**7 [GM-CM] Applications for Financial Assistance 2015/2016 - Festivals and Events Policy**

**SUBMITTED BY: Holiday Parks and Economic Development**

Valid



**Supporting Community Life**



**Strengthening the Economy**

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

- 2 Supporting Community Life
  - 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
  - 3 Strengthening the Economy
  - 3.1 Expand employment, tourism and education opportunities
- 

**SUMMARY OF REPORT:**

Council recognises the importance of festivals and events to the quality of life offered in the Tweed and their significant economic benefits to tourism and other industries.

Council's Events Strategy 2011-2016 provides a framework to assist the community and Council to develop and support festivals and events in the Tweed. Under the Festivals and Events Policy there is one annual round of funding with applications due on 15 March each year. Through the Tweed Link, Council invited applications for financial assistance from eligible organisations in accordance with the Festival and Events Policy.

Applicants are able to apply for multi-year funding. Funding continues to those who have current multi-year agreements decided at previous Council meetings.

A Council Workshop was held on Thursday 30 April 2015 and the following was recommended by the Councillors.

**RECOMMENDATION:**

**That:**

- 1. Council allocates Festivals and Events funding for 2015/2016 under the festivals and Events Policy as follows:**

<b>APPLICANT</b>	<b>AMOUNT</b>
<b>Tweed Canine Club</b>	<b>\$1,000</b>
<b>Tweed Valley Womens Service</b>	<b>\$750</b>
<b>Murwillumbah Rowing Club</b>	<b>\$1,500</b>
<b>Burringbar District Sports Club</b>	<b>\$750</b>

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<b>APPLICANT</b>	<b>AMOUNT</b>	
Murwillumbah Art Trail auspice MDBC	\$750	
Dragon Abreast Mt Warning	\$1,500	
Cabarita Bogangar Residents Assoc. et al	\$1,150	
Kids In Need Assoc	\$1,500	
Tweed Valley Equestrian Group	\$1,000	
Caba Creative	\$750	
Tweed District Orchid Society	\$1,000	
Caldera Environment Centre	\$4,000	
Stokers Siding/Dunbible Memorial Hall Inc	\$1,500	
Murwillumbah and District Business Chambers	\$1,300	
Tyalgum Music Festival	\$5,000	
Island Style Promotions	\$2,000	
Tweed Shire Senior Citizens Committee	\$7,500	
Murwillumbah Theatre Co. Inc	\$1,300	
Tweed River Agricultural Society Ltd	\$7,500	
Tweed Foodie Fest Inc	\$7,250	
Taste the Tweed	0	
Rotary Club of Murwillumbah Central Inc	\$7,500	(Multi-Year)
Multiculti Society	0	
Murwillumbah Festival of Performing Arts Inc	\$7,500	(Multi-Year)
Cabarita Beach Pottsville Beach Lions Club Inc#	0	
<b>TOTAL Amount Funded 2015-2016</b>	<b>\$64,000</b>	
<b>Budget maximum</b>	<b>\$74,148</b>	

# \$1,500 to be allocated in 2016/2017 for year 3 of the multi-year funding agreement following request from Club.

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

**REPORT:**

<b>Applicant</b>	<b>Festival Summary</b>	<b>Amount requested</b>
Tweed River Canine Club	Canine Spectacular - Mar-16 Murwillumbah Showgrounds Annual 3 day pedigree dog show with 400-500 entries has been running for 10 years.	\$1,500
Tweed Valley Womens Service	Kinship, Culture and Connection Festival - May 2016 Knox Park Murwillumbah One day event for Families Week connecting local families with services and information for parenting 0-5 year olds. Aims to be culturally inclusive of Aboriginal families.	\$1,500
Murwillumbah Rowing Club (MRC)	Head of the Tweed - Jun-16 Tweed River Murwillumbah One day race for different water craft from Chinderah to Murwillumbah with about 900 participants and spectators.	\$1,500
Burringbar District Sports Club	Car Enthusiasts Festival - 25-Oct-15 Tom O'Connor Recreation Reserve Burringbar displays of cars and associated products with 900 attending.	\$1,500
Murwillumbah Art Trail auspice by Murwillumbah and District Business Chamber (MDBC)	The Murwillumbah Art Trail 2016 - 8 - 14 June 2016 Showcases local artists in the CBD in shops, pop up galleries, established galleries and artists' studios.	\$1,500
Dragon Abreast Mt Warning	Hosting Dragons Abreast Australia Convention and Regatta - 25-26 July 2015 Jack Evans Boat Harbour and Twin Towns Services Club. National event attracting delegates from all over Australia.	\$1,500
Cabarita Bogangar Residents Association, CABA Progressive and Caba Creative	CABA Eco Carnivale - 13-Mar-16 Cabarita Beach free family event with eco market 13-Mar-16 Pandanus Parade, Cabarita Beach Park Music, fashion, food, workshops and community arts aimed at environmental awareness.	\$1,500
Kids In Need Association (KIN)	Kids In Need Dragon Boat Festival - 15-Nov-15 Jack Evans Boat Harbour (JEBH) Tweed and Gold Coast businesses and organisations compete as dragon boat teams in one day competition, 1500 participants and spectators.	\$2,000
Tweed Valley Equestrian Group (TVEG)	TVEG Official Dressage Championships - 1 - 2 August 2015 Murwillumbah Showgrounds Dressage championships for all ages from 14 up, 100 riders from NSW and QLD.	\$2,000



Applicant	Festival Summary	Amount requested
Caba Creative	Part of Tweed Fusion Weekend - 31 Oct - 1 Nov 2015 Free public art event with sculptures, art displays and music along foreshore walk from Cabarita town centre to Norries Headland.	\$2,000
Tweed District Orchid Society Inc.	21 <sup>st</sup> Annual Tweed Orchid Fair and Show - 31 Oct - 1 Nov 2015 Tweed Heads Civic Centre Orchids on display for judging with some for sale, approx 800 attending.	\$2,000
Caldera Environment Centre	World Environment Day - 05-Jun-16 Knox Park Murwillumbah Workshops, displays, activities around living in an ecologically sustainable way.	\$5,000
Stokers Siding/Dunbible Memorial Hall Inc	Stokers Siding 15 Minutes of Fame community events with family entertainment held every month in the village hall.	\$5,000
Murwillumbah and District Business Chamber (MDBC)	Business Excellence Awards Tweed Shire - 15 Aug 2015 Murwillumbah Civic Centre Annual showcase of the best businesses in the Tweed Shire, designed to encourage and model business excellence.	\$7,400 (\$6000 + Use of Civic Centre \$1,300)
Tyalgum Music Festival	Tyalgum Music Festival - 11 - 13 Sept 2015 Tyalgum Hall and Village Creative excellence in classical music, including premieres of Australian compositions with free and ticketed concerts.	\$7,500
Island Style Promotions	Australian Longboard Surfing Open - 16-20 March 2016 Kingscliff Beach and Foreshore Parks 5 day celebration of surfing lifestyle with competitions for professional and amateur longboarders	\$7,500
Tweed Shire Senior Citizens Committee	Tweed Seniors Expo 9am - 3pm 10-Sep-15 Seventh Day Adventist Centre, near Murwillumbah Held every 2 years, provides 1000 seniors with life choices information, workshops and demonstrations, with around 100 stalls.	\$10,000
Murwillumbah Theatre Co. Inc (MTC)	Bringing a touring theatre production such as Bell Shakespeare Co. or Windmill Theatre to the Tweed An Evening Performance Apr-16 Murwillumbah Civic Centre.	\$10,000

<b>APPLICATIONS FOR MULTI-YEAR FUNDING FOLLOW</b>		
<b>Applicant</b>	<b>Festival Summary</b>	<b>Amount requested</b>
Tweed River Agricultural Society Ltd.	Murwillumbah Agricultural Show 6-7 Nov 2015 Murwillumbah Showgrounds 2 days of displays showcasing agricultural products, ring competitions, parade and rides.	\$10,000 Per year
Tweed Food Fest Inc.	Foodie Friday Food Trail on and along Main Street, Murwillumbah; 14 August 2015; Foodie Friday 02-Oct-15 in conjunction with Murwillumbah Country Roots Festival; 18 - 22 Nov 2015 Main Event 5 day festival includes farm tours and Tweed's Biggest Dinner Party at the Murwillumbah Showgrounds.  Initiatives in 2015 that may be followed in 2016 includes: Foodie Friday in conjunction with Tweed Regional Museum and Art Galley around 25-Apr-16 Anzac Day weekend and Foodie Friday held in conjunction with Murwillumbah Art Trail in June 2016.	\$25,000 Per year

<b>Applications not eligible for Council funding in 2015/2016</b>		
<b>Applicant</b>	<b>Festival Summary</b>	<b>Amount requested</b>
Taste the Tweed	Taste of Kingscliff and Tweed Coast	\$20,000
Rotary Club of Murwillumbah Central Inc.	Banana Festival (future years request for 2016-2018)	\$10,000
Multiculti Society	Festa Italiana, Let's Go French, Spanish Event at Stokers Siding Hall	\$7,000

<b>Additional organisations that already have multi - year agreement funding 2015/2016</b>		
<b>Applicant</b>	<b>Festival Summary</b>	<b>Amount requested</b>
Murwillumbah Festival of Performing Arts Inc.	21 June - 12 July 2015 Murwillumbah Civic Centre Annual 3 week eisteddfod competition in dance, drama, speech and music, 5000 youth participate.	\$7,500
Cabarita Beach Pottsville Beach Lions Club Inc.	Postponing the Greenback Tailor Fishing Competition until June long weekend 2016.	\$1,500
Rotary Club of Murwillumbah Central Inc.	Banana Festival 2015	\$7,500

**OPTIONS:**

Taste the Tweed has provided the Certificate of Incorporation for their organisation under their new name Foods of the Tweed Incorporated, after the Councillor Workshop was held, which makes them eligible for funding. Councillors to determine funding from balance remaining if appropriate.

**CONCLUSION:**

Funding to be allocated to festivals and events within the 2015/2016 budget of \$64,000 with balance of \$10,148 to be allocated to festivals and events later in the year subject to the current review of the Council's Events Strategy for the Council Economic Development Strategy.

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

Festivals and Events Policy version 1.1

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

An amount of \$64,000 is recommended for distribution in 2015/2016.

The remaining balance of \$10,148 to be allocated later in the year.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Assessment of Applications Received (ECM 3670914)

*(Confidential)* Attachment 2. Applications received for Multi-year Funding (ECM 3670930)

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**8 [GM-CM] Tweed Kenya Mentoring Program - Operational Plan 2015 to 2017**

**SUBMITTED BY: General Manager**

Valid



## Supporting Community Life

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### SUMMARY OF REPORT:

This report provides an update on activities undertaken by the Tweed Kenya Mentoring Program (TKMP). It recommends Council continues to support the Program and adopts the updated Operational Plan for the period 2015 to 2017.

Council adopted the 2012-2015 Operational Plan in July 2012. At this meeting, Council resolved to maintain the annual financial commitment to the program and endorse the Operational Plan's goals and objectives.

A highlight of the 2012-2015 period was the sixth Safe Water project, which provided the opportunity to complete the construction and commissioning of the Manyasi Dam Sky Hydrant Kiosk. A full report on the sixth Safe Water Project prepared by Robert Hanby and Scott Green is the subject of a separate report of this Council agenda.

### RECOMMENDATION:

#### That Council:

- 1. Adopts the Tweed Kenya Mentoring Program Operational Plan 2015 to 2017, and continues to match staff financial contributions to the Program from the Water and Sewer mandatory dividend.**
- 2. Forwards the Draft Tweed Kenya Mentoring Program Operational Plan 2015 to 2017 to the International River Foundation for comment and endorsement.**

## **REPORT:**

In September 2005 Council financially committed to the Tweed Kenya Mentoring Program (TKMP) with a vision to increase access to safe water and sanitation, improve community and environmental health for Kenyan families, and strengthen bonds of friendship with the Tweed community. TKMP is an initiative run voluntarily by Tweed Shire Council staff, and supported by Tweed Shire Council.

This report provides an update for Council and the community on the activities and achievements for the period 2012-2015, and recommends that Council endorses the 2015-2017 Operational Plan (attachment 1) and reconfirms support for the Program's ongoing sponsorship through the Water and Sewer mandatory dividend.

## **Update**

Since its inception the program boasts an impressive list of achievements however, due to a reduction in the resources available for program implementation, it has not been possible to successfully deliver all the goals and objectives outlined in the 2012-2015 Operational Plan, but some significant outcomes have still been achieved, including:

- Desilting and reconstruction of Gona Dam
- Kubar School toilet block construction
- Registration of Alego Dam Water Users Association with the Ministry of Water
- Ongoing development of relationships with relevant government agencies and politicians
- Manyasi Safewater project installation and commissioning
- Production of a film documentary on the TKMP area of operations
- Delivery of Jigger treatment and education program
- Development of partnership with Health Organisation of Kenya (HOOK) and facilitation of health clinics in Siaya
- Ongoing maintenance of four Safewater stations
- Improvement of accounting standards through partnership engagement of accountant with HOOK
- Skills development and transfer through cultural exchange
- Ongoing cultural awareness raising and creasing of goodwill between participating communities.

There have been ongoing challenges in the areas of governance, community, health and water supply. Therefore TKMP has reluctantly withdrawn resources from the sanitation, hygiene, environmental education and youth engagement aspects of the program.

## **TKMP Goal**

TKMP will use its resources and expertise of the Tweed to increase Kenyan partner commitment and capacity in management of Safewater projects, leading to greater self sufficiency and skills development in water and community health management.

## **TKMP Objectives**

Over the period 2015 to 2017 TKMP will:

- Work with local water user committees to maintain and operate four water purification stations, and the water supplies that these depend on.
- Complete the installation of one additional water purification station.
- Work with local water user committees in a support role, encouraging development of their technical and governance capacity, resulting in better management of Safewater projects.
- Work with Health Organisation of Kenya (HOOK) to facilitate medical clinics in the Siaya district and strengthen TKMP governance and reporting arrangements.
- Increase the quality and consistency of quarterly reporting.

**OPTIONS:**

Nil.

**CONCLUSION:**

It is recommended that Council adopts the Operational Plan for the period 2015 to 2017 and reconfirms support for the Programs ongoing sponsorship through the Water and Sewer mandatory dividend.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable

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

This report recommends that Council continue to support the Tweed Kenya Mentoring Program based on the existing model of matching Council staff's voluntary financial contributions. It is estimated that in 2015-2016 it will be in the range of \$13,000-\$15,000 and funded through the Water and Sewer mandatory dividend, with no impact on the General Fund.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

Not Applicable.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.

Draft Tweed Kenya Mentoring Program - Operational Plan 2015 to 2017 (ECM 3666204).

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**9 [GM-CM] Tweed Kenya Mentoring Program - Safe Water 6 Final Report**

**SUBMITTED BY: General Manager**

Valid



## Supporting Community Life

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### SUMMARY OF REPORT:

The Tweed Kenya Mentoring Program (TKMP) is an initiative run voluntarily by Tweed Shire Council staff, and supported by Tweed Shire Council. The program has existed since 2005, and maintains a vision of increasing access to Safe Water and sanitation, improving community and environmental health for Kenyan families, and strengthening bonds of friendship with the Tweed community.

For the past seven years TKMP has been working with poor rural communities in the Siaya district of Nyanza province, western Kenya. This work has resulted in the installation of a number of small scale water purification stations, and included significant attention to water supply, community capacity building and environmental health initiatives.

TKMP works with four villages to maintain water purification stations at the dams which form their water supply. These purification stations, and the work surrounding their establishment, have been termed, "Safewater Projects" by TKMP. TKMP volunteers have travelled to Kenya to install these treatment plants, and there is a continuing commitment by TKMP, through our local Kenyan staff, to ensuring that the Safe Water projects continue operating. A key activity of the program is training local people to operate and maintain the plants.

In 2015, for the first time, two volunteers from Tweed Shire Council travelled together to Kenya to deliver the Safe Water 6 Program. A copy of their report is tabled for Council's information.

### RECOMMENDATION:

**That Council receives and notes the Tweed Kenya Mentoring Program Safe Water 6 Final Report.**



## REPORT:

The Tweed Kenya Mentoring Program (TKMP) is an initiative run voluntarily by Tweed Shire Council staff, and supported by Tweed Shire Council. The program has existed since 2005, and maintains a vision of increasing access to Safe Water and sanitation, improving community and environmental health for Kenyan families, and strengthening bonds of friendship with the Tweed community.

For the past seven years TKMP has been working with poor rural communities in the Siaya district of Nyanza province, western Kenya. This work has resulted in the installation of a number of small scale water purification stations, and included significant attention to water supply, community capacity building and environmental health initiatives.

TKMP works with four villages to maintain water purification stations at the dams which form their water supply. These purification stations, and the work surrounding their establishment, have been termed, "Safe Water Projects" by TKMP. TKMP volunteers have travelled to Kenya to install these treatment plants, and there is a continuing commitment by TKMP, through our local Kenyan staff, to ensuring that the Safe Water projects continue operating. A key activity of the program is training local people to operate and maintain the plants.

Since its inception, the TKMP has undertaken the following Safe Water projects:

- Safe Water 1      Gona Dam Sky Hydrant Kiosk
- Safe Water 2      Tinga Dam Sky Hydrant Kiosk
- Safe Water 3      Ochillo Dam Sky Hydrant Kiosk
- Safe Water 4      Gona Dam de-silting and filter upgrade
- Safe Water 5      Manyasi Dam Sky Hydrant installation and Kubar Primary School amenities block
- Safe Water 6      Manyasi Dam Sky Hydrant Kiosk commissioning and Tinga Dam filter upgrade

In 2015, for the first time, two volunteers from Tweed Shire Council travelled together to Kenya to deliver the Safe Water 6 Program. Safe Water 6 provided the opportunity for Council's Engineer - Construction to return to complete the construction and commissioning of the Manyasi Dam Safe Water Kiosk and for Council's Communication Officer to accompany him to use his expertise in media and journalism to produce a documentary on TKMP. An excerpt of the documentary is available from [www.tkmp.tweed.nsw.gov.au](http://www.tkmp.tweed.nsw.gov.au).

TKMP's total investment in Safe Water 6 was approximately AU \$18,850.

As with previous TKMP projects, labour was provided by the community and materials were pre-purchased from local suppliers whenever possible. Staff from Tweed went on their own time, taking leave to provide the on the ground support in Kenya.

As with all TKMP Safe Water Projects, the outcomes achieved in improving everyday lives, reducing disease and gaining the support of several Government authorities for the people of Siaya County ensured the time, cost and effort invested into Safe Water 6 was well worth it.

To learn more about the Tweed Kenya Mentoring Program visit [www.tkmp.tweed.nsw.gov.au](http://www.tkmp.tweed.nsw.gov.au).

**OPTIONS:**

Not Applicable.

**CONCLUSION:**

That Council receives and notes the Tweed Kenya Mentoring Program Safe Water 6 Report.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable

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

Safe Water 6 was delivered from the TKMP budget, including contributions from the Water and Sewer Dividend, staff voluntary contributions and a number of private benefactors.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Tweed Kenya Mentoring Program - Safe Water 6 Final Report  
(ECM 3666112)

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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.

**10 [PR-CM] Selective Tender RFP2015060 and Development Application DA15/0160 for the Construction and Operation of a Community Facility (Men's Shed) at Lot 301 DP 1125090 Overall Drive, Pottsville**

**SUBMITTED BY: Development Assessment and Compliance**

**FILE REFERENCE: DA15/0160 Pt1**

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

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### SUMMARY OF REPORT:

At its meeting of 16 October 2014 Tweed Shire Council resolved:

*"Council prepares and lodges the Development Application or Part 5 Application (whichever is applicable) for a Men's Shed at Lot 301 DP 1125090 (Black Rocks Sports Field), in accordance with their concept design and the Council resolution of 21 August 2014, whereby the construction is to be of the type that it can be fully dismantled and reassembled at an alternative site."*

The application was prepared by Council's Design Unit and submitted to the Development Assessment Unit on 12 March 2015.

As Council staff prepared the application it was considered appropriate to outsource the assessment of the application for complete transparency. Once a successful tenderer is determined by Council, the application can then be publicly exhibited and any submissions will be forwarded to the successful tenderer for consideration as part of the assessment of the application.

Selective Tender RFP2015-060 for the Development Application Assessment and Reporting of DA15/0160 was called to enable the Council prepared Development Application for a Men's Shed at Blackrock's sports fields to be assessed by an independent planning firm with in-house expertise in all fields required to assess the Development Application.

Selective Tenders were officially invited 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. Tender submissions closed on 24 April 2015.

Recommendations have been formulated based on the Selection Criteria which is contained 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.

**RECOMMENDATION:**

**That in respect to Contract RFP 2015-060 for the Development Application Assessment and Reporting of DA15/0160:**

- 1. Council awards the contract for the Development Application Assessment and Reporting of DA15/0160 to GHD (ABN 39 008 488 373).**
- 2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.**
- 3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
  - (d) commercial information of a confidential nature that would, if disclosed:**
    - (i) prejudice the commercial position of the person who supplied it, or**
    - (ii) confer a commercial advantage on a competitor of the council, or**
    - (iii) reveal a trade secret.**

**REPORT:**

**Tender Background**

Selective Tender RFP2015-060 for the Development Application Assessment and Reporting of DA15/0160 was called to enable the Council prepared Development Application for a Men's Shed at Blackrock's sports fields to be assessed by an independent planning firm with in-house expertise in all fields required to assess the Development Application.

**Tender Advertising**

Selective Tenders were officially invited 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. Tender submissions closed on 24 April 2015.

**Tender Addendums**

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

**Tender Submissions**

Two submissions declined to tender for the job.

Four submissions have been recorded and their details are as follows:

<b>Tenderer</b>	<b>ABN</b>
APP Planning	29 003 764 770
HillPDA	52 003 963 755
EMM (EMGA Mitchell McLennan Pty Ltd)	28 141 736 558
GHD	39 008 488 373

Tenders were evaluated based on the criteria noted in the table below which were also listed in the Conditions of Tendering. The details of the price and non price evaluation are shown on the attached Tender Evaluation Report.

<b>Criterion</b>	<b>Weighting (%)</b>
Experience	25
Track Record	10
Technical Skills	30
Management	35
Local Preference	0
<b>Total</b>	<b>100</b>

Tweed Shire Council's procurement protocol version 1.7.1, adopted 5 March 2014 and procurement policy (s.4) version 1.5, adopted 15 August 2013, require that a local preference rating be including within the evaluation of any tender with a value greater than \$10,000.00.

This selective tender process is specifically targeting larger consultancy firms that are based predominantly in the greater Sydney metropolitan area, with each having an apparent

capability to undertake work across all, if not most, disciplines required. It is expected that any sub-contractors will likewise be located outside of the local Tweed area, and consequently the "local preference" component would not be applicable to most tenderers and therefore could not be justly applied.

Council's Executive Management in recognition of the specific needs of the project consultancy have waived the application of that part of the policies relating to local preference and the Tenderer is not required to provide details otherwise required under cl. 4.2.7 of the Policy.

The Tender Evaluation Panel consisting of Team Leader Development Assessment, and Programme Leader Biodiversity and Ecological Assessment 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:

- (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.

**OPTIONS:**

1. That Council awards the contract for the Development Application Assessment and Reporting of DA15/0160 to GHD (ABN 39 008 488 373); or
2. That Council awards the contract for the Development Application Assessment and Reporting of DA15/0160 to one of the other tenderers; or
3. That Council resolves not to proceed with this tender process, and, alternatively, Tweed Shire Council staff assess the application; or
4. That Council resolves not to proceed with this tender process, and, alternatively, the General Manager writes to each of the NOROC Councils to determine their interest in organising their technical staff to assess and make a recommendation to Council on DA15/0160.

**CONCLUSION:**

That Council accepts the submissions from GHD Development Application Assessment and Reporting of DA15/0160.

**COUNCIL IMPLICATIONS:**



**a. Policy:**

Tweed Shire Council Procurement Policy, in accordance with Local Government (General) Regulations 2005.

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

In terms of either Option 1 or 2, there is currently no budget allocation for this task. In order to proceed with the appointment of an external consultant, Council would need to endorse a re-allocation of funds as part of an upcoming Quarterly Budget Review process.

Similarly for Option 4, it would be reasonable to assume that if a NOROC Council agrees to independently assess DA15/0160, they would seek payment for the technical services of their staff. Such an expense is currently not funded.

**c. Legal:**

Third party Appeal rights are only applicable on a point of law not merit.

**d. Communication/Engagement:**

The application will be publicly exhibited upon determination of the suitable tenderer.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*(Confidential)* Attachment 1. Tender Evaluation Report (ECM 3666684)

*(Confidential)* Attachment 2. Tender Evaluation Scoring Sheet (ECM 3666685)

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**11 [PR-CM] Development Application DA14/0828 for an Addition to Existing Recreation Facility - Skateboard Training Facility at Lot 10 DP 1201448 No. 9 Barclay Drive, Casuarina**

**SUBMITTED BY: Development Assessment and Compliance**

**FILE REFERENCE: DA14/0828 Pt1**

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 is in receipt of an application for the construction of an enclosed colorbond building to accommodate a skateboard training facility. The building will be a 'shed style' construction used in conjunction with the Surfing Australia High Performance Facility (HPF) also upon the subject site. The skateboard ramp will be constructed of timber within the building.

The skateramp is intended to complement the existing HPF and will be used by students/selected individuals, for the purpose of complimentary training associated with the existing facility. The facility will not be made available to the general public.

The proposal will be located upon one of two existing tennis courts that separate the HPF building from the Casuarina Recreation facility, off Barclay Lane, Casuarina.

The building will be fully enclosed and lined with acoustic insulation material. Each elevation will contain either one large or two small roller doors while the northern and southern elevations will also contain double entry doors. The structure runs in a north/south direction and is 32m in length, parallel with Tweed Coast Road and 16m in width. The building will be 7.087m high and will be located on the southern side of the existing Surfing Australia HPF, upon the western most existing tennis court.

The site is zoned R1-General Residential under the Tweed Local Environmental Plan 2014. The development is defined as a Recreation Facility (indoor) and is permissible within the zone with consent.

The proposal was notified to adjoining owners on two occasions, due to design changes made by the applicant in response to Council's concerns and submissions from the public during the first period, that resulted in 25 submissions being received. During the second

notification five submissions were received, likely due to the full enclosure of the structure and increased setback from the adjoining strata units (Mainwaring Apartments).

The amenity of the adjoining residential properties is the primary issue. This issue is considered satisfactorily resolved through:

1. The relocation of the building providing an increased setback from the eastern property boundary.
2. Acoustic treatment of the building to mitigate onsite noise activity emissions.
3. A condition of development consent requiring the removal of roller doors on the eastern, southern and northern boundaries to ensure compliance with acoustic mitigation measures during use.
4. Any use limited to persons associated with the HPF and restricted hours of operation.

The application has been presented to Council for determination due to the number of submissions received for the proposal.

#### **RECOMMENDATION:**

**That Development Application DA14/0828 for an addition to existing recreation facility - skateboard training facility at Lot 10 DP 1201448 No. 9 Barclay Drive, Casuarina be approved subject to the following conditions:**

#### **GENERAL**

1. **The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos:**
  - **HPC\_BARCLAYDRV\_SITEPLAN Sheet No 01 of 0, dated 16/02/2015**
  - **HPC\_BARCLAYDRV\_SHEDCONCEPTALT Sheet No 01 of 01, dated 09/03/2015**
  - **HPC\_BARCLAYDRV\_RAMPLN Sheets No. 01, 02, 03, 04, all dated 11/2014**

**All prepared by Planit Consulting, except where varied by the conditions of this consent.**

[GEN0005]

2. **The advertising signage upon the stamped plans are not approved in conjunction with this consent. Advertising structures/signs to be the subject of a separate development application (where statutorily required).**

[GEN0065]

#### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

3. **Prior to issue of Construction Certificate the applicant is to submit to Council's General Manager or his delegate a list of the finished building materials and colours for approval.**

[PCC0175]

4. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

5. **Stormwater**

- (a) Details of the proposed roof water disposal, including surcharge overland flow paths are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. These details shall include likely landscaping within the overland flow paths.
- (b) All roof water shall be discharged to infiltration pits located wholly within the subject allotment.
- (c) The infiltration rate for sizing infiltration devices shall be 3m per day:
- \* As a minimum requirement, infiltration devices are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) over a range of storm durations from 5 minutes to 24 hours and infiltrate this storm within a 24 hour period, before surcharging occurs.
- (d) Surcharge overflow from the infiltration area to the street gutter, inter-allotment or public drainage system must occur by visible surface flow, not piped.
- (e) Runoff other than roof water must be treated to remove contaminants prior to entry into the infiltration areas (to maximise life of infiltration areas between major cleaning/maintenance overhauls).
- (f) If the site is under strata or community title, the community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
- (g) All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.
- (h) All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.
- (i) All infiltration devices are to be designed to withstand loading from vehicles during construction and operation of the development.

**(j) All infiltration devices are to be located clear of stormwater or sewer easements.**

[PCC1135]

- 6. Prior to the issue of a construction certificate the approved plans must be amended to remove all roller doors on the eastern, southern and northern elevations. Any additional doors that are required for the Building Code of Australia cannot be located on the eastern elevation. The entry doors on the southern and northern elevations can be retained however must not be open during use.**

[PCCNS01]

#### **PRIOR TO COMMENCEMENT OF WORK**

- 7. The erection of a building in accordance with a development consent must not be commenced until:**
- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and**
  - (b) the person having the benefit of the development consent has:**
    - (i) appointed a principal certifying authority for the building work, and**
    - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and**
  - (c) the principal certifying authority has, no later than 2 days before the building work commences:**
    - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and**
    - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and**
  - (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:**
    - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and**
    - (ii) notified the principal certifying authority of any such appointment, and**
    - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.**

[PCW0215]

8. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

[PCW0225]

9. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0255]

10. All established vegetation onsite and within the adjoining Tweed Coast Road reserve is to be protected from damage prior to construction works commencing.

[PCWNS01]

## **DURING CONSTRUCTION**

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

**Monday to Saturday from 7.00am to 6.00pm**

**No work to be carried out on Sundays or Public Holidays**

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

[DUR0205]

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

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

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

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

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

[DUR0215]

- 13. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath, any adjoining private land or road reserve, unless prior approval is obtained from Council. All building vehicles shall be parked within the subject site or legally on public roads. No construction related vehicles shall be parked on the adjoining private land.**

[DUR0395]

- 14. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate.**

[DUR0985]

- 15. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:**

- Noise, water or air pollution.**
- Dust during filling operations and also from construction vehicles.**
- Material removed from the site by wind.**

[DUR1005]

- 16. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.**

[DUR1025]

- 17. All established vegetation onsite and within the adjoining Tweed Coast Road reserve is to be protected from damage during construction works.**

[DURNS01]

**PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

- 18. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).**

[POC0205]

**USE**

- 19. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his**

**delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.**

[USE0175]

**20. Hours of operation of the business are restricted to the following hours:**

**\* 8am to 6pm - Mondays to Sundays**

[USE0185]

**21. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.**

[USE0225]

**22. Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant. The NIS is to be submitted to the satisfaction of the General Manager or his delegate. It is to include recommendations for noise attenuation. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's authorised officer.**

[USE0245]

**23. The LAeq, 15 min noise level emitted from the premises shall not exceed the background noise level (LAeq) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.**

**24. The development shall be carried out in accordance with the provisions of the acoustic assessment report prepared by CRG Acoustical Consultants (dated 18 Mar 2015 crgref: 14233 report REV 2) except where modified by this consent.**

[USENS01]

**25. Any use of the facility shall be limited to persons staying at the associated Surfing Australia High Performance Surfing Centre. The facility is not to be used or available to the general public.**

[USENS02]

**26. Entry doors on the northern and southern elevations must remain closed at all times during use of the skateramp.**

[USENS03]



**REPORT:**

**Applicant:** Surfing Australia Inc  
**Owner:** Surfing Australia Inc  
**Location:** Lot 10 DP 1201448 No. 9 Barclay Drive, Casuarina  
**Zoning:** R1 General Residential  
**Cost:** \$80,000

**Background:**

On 8 August 2011 Development Consent was granted for the construction of a surfing and training centre at Lot 1461 DP 1056889, otherwise known as No. 7 Barclay Drive, Casuarina (DA11/0194).

The development consisted of the construction of a two storey building and associated car parking comprising ancillary office, student accommodation (boarding and on-site meals), training and treatment facilities. The centre, now operational, provides a range of professional sporting services including theory and physical training and sport related therapies. The facility is limited to a maximum of 24 students at any one time and a maximum of five staff members. 12 carparking spaces are located onsite for the facility. The proposal has been the subject of two subsequent modifications of consent applications; however the proposal is generally consistent with the original proposal.

The subject land was previously part of the adjoining land parcel being the Casuarina Recreation facility. However, the portion of land containing the two tennis courts (approximately 1200m<sup>2</sup>) was recently subdivided by way of a boundary adjustment and is now located within the lot under ownership of Surfing Australia. The land the subject of the proposed building, skateramp and adjoining tennis court is now incorporated into the subject HPF land. Access to the site via a right of carriageway over Strata Plan 70892 will not change.

The application as originally submitted, proposed to locate an open, roofed structure on the eastern most tennis court to accommodate the skateboard ramp.

A further information request was forwarded to the applicant raising concern regarding the amenity of the residents within the adjoining properties to the east, given the proximity of the skateboard ramp to these properties and the lack of any acoustic assessment provided in conjunction with the application. During this initial assessment period, the proposal was notified in accordance with Council policy. During the notification period, twenty five submissions were received, all objecting to the development proposal.

The applicant subsequently provided a Noise Impact Assessment (NIA) based on the structure remaining upon the eastern tennis court. This NIA demonstrated that the skateboard ramp would result in adverse noise impacts on nearby residential properties. The applicant was subsequently requested to address the predicted noise levels to mitigate against adverse impacts upon the adjoining sensitive receivers.

As a consequence, an amended proposal was lodged on 18 March 2015. This amended proposal relocated the now completely enclosed and suitably insulated building and skateboard facility to the western tennis court. This amended proposal was renotified. During this second notification period, five submissions were received. It is this proposal that is the subject of this assessment.

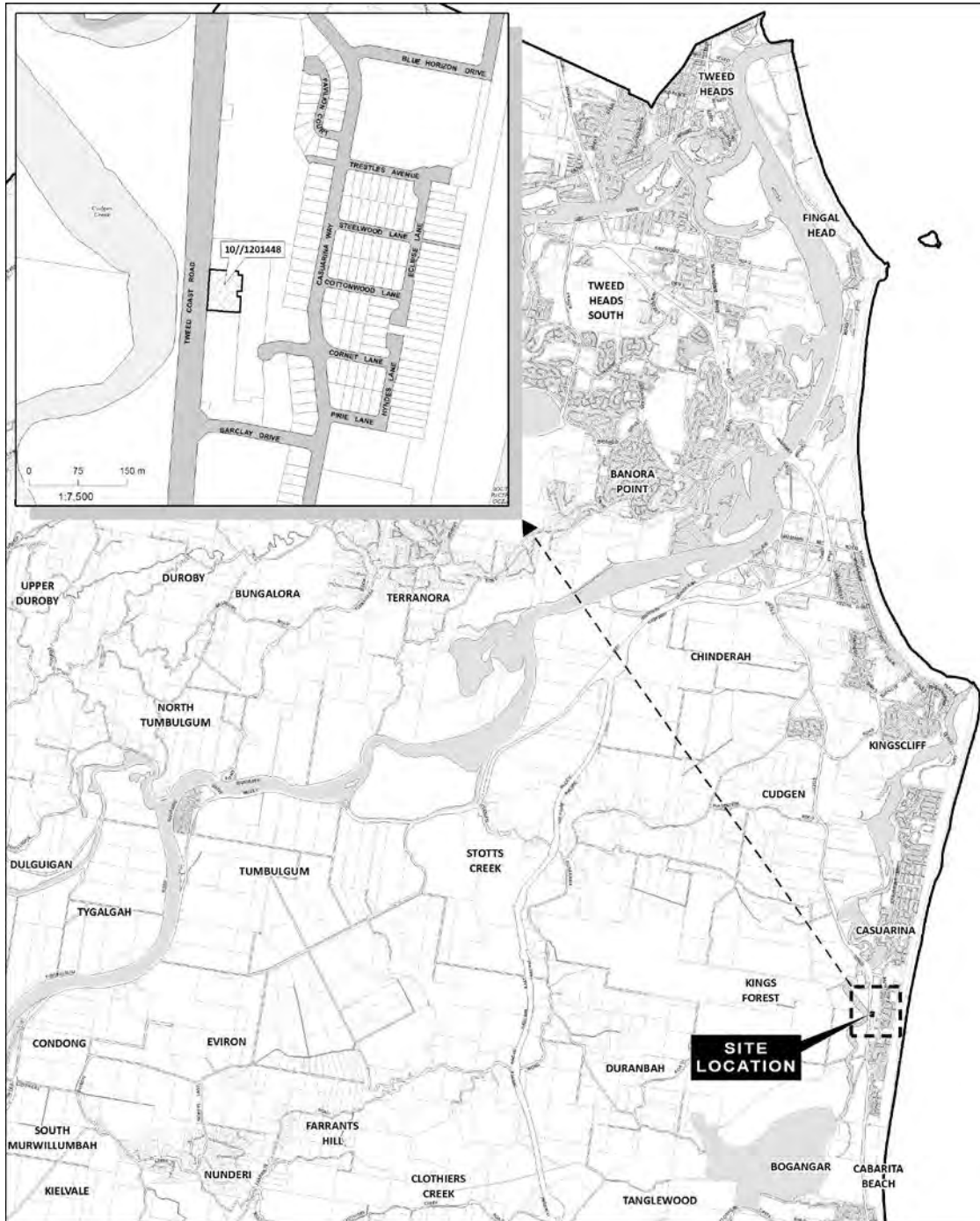
The building will be setback 23m from the adjacent carpark adjoining the private road to the east and approximately 39m from the residential dwellings located on the eastern side of this private road. The building will be acoustically treated to the satisfaction of the appointed acoustic engineer and existing landscaping immediately to the east of the remaining tennis court will be utilised to screen the structure from the adjoining residential properties. Ground disturbance will not be necessary as the existing concrete slab used for the tennis court will be suitable.

The skateboard ramp will be constructed of timber within the building and include:

- two entry roll in ramps
- a half pipe bowl and half pipe ramp sections; and
- two foam pits ( at the opposite end to the entry ramps)

The proposed development has been reviewed by Council's Building Unit and Environmental Health Unit, with informal discussions also held with Council's Development Engineer (in regard to the private road that is required for property access).



**SITE DIAGRAM:**



**Locality Plan**  
 Lot 10 DP1201448  
 No.9 Barclay Drive, Casuarina

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		PROJECT TITLE: HPC   BARCLAY DRIVE, CASUARINA
DRAWING TITLE: PROPOSED SKATE RAMP		SCALE: N/A
BASE PROVIDED BY: N/A		DESIGN: PLANIT CONSULTING
CLIENT: N/A		DRAWN: JP
NO.   DATE   REVISION   BY		DATE: 11/2014
		CHECKED: AS
		DRAWING NO: HPC_BARCLAYDRIVE_RAMPEN
		NORTH POINT: 
		SHEET NO: 02 OF 04
		<small>Level: 2347 Coast Circuit Hwy Telephone: 02 5551 1502          Sydney Beach Post: 02 5551 1502          PO Box 29, QLD 4218 Email: <a href="mailto:info@planetconsulting.com.au">info@planetconsulting.com.au</a></small>



**NOT FOR CONSTRUCTION**  
FOR DISCUSSION PURPOSES ONLY

HPC | BARCLAY DRIVE, CASUARINA  
PROPOSED SKATE RAMP









**Considerations under Section 79C of the Environmental Planning and Assessment Act 1979:**

**(a) (i) The provisions of any environmental planning instrument**

**Tweed Local Environmental Plan 2014**

**Clause 1.2 – Aims of the Plan**

This Plan aims to make local environmental planning provisions for land in Tweed in accordance with the relevant standard environmental planning instrument under section 33A of the Act.

The particular aims of this Plan are as follows:

- (a) *to give effect to the desired outcomes, strategic principles, policies and actions contained in the Council's adopted strategic planning documents, including, but not limited to, consistency with local indigenous cultural values, and the national and international significance of the Tweed Caldera,*
- (b) *to encourage a sustainable local economy and small business, employment, agriculture, affordable housing, recreational, arts, social, cultural, tourism and sustainable industry opportunities appropriate to Tweed,*
- (c) *to promote the responsible sustainable management and conservation of Tweed's natural and environmentally sensitive areas and waterways, visual amenity and scenic routes, built environment, and cultural heritage,*
- (d) *to promote development that is consistent with the principles of ecologically sustainable development and to implement appropriate action on climate change,*
- (e) *to promote building design which considers food security, water conservation, energy efficiency and waste reduction,*
- (f) *to promote the sustainable use of natural resources and facilitate the transition from fossil fuels to renewable energy,*
- (g) *to conserve or enhance the biological diversity, scenic quality and geological and ecological integrity of Tweed,*
- (h) *to promote the management and appropriate use of land that is contiguous to or interdependent on land declared a World Heritage site under the Convention Concerning the Protection of World Cultural and Natural Heritage, and to protect or enhance the environmental significance of that land,*
- (i) *to conserve or enhance areas of defined high ecological value,*

- (j) *to provide special protection and suitable habitat for the recovery of the Tweed Coastal Koala.*

The proposed recreation facility (indoor) is considered generally in keeping with the aims of the plan, and it is not considered likely to result in a reduction of residential amenity for nearby residential properties or the shire as a whole, given the existing use onsite. Residential amenity will be protected due to the amendments made during the assessment process and the imposition of appropriate detailed conditions relating to noise limits and the facility being now fully enclosed.

#### Clause 2.3 – Zone objectives and Land use table

The objectives of the R1 - General Residential Zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage the provision of tourist accommodation and related facilities and services in association with residential development where it is unlikely to significantly impact on amenity or place demands on services beyond the level reasonably required for residential use.*

It is considered that the recreation facility (indoor) is ancillary to the existing HPF. This HPF is considered to be a facility in association with residential development and unlikely to impact upon existing amenity. The conditions of use for the skatepark will be extensive and detailed to protect the amenity of adjoining residential properties.

Within the zone, a recreational facility (indoor) is permissible with development consent. The proposal is considered consistent with the aims and objectives of the R1 zone and is seen to satisfy the provisions of Clause 2.3.

#### Clause 4.1 to 4.2A - Principal Development Standards (Subdivision)

No subdivision is proposed in conjunction with the proposed facility.

#### Clause 4.3 - Height of Buildings

The height of a building on the land is not to exceed the maximum height shown for the land on the Height of Buildings Map being 13.6m. The proposed building has an overall height of 7.087m. The overall building height is therefore compliant with the building height outlined in the TLEP 2014.

#### Clause 4.4 – Floor Space Ratio

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. In this instance the nominated FSR is 2:1.

The proposed building has a Gross Floor Area of 512m<sup>2</sup>.

The site area is approximately 3050.6m<sup>2</sup>. The existing HPC has a floor area of 903m<sup>2</sup>. The combined existing and new floor area is 1415m<sup>2</sup>. This equates to a Floor Space Ratio of 0.46:1. This FSR is significantly below the maximum permissible FSR for the subject site.

Clause 4.6 - Exception to development standards

An exception to development standards has not been requested, nor is required.

Clause 5.4 - Controls relating to miscellaneous permissible uses

The proposed development is not associated with any of the miscellaneous permissible uses listed within the TLEP 2014.

Clause 5.5 – Development within the Coastal Zone

The application is located within the coastal zone. An assessment of the application having regard to the provisions of SEPP 71 and the NSW Coastal Policy has been undertaken in a latter section of this report.

The development, being the erection of a colorbond shed upon an existing concrete slab will not pose any threat to the existing coastal processes. The site is spatially separated from the coast and will not impact upon any existing access to the foreshore or coastal lakes and estuaries.

Clause 5.9 – Preservation of Trees or Vegetation

No vegetation is proposed to be removed as a result of this application. The protection of existing vegetation will be required in conjunction with any consent issued.

Clause 5.10 - Heritage Conservation

The site is not within a heritage conservation area, nor does it contain any items of environmental heritage.

Clause 5.11 - Bush fire hazard reduction

No bushfire reduction measures have been requested in conjunction with this application.

Clause 7.1 – Acid Sulfate Soils

The site is mapped as potentially containing both Class 3 and 4 Acid Sulfate Soils. However, no excavation will be necessary, given an existing concrete slab will accommodate the building that will house the skateboard ramp.

Clause 7.2 - Earthworks

No earthworks will be required. The building will be constructed upon the existing concrete slab that accommodates the tennis court.

Clause 7.3 – Flood Planning

The site is flood affected, however, the building is not for habitable purposes, and therefore a minimum floor level will not be applied to the subject proposal.

Clause 7.4 - Floodplain risk management

See comments above, not applicable.

Clause 7.5 - Coastal risk planning

The subject site is located within 1km of the coast and is therefore located within the coastal zone and subject to the NSW Coastal Policy. However, as the site is located approximately 420m from the coastal foreshore and 50m from Cudgen Creek it is considered that there will be no impacts upon the coastal process. No further assessment is required.

Clause 7.6 - Stormwater Management

All roof waters from the building will be directed into the existing stormwater service. A condition of consent will ensure the stormwater is managed appropriately.

Clause 7.8 – Airspace operations

The site is outside the area affected by this Clause. No further assessment necessary.

Clause 7.9 - Development in areas subject to aircraft noise

As above.

Clause 7.10 - Essential Services

The proposed development is capable of being serviced with essential infrastructure.

Other Specific Clauses

None applicable.

**State Environmental Planning Policies**

SEPP No. 44 - Koala Habitat Protection

The provisions of this SEPP are not triggered by this proposal due to the size of the subject site.

However, the Tweed Coast Comprehensive Koala Plan of Management (TCCPoM) applies to the site. The site is not within a specific Koala Plan of Management area, however is within the study area. In accordance with the provisions of Clause 5.6 of the TCCPoM, the development is considered minor, being located upon urban land with an area of less than 1ha within an existing urban envelope. The building will be located upon an existing tennis court and will not require the removal of any vegetation. No further assessment is considered necessary.

SEPP No. 55 - Remediation of Land

The site has been subject to sand mining and there is the potential for the land to be contaminated from such uses. The aim of SEPP 55 is to provide a State wide planning approach to the remediation of contaminated land and to require that remediation works meet certain standards and conditions.

The 2011 application for the HPF noted that testing for radioactive residues was conducted during the original subdivision (refer to Council resolution on 21 November 2001). Therefore, as the proposal will be located above an existing concrete slab, it is considered that no further remediation works, where necessary, are required in this instance and that the development accords with the objectives of the SEPP.

SEPP No. 64 – Advertising and Signage

Please note that while the plans accompanying this application indicate three signs are proposed on the eastern elevation, the SEE states that no signage is proposed in accordance with this application. This signage will be marked not approved in conjunction with any consent issued for the site, and conditions imposed requiring future DA's, where statutorily required.

SEPP No 71 – Coastal Protection

The subject site is located on coastal land and therefore this Policy applies. The Policy aims to, amongst other things, protect and manage the natural, cultural, recreational and economic attributes of the NSW coast; protect and improve existing public access to and along the coast; to protect and preserve Aboriginal cultural heritage; to ensure visual amenity of the coast is protected; to protect beach environments and beach amenity as well as coastal vegetation and the marine environment; to manage the coastal zone in accordance with the principles of ecologically sustainable development; to ensure the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area; and encourages a strategic approach to coastal management.

The proposal relates solely to the construction of a shed upon an existing concrete slab presently used as a tennis court within a residential zone. The site is spatially separated from the coastal foreshore and will not encroach any access to Cudgen Creek. For this reason it is considered unlikely that the proposal would impact on the coastal foreshore in terms of public access, loss of view or overshadowing. It is considered that the proposed use would be in keeping with the general character of the surrounding area and the proposed development will not cause any unacceptable cumulative impact on the environment, given the surrounding uses and established buildings.

**(a) (ii) The Provisions of any Draft Environmental Planning Instruments**

The proposed use or subject site is not subject to any draft environmental planning instruments.

**(a) (iii) Development Control Plan (DCP)**

*Tweed Development Control Plan*

*A1 – Residential and Tourist Development Code*

The building, skateramp and associated use is directly linked to the existing HPF. The proposal will not generate any additional students or staff. On this basis it is considered that Section A1 of the DCP is not directly relevant to the proposed development.

*A2 – Site Access and Parking Code*

Vehicular access to the proposal will remain as existing, via an internal roadway extending from Barclay Drive. The development does not propose any alterations to the existing access arrangement. The proposal will not generate any additional parking demands, given the skateramp will only be available for students at the HPF. A condition will also be incorporated into any consent granted limiting the use of the skateramp to students of the HPF. Any use by the general public or students over and above the limits applied for by the original application for the HPF will be prohibited.

13 parking spaces are currently available including one disabled space and one minibus space. These will remain unchanged.

*A3 – Development of Flood Liable Land*

As previously detailed the site is flood prone being affected by the PMF level of RL 5.6m AHD.

However, the building will not be habitable, therefore will not be required to have any minimum floor level.

A4 – Advertising Signs

Contrary to the submitted plans, the application does not include any signage. The identified signage will be deleted from any stamped consent plans. Any signage will be subject to a separate development application, where statutorily required.

A11 – Public Notification of Development Proposals

The application was notified in accordance with the provisions of Section A11 of the DCP for a period of 14 days on two occasions. The initial period was from Wednesday 3 December 2014 to Wednesday 17 December 2014. 25 submissions were received as a result of this notification process. The second notification period was from Wednesday 15 April 2015 to Wednesday 29 April 2015. During this period, five submissions were received. This is detailed further within this report.

A15-Waste Minimisation and Management

Following construction of the prefabricated building and skateramp, the use will generate minimal waste.

During construction, waste will be generated through normal construction techniques for both the external and internal works. A general waste condition will suffice to ensure construction materials are recycled where possible.

A16-Preservation of Trees or Vegetation

No trees will be removed to facilitate the construction of the subject building. Existing vegetation will sufficiently screen the building from Tweed Coast Road and the adjoining residential premises to the east of the private driveway that extends from Barclay Drive.

These photos indicate the existing vegetation on the eastern side of the site, looking toward the location of the new building and from the western side of the site, namely Tweed Coast Road. These photos demonstrate that existing vegetation will provide satisfactory screening from this locality.



B5-Casuarina Beach

The proposed development is ancillary to the existing High Performance Centre upon the subject site. The proposal is not inconsistent with this document which primarily refers to the development of the overall settlement in broad terms rather than site specific matters.

B9-Tweed Coast Strategy

As detailed above, this document is also a more strategic document, rather than site specific for the proposed use. Regardless, the proposed building is ancillary to an existing approved use, upon an existing concrete slab. The proposal is not inconsistent with any matters prescribed by this strategy.

**(a) (iv) Any Matters Prescribed by the Regulations**

Clause 92(1)(a)(ii) Government Coastal Policy

The subject site is nominated as Coastal Land and therefore this clause applies. The proposal is not inconsistent with the Coastal Policy as previously detailed within this report as it does not propose any modifications to beach access and will not result in overshadowing of the coastal foreshore.

Clause 92(1)(b) Applications for demolition

Not applicable.

Clause 93 Fire Safety Considerations

Standard conditions will be applied, as required by the Building Code of Australia.

Clause 94 Buildings to be upgraded

No

**(a) (v) Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),**

**Tweed Shire Coastline Management Plan 2005**

The primary objectives of the Coastal Management Plan are to protect development; to secure persons and property; and to provide, maintain and replace infrastructure. Given the location of the development is approximately 450m from the coastal foreshore and is not located within the Coastal Erosion Hazard zone it is considered that the proposal is consistent with the objectives of the clause



**Tweed Coast Estuaries Management Plan 2004**

Not applicable to the development proposal as the subject site is not located within the vicinity of an estuary ecosystem and is unlikely to impact on waterways or the biodiversity of waterways.

**Coastal Zone Management Plan for Cobaki and Terranora Broadwater  
(adopted by Council at the 15 February 2011 meeting)**

Not applicable to the proposed development as the subject site is not located in the vicinity of the Cobaki or Terranora Broadwater.

**(b) The likely impacts of the development and the environmental impacts on both the natural and built environments and social and economic impacts in the locality**

**Context and Setting**

The building will be located between the Casuarina Recreation facility and the existing HPF. The building will be constructed over one of two existing tennis courts located between these two facilities. As previously mentioned, these tennis courts were part of the Casuarina Recreation facility, however have recently been the subject of a boundary adjustment subdivision transferring this land to the HPF.

The initial development was not satisfactory, given the anticipated impacts on adjoining sensitive receivers associated with the operation of a skateboard facility within an open roofed structure. The structure was originally located on the eastern most tennis court, within approximately 20m of residential dwellings.

The amended proposal has satisfied Council that the amenity of adjoining residential properties will not be compromised, subject to compliance with the Statement of Environment Effects provided and associated conditions of consent.

The building will be acoustically treated to ensure noise is kept below an acceptable level. The use of the building will be restricted to students and staff staying onsite and the centre and be limited to the maximum number as nominated by DA11/0194.

The roller doors proposed on the eastern, southern and northern elevations of the building will be required to be removed to ensure noise levels do not exceed nominated levels. The entry doors on the southern and northern elevation will be required to remain closed during the use of the skateramp. Hours of operation will also be imposed to further protect the amenity of adjoining residents. A condition will also be imposed upon any consent granted that relates to any reasonable noise complaints received following commencement of the use. If verified, a new Noise Impact Assessment will be required, including recommendations for noise attenuation to the satisfaction of Council.

Visually, the increased setback of the proposed building to the western tennis court, when coupled with the existing well established vegetation will not unduly compromise the adjoining residential properties over the private drive.

#### Access, Transport and Traffic

No change to the existing situation within the immediate locality is proposed or likely as a result of the proposed development. The HPF has satisfactory provisions for carparking upon the site. The demand for parking is not anticipated to increase, given the skateramp will be for the benefit and exclusive use of students associated with the HPF only. The skateramp is not to be made available to the general public or anyone invited to the facility above and beyond the 24 students and 5 staff permitted onsite as nominated and conditioned within DA11/0194.

Accordingly, no additional parking is required onsite.

Some disruption may be experienced by residences during the construction period. It is anticipated that any disruption will be short term and small in scale, given the prefabricated nature of the building and the existing slab located onsite.

#### Flora and Fauna

No flora or fauna will be removed or compromised by the subject building. A condition of consent will be imposed to ensure existing vegetation is protected during the construction period, given the proximity of the building to essential screening vegetation and the restricted access opportunities for this process.

### **(c) Suitability of the site for the development**

#### Surrounding Landuses/Development

The building will be located between two recreation related uses. The building is compatible and ancillary to these uses. The primary adjoining landuse that may be impacted is the residential development to the east of the site, over the adjoining private road (Mainwaring Apartments).

The application has provided measures to protect the amenity of these residential properties. Any consent granted will also include restrictions to protect the residential properties during the use of the new facility.

### **(d) Any submissions made in accordance with the Act or Regulations**

#### External

#### **Bushfire**

The site is within the bushfire protection buffer zone. The adjoining building was subject to the provisions of 'Planning for Bushfire Protection' and was issued with a Bushfire Safety Authority in 2011. The subject building is ancillary to this facility

and will not be subject to the requirements of Section 79BA of the EP and A Act, 1979.

### Internal

Environmental Health

### **Noise**

The applicant has provided an amended noise impact report following the relocation and enclosure of the building, as originally proposed.

The Noise Impact Assessment (NIA) made the following recommendations to support the conclusion that the proposed development will generally be within acceptable levels of the adopted criterion, subject to the acoustic treatments recommended.

These acoustic treatments are as follows:

- Hours of operation for the skateboard training facility be limited to daytime operation between 8am and 6pm
- Construction of the onsite shed as detailed in Appendix B of this report. In detail the following building construction should be implemented;
  - Roof/ceiling: Colorbond roof with 50mm insulation under the roofing battens and a ceiling of 4mm bracing ply.
  - Northern, southern and eastern walls: colorbond external walls, steel studs and 10mm plasterboard sheeting internal.
- During use of the skateboard ramp the northern southern and eastern facing roller- doors and entry doors are to be kept closed to minimise noise breakout. It is noted that the western facing roller doors can remain open for fresh air ventilation during ramp use.

(Please note that all four elevations will be enclosed, however the acoustic lining will not be required for the western elevation only.)

Council Environmental Health Unit concluded as follows:

*"The report noted that the amended proposal for the skateboard training facility is to relocate the 'shed' to the western tennis court (previously proposed for the eastern court adjacent the internal road), and that the proposed shed would be completely enclosed with only the western side not lined for acoustic purposes.*

*The proposed relocation and insulation (walls) was predicted to reduce the impact from noise emissions, measured at the west facing facade of what would be the nearest affected dwelling, by 20dB. The predicted noise level at the nearest affected dwelling would be 35 dB(A)  $L_{eq}$ .*

*The report notes that the reduced noise impact (35 dB(A)  $L_{eq}$ ) is below the daytime noise target of 55 dB(A)  $L_{eq}$  adopted by the report in comparing the*

*lower of amenity criteria and intrusive noise criteria (ref: NSW Industrial Noise Policy - Table 2.1 daytime amenity criterion; and intrusive noise criteria calculation).*

*Given that the daytime measured background noise levels was 50dB(A)  $L_{A90}$  and that the noise level at the boundary of the most affected (residential) receiver is predicted (modelled) to be 35 dB(A)  $L_{eq}$ , then noise emissions might blend into the background 'soundscape' and be generally inaudible. As such the recommended noise condition is a modification to a standard condition applied by Council (removing the +5dB(A) above background), to ensure greater protection of amenity."*

#### Assessment officer comment

The proposal in its revised form is considered satisfactory, based on the conclusions of the NIA and Council Environmental Health Unit. However, the ongoing compliance with conditions is potentially an issue. The opening of the eastern and northern and southern roller doors during use will compromise the acoustic treatments required within the building to limit noise levels at adjoining sensitive receivers. Ongoing compliance with any condition requiring the roller doors to be shut during use, particularly during the warmer months is questionable and has the potential to have an ongoing compliance responsibility on Council. This is not desirable given that removal would completely resolve the matter and the retention of the roller doors is not critical. Therefore, rather than conditioning the closure of the all roller doors and entry doors other than those on the western elevation, it is considered that the removal of these roller doors is more appropriate. The applicant did confirm however that the retention of the roller doors is desirable to allow cross ventilation outside times of use. Notwithstanding, a condition will be imposed requiring the removal of the roller doors. The applicant will be permitted to open the roller doors on the western elevation and/or air condition the building for user comfort. It is noted that while the entry doors on the northern and southern elevations can be retained, both must be closed during use of the skateramp.

#### Building

No objection subject to conditions including stormwater management.

#### Notification

The first notification period as explained previously resulted in 25 submissions objecting to the proposal. These submissions primarily related to the adverse amenity issues that would result in such a development being located in close proximity to residential buildings. These amenity issues related to noise but also increased traffic and people within the immediate locality. The submissions also stated that these residential properties are already subjected to elevated noise levels as a result of the adjoining Casuarina Recreational facility.

The issues raised in the original submissions regarding noise emanating from the building due to its location and construction were considered valid. Hence, the

proposal was amended and accompanied by a Noise Impact Assessment that provided recommendations as outlined above to minimise adverse noise impacts.

The second notification period resulted in five submissions being received. The issues raised in these submissions are outlined below:

<b>Issue</b>	<b>Response</b>
<p>The impact of the proposal upon the private road upon which the subject lot has a right of carriageway over has not been assessed. The adjoining residential properties upon the burdened lot receive no benefit from this facility. The burdened lot did not give consent for the lodgement of the application.</p>	<p>The right of carriageway is a legal access to the existing facility. The proposal will not increase traffic upon this facility as it is ancillary to the existing use. Owners consent from the burdened lot is not required for lodgement of this application.</p>
<p>If the proposal is granted development consent, all associated construction vehicles should be parked on Surfing Australia Property rather than common property or Mainwaring Apartment property.</p>	<p>The consent will be conditioned to restrict construction vehicles as considered appropriate by Council. Condition No 13 has been applied to ensure this restriction is adhered to.</p>
<p>Any consent should be conditioned with the following restrictions:</p> <ul style="list-style-type: none"> <li>- a bond should be taken by Council to fix any damage of private land during construction.</li> <li>- a pre-construction assessment should be undertaken by an independent body (preferably Council) to use a basis for review following construction and return of bond</li> <li>- any tree removal should compensate with an equivalent replacement</li> </ul>	<p>These conditions are normally associated with larger developments for damage to public infrastructure. The taking of a bond for the proposed development is not considered appropriate in the circumstances. The private certifier will be responsible for ensuring any damage to private or public property is repaired during the construction process. The existing trees upon and adjoining the site will be protected as required by the conditions of consent prior to commencement of any works. Conditions 10, 17.</p>
<p>The omission of these conditions, as requested above, from any consent granted would place an unreasonable burden on the adjoining Mainwaring Apartments</p>	<p>These matters are considered outside Councils responsibility and are civil related. The conditions are not considered appropriate.</p>
<p>The building looks like a 'titan shed' and does not match or complement the existing estate.</p>	<p>The shed will be suitably screened from the adjoining residential buildings by well established landscaping. The adjoining residential properties do not face the building rather are orientated to the east, with non living rooms and garages on the nearest facades.</p>

Issue	Response
	<p>Condition 17 will ensure vegetation will be protected during construction.</p> <p>A condition of consent (No. 3) requiring the building to match or complement the existing facility will ensure Council is satisfied with the building prior to construction certificate issue.</p>
<p>The noise from the building, particularly if the eastern roller doors are left up will subject the adjoining apartments to large amounts of noise. A design that funnels noise to the west would be more suitable.</p>	<p>The roller doors on the northern, southern and eastern elevations will be required to be removed from the development as a condition of development consent. Conditions No. 6 and 26.</p>
<p>The proposal will result in increased traffic within an already congested area. Traffic has increased in recent years due to the adjoining Casuarina Recreation facility, placing undue stress on parking and pedestrians.</p>	<p>The proposal is ancillary to the existing HPF. Use of the facility by persons other than those staying at the facility will not be permitted. (Condition No 25). Therefore, traffic levels should not change following completion of the facility.</p>
<p>The HPF holds 'camps' for sporting teams other than surfing increasing traffic flow to the area.</p>	<p>The 2011 consent issued for the facility did not restrict the facility to only surfing related sporting groups. As long as the facility restricts the number of persons to that nominated with the 2011 consent, the proposal is compliant.</p>
<p>The proposal will benefit only a small number of people while adversely impacting a large number of persons in the adjacent Mainwaring Apartments.</p>	<p>The facility will improve training facilities for the HPF. The original proposal was unacceptable due to its proposed location and construction. The revised proposal is now considered suitable for the site and will not be unreasonably detrimental to the existing adjoining residential properties. Conditions of consent (No's. 23, 24, 25, 26) will also be imposed to ensure the amenity of the locality is protected.</p>
<p>The proposal will have an adverse impact on property values.</p>	<p>No evidence has been provided regarding this statement. If Council is satisfied that the amenity of the adjoining properties will be maintained, property values should not be compromised. However, this is not a matter for consideration under Section 79C of the EP and A Act, 1979.</p>

**(e) Public interest**

Given the nature of the proposed development, being for a recreational facility (indoor), ancillary to an existing development on an appropriately zoned site, it is

considered that the proposal would be unlikely to result in an unacceptable impact on the wider public interest. The zone objectives state that the R1-General Residential zone can provide facilities related to residential development where it is unlikely to significantly impact on the amenity of the community. This development is consistent with the objectives of the zone and will not adversely impact upon the surrounding amenity, therefore is considered in the public interest.

**OPTIONS:**

That Council:

1. Approves the development application with the recommended conditions of consent; or
2. Refuses the application for stated reasons.

Council Officers recommend Option 1.

**CONCLUSION:**

Having regard to the assessment of the proposed development highlighted throughout this report, it is recommended that development consent should be granted for the proposed development, given the application relates to an appropriate land use on land zoned for residential purposes.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable

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

Not Applicable.

**c. Legal:**

The applicant has the right of appeal in the NSW Land Environment Court if dissatisfied with the determination.

**d. Communication/Engagement:**

Not Applicable.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**12 [PR-CM] Unauthorised Earthworks and Pollution Events at Lots 113, 124, 127-129, 136 and 138 DP 755724 Tyalgum Road, Tyalgum**

**SUBMITTED BY: Building and Environmental Health**

Valid



## Caring for the Environment

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### SUMMARY OF REPORT:

This report provides an update to the previous reports submitted to Council on this matter.

On the basis of various complaints received from an adjoining owner regarding alleged unauthorised works and alleged water pollution incidents from the subject site, Council officers have conducted a series of investigations and have taken a variety of compliance actions and referrals to other State Government agencies where appropriate. The works primarily involve substantial vegetation, earth movement and compaction, on and in the vicinity, of an existing Crown Road Reserve and Lots 127 and 128 DP 755724. Works undertaken also include the filling of a pad for a future house site on Lot 127. The enforcement action undertaken by Tweed Shire Council has been complicated due to the incident occurring on partly private and Crown Land and subsequently requiring the involvement of multiple State Government agencies. Tweed Shire Council has remained committed throughout all enforcement actions to ensure a positive environmental outcome has been achieved.

The report provides a summary of the various compliance actions associated with the unauthorised earthworks undertaken by Tweed Shire Council and other State Government agencies. The key areas of compliance action have been briefly summarised below with more detail provided in the body of the report.

Activity	Compliance Action
<b>Unauthorised Earthworks - Road construction and filling of house pad</b>	<b>Penalty Infringement Notice</b> issued on 16 April 2014 ( <b>\$1500</b> ) for unauthorised filling of house pad on Lot 127.  On the basis of legal advice from Marsdens Solicitors, it is recommended that Council determines whether or not to precede with the Class 5 proceedings against the owners.



Activity	Compliance Action
<b>Water Pollution - Emergency works on Lots 127, 128 and Crown Road Reserve</b>	<p><b>Penalty Infringement Notice</b> issued on the 16 April 2014 (<b>\$1500</b>) for pollution of waters.</p> <p><b>Clean-Up Notice</b> issued on the 16 April 2014 requiring emergency works to install sediment and erosion controls on private lots and crown road reserve. (Administration Fee <b>\$466</b>).</p>
<b>Water Pollution - Design adequacy of unauthorised road works on Crown Road Reserve</b>	<p>Tweed Shire Council referred the matter to the NSW Environmental Protection Authority (NSW EPA) on 19 November 2014 as they were deemed to be the appropriate regulatory authority for works on Crown Road Reserves.</p>
<b>Water Pollution - Remediation of tributary adjacent to the Crown Road Reserve</b>	<p><b>Clean-Up Notice</b> issued on 22 August 2014 requiring works to remediate the adjacent tributary where sediment had been deposited as a result of unauthorised works (Administration Fee <b>\$466</b>).</p>

**RECOMMENDATION:**

That Council, in respect of the unauthorised earthworks and pollution events affecting parts of the property described as Lots 113, 124, 127-129, 136 and 138 DP 755724 Tyalgum Road, Tyalgum, and adjoining properties, including Hopping Dicks Creek, endorses the following:

1. In terms of the unauthorised earthworks - construction of road and house pad discontinue the Class 5 proceedings in the NSW Land and Environment Court against the site owner; and
2. In terms of water pollution - remediation of tributary adjacent to the Crown Road Reserve, deems the Clean-Up Notice satisfied as per the advice from NSW Soil Conservation Services and NSW Office of Water.

**REPORT:**

Previous Council Resolutions

At its meeting of 7 August 2014 Planning Committee Meeting, Council resolved the following:

- "A. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.**
- B. Council, in respect of the unauthorised earthworks and pollution events affecting parts of the property described as Lots 113, 124, 127-129, 136 and 138 DP 755724 Tyalgum Road, Tyalgum, and adjoining properties, including Hopping Dicks Creek, endorses the following:**
- 1. Issues a Notice of Direction to take clean-up action under Section 91 of the Environment Operations Act 1997, to the owner of the site, to undertake remediation works on the adjoining property Lot 2 DP 815182 and adjoining parts of Hopping Dicks Creek; and**
  - 2. Instructs Council's solicitors to commence Class 5 proceedings in the NSW Land and Environment Court action in respect of the failure by the site owner to gain development consent for certain works on the Crown Road Reserve that runs through Lots 127 and 128 DP 755724 under the Environmental Planning and Assessment Act 1979."**

A further report was submitted on this matter to 6 November 2014 Planning Committee Meeting and included the following recommendation:

**"That:**

- A. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.**
- B. Council, in respect of the unauthorised earthworks and pollution events affecting parts of the property described as Lots 113, 124, 127-129, 136 and 138 DP 755724 Tyalgum Road, Tyalgum, and adjoining properties, including Hopping Dicks Creek, endorses the following:**
- 1. Receives and notes the progress of the owner's response to Council's most recent Clean-Up Notice; and**
  - 2. The Council decision of 7 August 2014 to take Class 5 proceedings in the NSW Land and Environment Court against the site owner be discontinued."**

Council resolved at that meeting the following:

**"That:**

- A. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-  
(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.**
- B. This item be deferred to 4 December 2014 Planning Committee meeting with an update on compliance activity on the site."**

A further report was submitted on this matter to 4 December 2014 Planning Committee Meeting and included the following recommendation:

- "A. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-  
(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.**
- B. Council, in respect of the unauthorised earthworks and pollution events affecting parts of the property described as Lots 113, 124, 127-129, 136 and 138 DP 755724 Tyalgum Road, Tyalgum, and adjoining properties, including Hopping Dicks Creek, endorses the following:
  - 1. Receives and notes the progress of the owner's response to Council's most recent Clean-Up Notice; and**
  - 2. Determines whether or not to continue with Class 5 proceedings in the NSW Land and Environment Court against the site owner."****

Council resolved at that meeting the following:

**"RECOMMENDED that Council defers the matter until further advice is received from the Environmental Protection Authority."**

A further report was submitted on this matter to 5 February 2015 Planning Committee Meeting and included the following recommendation:

- "A. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-  
(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.**
- B. This item be deferred to 5 March 2015 Planning Committee Meeting for a further report on:**

1. ***Advice of the outcomes of the next site inspection with the Environment Protection Authority.***
2. ***Options for more stringent enforcement."***

The subject site comprises seven allotments, known as Lots 113, 124, 127, 128, 129, 136 and 138 in DP 755724, Parish Murwillumbah. The parcels affected by the unauthorised activity are Lots 127 and 128. The site is accessed from Tyalgum Road, via Boormans Road, and an unformed road servicing various adjoining properties, which crosses a causeway over Hopping Dicks Creek.

The site is predominantly rural in its use and character, with a combination of large stands of vegetation, and cleared areas currently used for cattle grazing. The topography varies from more gently undulating, to steeper, hill forms, with various frontages to Hopping Dicks Creek.

On 29 April 2013 the NSW EPA approved a Property Vegetation Plan for private native forestry on Lot 136 of the subject site. The approval is valid up until 28 April 2028. It is understood from the owners of the site that this activity has not yet commenced. The approval notice states that, *"Operations ancillary to private native forestry authorised under this PVP (such as haulage, track construction and maintenance etc) must not take place on neighbouring lands (including State Forests, National Parks and other Crown land) without consultation with, and approval of, the owner of such land"*.

A number of the other lots appear to have dwelling entitlements. The site is generally surrounded by rural holdings, rural residential and agricultural uses.

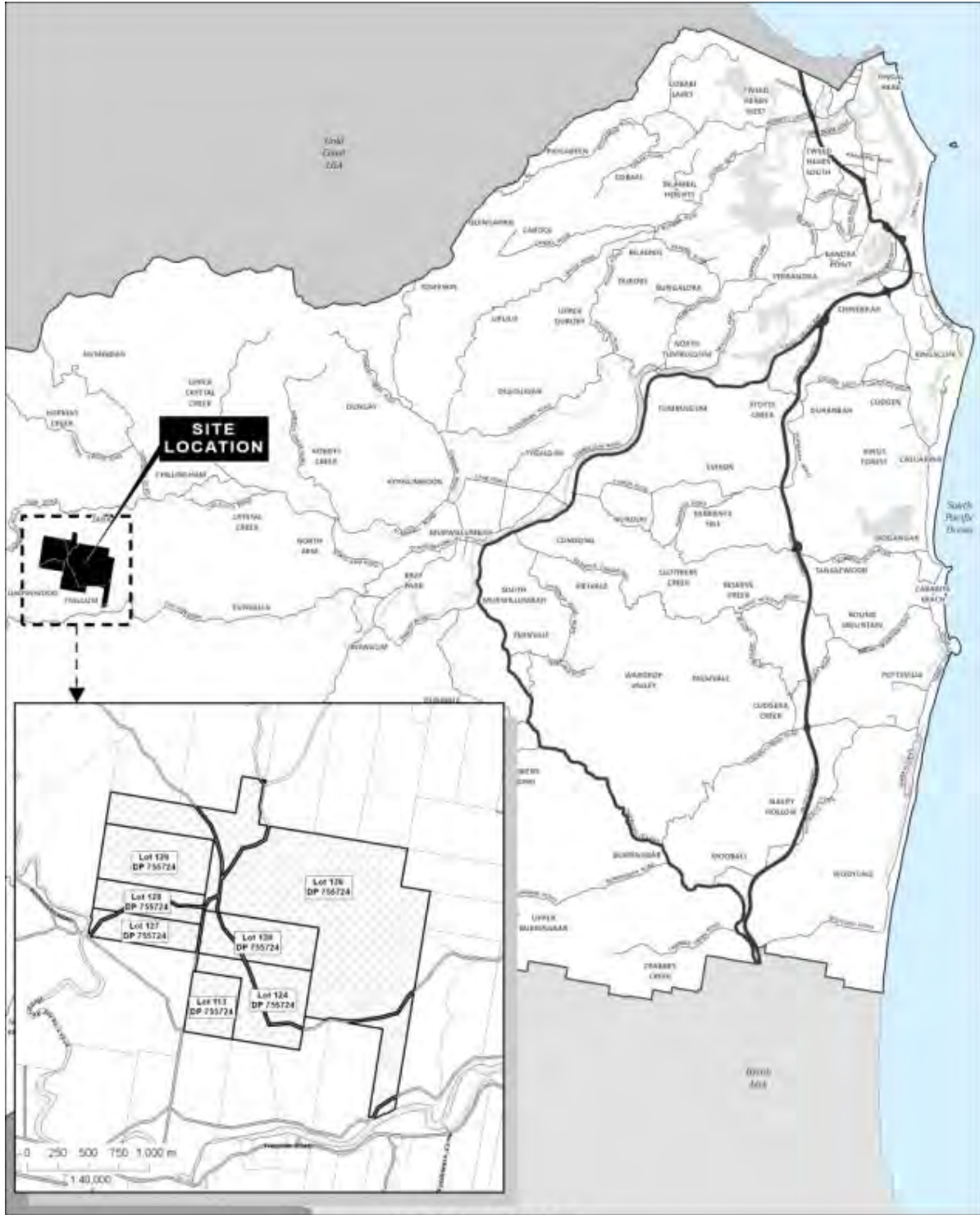
### **Site Ownership**

The site is owned by the company Hewittville Pty Ltd (Site Owner). This company has a sole Director, Ms Grace Fish. Ms Fish is the daughter of Mr John Fish, a known Gold Coast developer, who has been actively involved in the recent works on site, as assisted by excavation and fencing contractors, and a main point of contact for communications with Council staff, along with Ms Fish.

### **Zoning of the Site**

Tweed Local Environmental Plan 2014 was recently gazetted and took effect on 4 April 2014. Under the plan, part of the former 1(a) Rural zoned land under Tweed Local Environmental Plan (TLEP) 2000 has been rezoned to RU2 Rural Landscape. Other parts of the site have been classified as a Deferred Matter, and this land reverts back to the 7(d) Environmental Protection (Scenic/Escarpment) and 7(l) Environmental Protection (Habitat) of Tweed 2000.

**SITE DIAGRAM:**

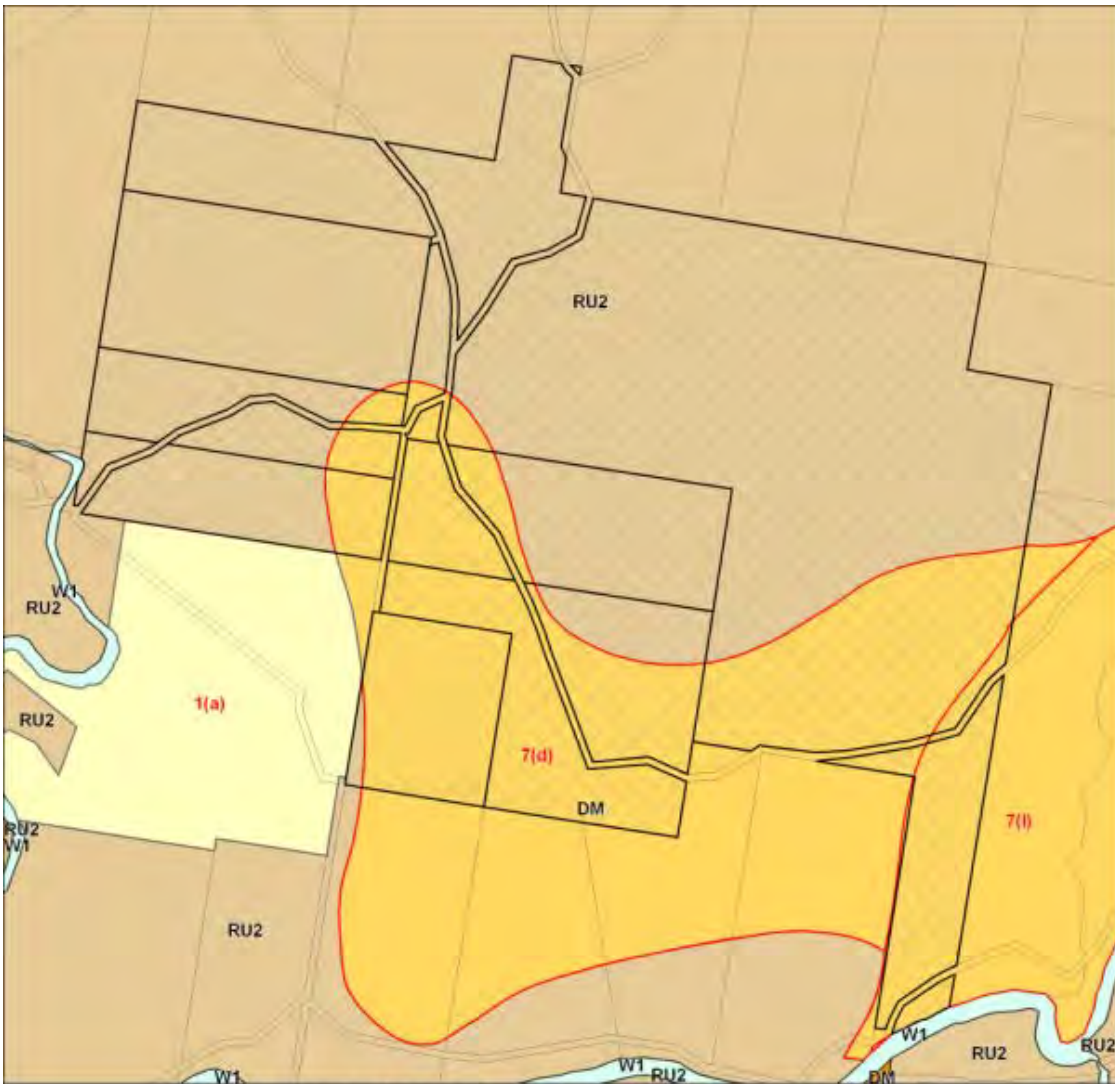


**Locality Plan**

Lots 113, 124, 127, 128, 129, 136 & 138 in DP 755724  
Tyalgum and Zara

<p>Disclaimer: While every care is taken to ensure the accuracy of this data, Council does not accept liability for any errors or omissions, or for any consequences arising from the use of this data. Council is not responsible for any loss or damage, including consequential loss, arising from the use of this data. Council is not responsible for any loss or damage, including consequential loss, arising from the use of this data. Council is not responsible for any loss or damage, including consequential loss, arising from the use of this data.</p>	<p>Scale: 1:40,000                  0 250 500 750 1,000 m</p>	<p>Legend:                  (S) State of NSW, 2014                  (L) Local and Property Management Authority (LPA)                  &amp; Tweed Shire Council                  Boundaries shown should be checked against the relevant authority.</p>	<p>Click and Call Centre                  1 Tyalgum Road                  Murumbidgee NSW 2444                  PO Box 916                  Murumbidgee NSW 2448                  T (02) 6074 2400 / 1800 242 672                  F (02) 6074 2427                  E info@tweedshire.nsw.gov.au                  P planning@tweedshire.nsw.gov.au</p>	
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**TWEED LOCAL ENVIRONMENTAL PLAN 2000 and 2014 ZONING MAP:**



**Tweed Local Environmental Plan 2000 and 2014**

Lots 113, 124, 127, 128, 129, 136 & 138 in DP 755724  
Tyalgum and Zara

<b>Tweed Local Environmental Plan 2000</b> <b>LAND ZONING</b> 1(a) RURAL 1(a1) AGRICULTURAL PROTECTION 1(a2) AGRICULTURAL PROTECTION 1(b) RURAL LIVING 2(a) LOW DENSITY RESIDENTIAL 2(b) MEDIUM DENSITY RESIDENTIAL 2(c) URBAN EXPANSION 2(d) VILLAGE 2(e) RESIDENTIAL TOURIST 2(f) TOURISM 3(a) INDUSTRIAL 3(a) SPECIAL USES 3(a) OPEN SPACE 3(b) RECREATION 7(a) ENVIRONMENTAL PROTECTION (Wetlands & Littoral Rainforests) 7(b) ENVIRONMENTAL PROTECTION (Scientific Escarpment) 7(i) ENVIRONMENTAL PROTECTION / Coastal Lands 7(ii) ENVIRONMENTAL PROTECTION (Habitat) 8(a) NATIONAL PARKS & NATURE RESERVES UNZ, UNZONED LAND defec. DEFERRED			<b>Tweed Local Environmental Plan 2000</b> <b>ADDITIONAL CONTROLS</b> Clause 57 (Transmission Line Corridor) Clause 38 (Future Roads) Clause 52 (Existing and Future Care Areas) Clause 52 (Minimum Lot Size) Clause 52 (Stormwater and FFI) Clause 53 (Schedule 3 Item) Clause 52 (Potability)		
<b>Tweed Local Environmental Plan 2014</b> <b>LAND ZONING</b> B1 Neighbourhood Centre B2 Local Centre B3 Commercial Core B4 Mixed Use B5 Business Development B7 Business Park B8 National Parks & Nature Reserves G1 General Industrial G2 Working Waterfront R1 General Residential R2 Low Density Residential R3 Medium Density Residential R5 Large Lot Residential RE1 Public Recreation RE2 Private Recreation RU1 Primary Production RU2 Rural Landscape RU3 Village SP1 Special Activities SP2 Infrastructure SP3 Tourist W1 Natural Waterways W2 Recreational Waterways W3 Working Waterways DM Deferred Matter MD SEPP (Major Development) 2005 TCC Tweed City Centre LEP 2012			Date: 08 May 2014 Land and Property Information (LPI) © Tweed Shire Council Boundaries shown should be considered approximate only. Scale: 1:50,000 @ A4 Portrait GDA 94 Map of Australia, 1:50,000 Tweed Shire Council 3 Tumbidgee Road Murumbidgee NSW 2684 PO Box 516 Murumbidgee NSW 2684 T (02) 6079 2400 / 1300 290 872 F (02) 6079 2425 W www.tweed.nsw.gov.au E [email]@tweed.nsw.gov.au		

**Summary of Issues and Enforcement Action to Date**

On the basis of various complaints received from an adjoining owner regarding alleged unauthorised works and alleged pollution incidents from the subject site, Council officers have conducted a series of investigations and have taken a variety of compliance actions and referrals to other State Government agencies where appropriate. The works primarily involve substantial vegetation, earth movement and compaction, on and in the vicinity, of an existing Crown Road Reserve and Lots 127 and 128 DP 755724. Works undertaken also include the filling of a pad for a future house site on Lot 127.

The enforcement action undertaken by Tweed Shire Council officers have been complicated due to the incident occurring on partly private and Crown Land and subsequently requiring the involvement of multiple State Government agencies. Tweed Shire Council officers have remained committed throughout all enforcement actions to ensure a positive environmental outcome has been achieved.

The report provides a summary of the various compliance actions associated with the unauthorised earthworks undertaken by Tweed Shire Council and other State Government agencies. This has been presented in a table form within to ensure clarity on the complexity of issues involved.

**Unauthorised Earthworks - Construction of road and house pad**

<b>Activity</b>	<p><b>Unauthorised Earthworks - Construction of road and filling of house pad</b></p> <ul style="list-style-type: none"> <li>• On 16 September 2013, Council received a complaint from an adjoining owner regarding the clearance of vegetation on steep land adjacent to Hopping Dicks Creek on Lot 127 DP 755724. A Council Officer referred this complaint to the NSW Office of Water (NSW OW) to investigate given the works were alleged to have taken place within 40 metres of a waterway.</li> <li>• Second complaint received on 14 January 2014 relating primarily to vegetation removal and as the land was zoned Rural 1(a) with no Tree Preservation Order (TPO) applicable to the land.</li> <li>• Third complaint raised the matter of significant earthworks being undertaken which resulted in a site inspection by Council on 14 March 2014. Apart from the previous roadway having been significantly reconstructed on the Crown Road Reserve, there was also a house pad created. The pad was allegedly to fill in a leaking dam and use spoil from the road upgrade so as not to have to export it off site.</li> <li>• The works primarily involve substantial vegetation, earth movement and compaction, on and in the vicinity, of an existing Crown Road Reserve and Lots 127 and 128 DP 755724. Works undertaken also include the filling of a pad for a future house site on Lot 127.</li> </ul>
<b>Applicable Legislation</b>	<i>Environmental Planning and Assessment Act 1979 (NSW)</i>
<b>Appropriate Regulatory Agency</b>	Tweed Shire Council

<p><b>Compliance Action</b></p>	<ul style="list-style-type: none"> <li>• <b>Penalty Infringement Notice</b> issued on 14 March 2014 (\$1500) for unauthorised filling of house pad on Lot 127. A key element of the unauthorised works undertaken on the subject site was the apparent failure of the site owner or their representatives to gain development consent under the Environmental Planning and Assessment Act 1979. Retrospective development consent cannot be granted for the unauthorised road works and house pad filling.</li> <li>• Tweed Shire Council referred the matter to NSW Trade Investment Crown Lands Divisions (NSW T&amp;I) on 9 April 2014 advising them of the unauthorised works on the Crown Road Reserve. On 6 May 2014 the NSW T&amp;I advised the following.  <i>"The Crown Land Compliance unit will undertake a full investigation of the incident including formal interviews with the alleged offender and key witnesses. Provided that statutory requirements can be met and necessary proofs obtained, the Compliance Unit will recommend that penalty be imposed on the alleged offender/s via prosecution"</i></li> <li>• NSW T&amp;I requested site owner to engage NSW Soil Conservation Services (NSW SCS) to undertake a site inspection and recommend rectification works.</li> <li>• NSW SCS prepared a report named Inspection and Recommendation Report dated 28 May 2014.</li> <li>• NSW T&amp;I issued Letter of Authority to the Site Owner to undertake works as recommended by NSW SCS on 24 June 2014.</li> <li>• A follow up inspection was undertaken by NSW SCS on 4 September 2014. The Follow-Up Inspection Report dated 4 September 2014 identified that the majority of works as recommended by NSW SCS had been completed.</li> <li>• Given the complexity of the cross-over of legislation that this activity has generated, initial legal advice was sought from Council's solicitors, Marsdens. The legal advice highlights options for Council to take further punitive action under both Class 4 (Civil) and Class 5 (Criminal) in the NSW Land and Environment Court. A key element of the unauthorised works undertaken on the subject site was the apparent failure of the site owner or their representatives to gain development consent under the Environmental Planning and Assessment Act 1979 (NSW)</li> <li>• Council's solicitors provided further advice that the advancement of these proceedings will necessitate a much high order of further investigation and evidence, as well as an assessment of the risks to Council.</li> <li>• In light of the substantial resources required and apparent risk for Council to advance these proceedings, and given the level of cooperation and action taken by the site owner in responding, it is considered appropriate that Council determine not to advance the previously resolved Class 5 proceedings against the site owner. This recommendation was put forward in 6 November 2014 Planning Committee. In respect to this recommendation that Council discontinue Class 5 proceedings in the Land and Environment Court against the site owner, the officers were requested by the Councillors to provide a response to a series of questions posed in a legal opinion received from Council's solicitors. On the basis of this additional information, it is recommended that Council determines whether or not to precede with the Class 5 proceedings against the owners.</li> </ul>
<p><b>Recommendation</b></p>	<p>That Council endorse:</p> <p>In terms of the unauthorised earthworks - construction of road and house pad discontinues the Class 5 proceedings in the NSW Land and Environment Court against the Site Owner.</p>



**Water Pollution - Emergency Works on Lots 127, 128 and Crown Road Reserve**

<p><b>Activity</b></p>	<p><b>Water Pollution - Emergency Works on Lots 127, 128 and Crown Road Reserve</b></p> <ul style="list-style-type: none"> <li>• The unauthorised works primarily involve substantial vegetation, earth movement and compaction, on and in the vicinity, of an existing Crown Road Reserve and Lots 127 and 128 DP 755724. Works undertaken also include the filling of a pad for a future house site on Lot 127.</li> <li>• Complaints received on 20 March 2014 and 1 April 2014, from the adjoining neighbour in relation to water contamination of Hopping Dicks Creek from sediments associated with unauthorised works.</li> <li>• The apparent lack of adequate sediment erosion controls relating to these works resulted in a major dispersal of sediment in various locations within the adjacent tributary to the Crown Road Reserve and nearby Hopping Dicks Creek, and on the adjoining property, known as Lot 2 DP 815182.</li> <li>• This was further exacerbated by a rain event on 6 April 2014.</li> </ul>
<p><b>Applicable Legislation</b></p>	<p><i>Protection of the Environment and Operations Act 1997</i></p>
<p><b>Appropriate Regulatory Agency</b></p>	<p>Private Land (L127 and 128) - Tweed Shire Council Crown Road Reserve - NSW Environmental Protection Authority</p>
<p><b>Compliance Action</b></p>	<ul style="list-style-type: none"> <li>• <b>Penalty Infringement Notice</b> issued on 16 April 2014 (\$1500) for pollution of waters.</li> <li>• <b>Clean-Up Notice</b> issued on 16 April 2014 requiring emergency works to install sediment and erosion controls on private lots and crown road reserve. (Administration Fee <b>\$466</b>).</li> <li>• The “Clean Up Notice” required the implementation of sediment and erosion controls.</li> <li>• On Wednesday 21 May 2014, Council officers met with the Site Owner and Mr Fish in order to inspect the erosion and sediment control works undertaken. The inspection revealed that significant sediment and erosion control works had been completed to minimise any further run-off and pollution damage.</li> </ul> <p>Works include the following:</p> <ul style="list-style-type: none"> <li>▪ Approximately 350m of sediment fencing has been installed on exposed batters.</li> <li>▪ Hay bales have been installed in drains and gullies.</li> <li>▪ Turf has been laid on the lower slopes of the steepest batter along the crown road reserve.</li> <li>▪ Seeding of exposed surfaces.</li> </ul> <ul style="list-style-type: none"> <li>• Clean-Up Notice deemed to be complied with on 21 May 2014.</li> </ul>
<p><b>Recommendation</b></p>	<p>Compliance action relating to emergency works to prevent water pollution has been completed and no recommendation has been put forward.</p>

**Water Pollution - Design adequacy of unauthorised road works on the Crown Road Reserve**

<b>Activity</b>	<p><b>Water Pollution - Design adequacy of unauthorised road works on the Crown Road Reserve</b></p> <ul style="list-style-type: none"> <li>Ongoing concerns were raised by the adjoining land owner as to the adequacy of the road works completed on the Crown Road Reserve.</li> </ul>
<b>Applicable Legislation</b>	<i>Protection of the Environment and Operations Act 1997</i>
<b>Appropriate Regulatory Agency</b>	<p>NSW Environmental Protection Authority NSW Trade and Investment (Owner)</p>
<b>Compliance Action</b>	<ul style="list-style-type: none"> <li>Tweed Shire Council referred the matter to the NSW EPA on 19 November 2015 as they were deemed to be the appropriate regulatory authority for works on the Crown Road Reserve.</li> <li>A joint site Inspection was under with Council and NSW EPA on 5 December 2014 and it was identified that sediment and erosion controls were inadequate and poorly maintained.</li> <li>NSW EPA instructed NSW T&amp;I to further investigate on 8 December 2014. NSW T&amp;I requested the Site Owner to engage NSW Soil Conservation Services to reassess the adequacy of the sediment and erosion controls established on the Crown Road Reserve.</li> <li>A site inspection was undertaken by NSW SCS on 11 December 2014 and an Inspection Report dated 11 December was prepared. The report made further recommendation to improve the construction standard of the road to ensure sediment and erosion impacts are minimised.</li> <li>NSW EPA advised Council on 8 January 2015 that the Site Owner was undertaking works to complete the recommendations from NSW SCS.</li> <li>A joint inspection was undertaken on 10 February 2015 with Council, NSW EPA and NSW T&amp;I to assess the adequacy of works completed. The NSW EPA advised that they were generally satisfied that works had been completed in accordance with the Blue Book. The Blue Book is an Industry Construction Standard used for the planning, design, construction and maintenance of Erosion and Sediment Controls for construction works. The NSW EPA have advised that given the volume of rainfall experienced in the Tweed area there will be rainfall events where, any Blue Book ERSED requirements would be switched off and sediment laden runoff will be unavoidable.</li> <li>Maintenance of the existing sediment and erosion controls must be undertaken after each rain event to remove any build up of sediment or where sediment fencing has collapsed. The Site Owner has given an undertaking that inspections will be undertaken after rain events to ensure ongoing suitability of controls.</li> <li>An application has been submitted to NSW T&amp;I to privatise the Crown Road Reserve. Council has objected to the transfer of ownership until works required by the NSW EPA have been completed.</li> </ul>
<b>Recommendation</b>	<p>The recommendations of the NSW EPA relating to the design adequacy of the unauthorised earthworks have been completed. No recommendation has been put forward on this matter.</p>

**Water Pollution - Remediation of tributary adjacent to the Crown Road Reserve**

<p><b>Activity</b></p>	<p><b>Water Pollution - Remediation of tributary adjacent to the Crown Road Reserve</b></p> <ul style="list-style-type: none"> <li>• The unauthorised works primarily involve substantial vegetation, earth movement and compaction, on and in the vicinity, of an existing Crown Road Reserve and Lots 127 and 128 DP 755724. Works undertaken also include the filling of a pad for a future house site on Lot 127.</li> <li>• The apparent lack of adequate sediment erosion controls relating to these works resulted in a major deposit of sediment in various locations within the adjacent tributary to the Crown Road Reserve and nearby Hopping Dicks Creek, and on the adjoining property, known as Lot 2 DP 815182.</li> </ul>
<p><b>Applicable Legislation</b></p>	<p><i>Protection of the Environment and Operations Act 1997</i></p>
<p><b>Appropriate Regulatory Agency</b></p>	<p>NSW Environmental Protection Authority</p>
<p><b>Compliance Action</b></p>	<ul style="list-style-type: none"> <li>• <b>Clean-Up Notice</b> issued on 22 August 2014 requiring works to remediate the adjacent tributary where sediment had been deposited as a result of unauthorised works (Administration Fee <b>\$466</b>).</li> <li>• The Clean-Up Notice required the removal of sediments deposited in the tributary from the Crown Road Reserve.</li> <li>• Clean Up Notice Works Plan prepared by NSW SCS dated 22 September 2014 and submitted to Council on 26 September 2014.</li> <li>• Significant delays in commencing the works were experienced due to rain events.</li> <li>• Subsequent to issuing of the Clean Up Notice it was determined that the NSW EPA is the appropriate regulatory authority due to the deposition of sediment being largely due to works associated with the Crown Road Reserve. However, Council has remained committed to see the stabilisation works completed to the satisfaction of the NSW SCS and the NSW OW.</li> <li>• The site owner in consultation with NSW SCS and NSW OW undertook an alternative clean up action aimed at stabilising the sediment by revegetation.</li> <li>• NSW EPA has advised that they have consulted the NSW OW who stated that the deposited sediments in the adjacent tributary should remain in-situ.</li> <li>• The NSW EPA stated that the sediment appears to be stable and the removal of sediments may lead to scouring of historical alluvial and a lesser environmental outcome.</li> <li>• Council requested the Site Owner on 13 March 2015 to consult with NSW SCS and the NSW OW to assess the effectiveness of stabilisation works undertaken to date (revegetation) and to seek further recommendations.</li> <li>• A joint site inspection was undertaken by the NSW OW and NSW SCS on 20 April 2015 to assess the tributary.</li> <li>• Subsequent to the inspection a Sediment Clean-Up Closeout Report prepared by NSW SCS dated 20 April 2015 has been submitted.</li> <li>• The conclusions of the report state the following.  "Whilst it is evident that depositional sediments remain in the channel from the initial event, it is the conclusion of this report that they are not of the magnitude to require additional invasive sediment removal or rehabilitation works. Future</li> </ul>

	<p>flow events will see minor reworking of sediments, with deposition most likely at the bottom end due to the influence of the culvert. Flows travelling over remaining deposited materials remain clean as the majority of material is sand. During dry periods, overland flows will cease earlier through remaining areas of deposited sediments, however the frequency of localised scour and force pools around natural obstacles and areas of higher energy indicate that this will not be a significant issue for aquatic habitat in an otherwise ephemeral stream environment.</p> <p>No further remediation efforts are proposed as a result of this inspection."</p> <ul style="list-style-type: none"><li>• Email confirmation was received from the NSW OW on 5 April 2015 advising that they concur with the findings of the Sediment Clean-Up Closeout Report prepared by NSW SCS dated 20 April 2015.</li><li>• It is recommended that the Clean-Up Notice is deemed satisfied as per the advice from NSW SCS and NSW OW.</li></ul>
<b>Recommendation</b>	<p>That Council endorse:</p> <p>In terms of water pollution - remediation of tributary adjacent to the Crown Road Reserve, deems the Clean-Up Notice satisfied as per the advice from NSW Soil Conservation Services and NSW Office of Water.</p>

**OPTIONS:**

**Option 1**

That Council endorse:

1. In terms of the unauthorised earthworks - construction of road and house pad discontinues the Class 5 proceedings in the NSW Land and Environment Court against the Site Owner; and
2. In terms of water pollution - remediation of tributary adjacent to the Crown Road Reserve, deems the Clean-Up Notice satisfied as per the advice from NSW Soil Conservation Services and NSW Office of Water.

**Option 2**

Council determines an alternative course of action.

**CONCLUSION:**

Council officers have been pro-active in the monitoring and liaison with the Site Owner and various State Government agencies in seeking to complete remediation works required under a Clean Up Notice, and to maintain sediment erosion control measures across the site. Council's determination is now sought as to whether or not to continue with Class 5 proceedings in the NSW Land and Environment Court against the Site Owner.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable

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

Further costs will be incurred for any legal proceedings.

**c. Legal:**

In respect of the previous recommendation that Council discontinue Class 5 proceedings in the Land and Environment Court against the Site Owner, the officers have received legal opinion from Council's solicitors. On the basis of this additional information, it is recommended that Council determines whether or not to proceed with the Class 5 proceedings against the Site Owner.

**d. Communication/Engagement:**

Not Applicable.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.

NSW Soil Conservation Service Report (ECM 3667441)

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## REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

### 13 [CNR-CM] Jack Evans Boat Harbour Foreshore Management

SUBMITTED BY: Recreation Services

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
  - 4.4.2 Protect and enhance the aesthetic qualities of the coastal zone
- 

### SUMMARY OF REPORT:

In 2011 areas within the Jack Evans Boat (JEBH) Harbour were dredged to win sand and nourish eroded areas along the southern banks of the harbour. The dredging-beach nourishment was undertaken in a shared arrangement between Council and Seascope Apartments. Seascope Apartments had undertaken rehabilitation works on their revetment wall which required replenishment with sand. The south western corner of JEBH had also experienced severe erosion resulting in trees and park assets being threatened and also required replenishment with sand.

The approval process required a Part V approval, a licence from Crown Lands and a permit from Fisheries.

Seascope Apartments now wishes to again undertake dredging of the harbour to replenish sand at their revetment wall. The Part V approval is 'owned' by Council with one of the conditions being that works need to be *by or on behalf of a public authority*. Accordingly, Council needs to consider its position regarding management of the harbour.

### RECOMMENDATION:

**That Council undertakes a *Foreshore Management Options Assessment* of Jack Evans Boat Harbour and informs the Seascope Apartments Owners Corporation of the proposal.**

## REPORT:

In 2011 areas within the Jack Evans Boat Harbour (JEBH) were dredged to win sand and nourish eroded areas along the southern banks of the harbour. The dredging-beach nourishment was undertaken in a shared arrangement between Council and Seascope Apartments. Seascope Apartments had undertaken rehabilitation works on their revetment wall which required replenishment with sand. The south western corner of JEBH had also experienced severe erosion resulting in trees and park assets being threatened and also required replenishment with sand.

In 2010 the Design Unit prepared a Part V application on behalf of Recreation Services to undertake foreshore management works in the southern areas of JEBH. The works involved replacing failed rock revetment at Chris Cunningham Park and associated sand nourishment along the southern foreshore. A licence to undertake the works was issued from Crown Lands and a Fisheries Permit was also issued for the works. Council and Seascope Apartments shared the cost of the dredging with each paying for their share of sand.

The Part V application also included ongoing dredging and sand nourishment as required subject to monitoring of the seagrass within the harbour, conduct of a bathymetric survey (mapping of the harbour floor), and Fisheries approval for each respective sand nourishment event.

Monitoring of seagrass in JEBH before and after foreshore works found that while a portion of the seagrass loss was directly attributed to disturbance during construction, additional losses were considered to have occurred due to sand movement, resulting in erosion or smothering of seagrass beds, and recurring flood events resulting in poor water quality. It is considered likely that the extent of seagrass in the harbour will vary seasonally and over years, depending on water quality and the stability of the substrate, as influenced by tidal/flood flows.

Seascope Apartments is seeking to once again undertake dredging to replenish sand to the front of their rock wall and is requesting Council to facilitate the process. The Part V approval includes a condition that the works need to be **by or on behalf of a public authority**. This effectively means that Seascope Apartments cannot pursue dredging under the current approval without Council involvement. Given the declines in seagrass in the harbour over the past years, Fisheries have indicated that they would not issue a permit without a comprehensive management plan for the harbour and require a clear indication of support from both Council and Crown Lands (as landowner) prior to entering into any further discussion on issuing a licence.

With regard to management of erosion on the Council managed edge of JEBH, while it may be beneficial to pump sand onto these areas at times, since the completion of the JEBH redevelopment this has been managed by mechanically relocating sand around the harbours edge at low tides. This has been reasonably effective during most conditions, noting that the storm surge conditions that result in severe erosion have not been experienced since the last dredging exercise.



Jack Evans Boat Harbour - southern beach erosion area

**Recommendation:**

Considering the issues with foreshore erosion and potential pressures for increased recreational use of the harbour, it is recommended that a Foreshore Management Options Assessment should be undertaken in JEBH. This investigation would include assessment and quantification of processes driving sand transport and seagrass variability within the harbour and provide options for the retention of sand on the harbour foreshore in a manner that maximises the sustainability of seagrass beds.

The issue of sand movement, sustainability of seagrass beds and potential dredging will continue to emerge at JEBH. The proposed study will assist in informing decisions on these issues, provide the Department of Primary Industries - Fisheries with important information in their consideration of permits to dredge and also provide useful contextual information in considering potential future uses of JEBH.

**OPTIONS:**

1. Undertake a *Foreshore Management Options Assessment* of Jack Evans Boat Harbour.
2. Advise the Department of Primary Industries - Fisheries that Council supports dredging within the Jack Evans Boat Harbour dredged to win sand and nourish eroded areas within of the harbour
3. Do nothing.



**CONCLUSION:**

The issue of sand movement, sustainability of seagrass beds and potential dredging will continue to emerge at JEBH. The proposed study will assist in informing decisions on these issues and also potential future use issues in JEBH.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Not Applicable.

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

Estimated \$20,000 to undertake a foreshore management options assessment.

Funded from operational budgets

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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14 [CNR-CM] Draft Policy - Graffiti Vandalism Management

SUBMITTED BY: Recreation Services

Valid



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## 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
- 

### SUMMARY OF REPORT:

The issue of Council's service level response to graffiti vandalism is one that is raised on a regular basis. There have been proposals in the past including a 'zero tolerance' approach and developing a graffiti response team.

In the context of the *Graffiti Control Act 2008*, graffiti refers to the defacing of private and/or public property without the consent of the property owner and is illegal - a crime. In accordance with current day vernacular, illegal graffiti is commonly referred to as *graffiti vandalism*.

A draft policy *Graffiti Vandalism Management* has been developed to clearly articulate Council's service level response to graffiti vandalism. 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

### RECOMMENDATION:

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.

## REPORT:

### Introduction:

The issue of Council's service level response to graffiti vandalism is one that is raised on a regular basis. There have been proposals in the past including a 'zero tolerance' approach and developing a graffiti response team.

### Graffiti Vandalism:

In the context of the *Graffiti Control Act 2008* graffiti refers to the defacing of private and/or public property without the consent of the property owner and is illegal - a crime. In accordance with current day vernacular, illegal graffiti is commonly referred to as graffiti vandalism.

Graffiti vandalism can take the form of writing, drawing, scratching or etching onto surfaces using an implement that creates a not-readily removable mark. Graffiti vandalism is considered to be unacceptable by many in the community because of its negative impact on public amenity and community pride. Consequently graffiti vandalism imposes economic and social costs on the community.

It is important to highlight the distinction between the terms urban art and graffiti vandalism. Urban art usually features creative elements drawn from graffiti-art culture. The key distinction between urban art and graffiti vandalism is the legality; ie. urban art which has the approval of property owners. This policy seeks to manage graffiti vandalism in all its forms.

### Graffiti Management:

At its meeting held 17 October 2013, Council resolved:

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

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

In response to point one of the recommendation the following strategies are identified in the Tweed Youth Strategy and Action Plan 2013-2017:

Strategic Outcome 1 - Young People are Valued Members of the Community and Engaged in Decisions That Affect Them

Action 2- Coordinate the Youth Council

- Through an established Youth Council, an early intervention approach partnering with T5 high schools to develop strategies to educate young people about illegal graffiti activity. Partnerships would include Police Youth Liaison Officer and Aboriginal Community Liaison Officer, Council Officers and other relevant stakeholders.

Strategic Outcome 5 - Young People Feel Safe and Protected From Drugs, Alcohol and Violence

Action 5 - Develop a Graffiti Management Policy and related documents that address graffiti prevention and management

- The **De-tag program** was developed by **PCYC** and is a graffiti reduction education program targeting young offenders under the new Graffiti Crimes Act.

Council would partner with PCYC Tweed Heads, Police Youth Liaison Officer, Aboriginal Community Liaison Officer, and Council Officers to implement this program.

**Draft Policy Graffiti Vandalism Management:**

In response to point two of the above resolution and the recurring issues around graffiti vandalism service levels, a Draft Policy *Graffiti Vandalism Management* (the policy) has been developed. The policy outlines Council's approach to managing graffiti vandalism and sets agreed service levels for various situations.

The draft policy proposes that Council will manage graffiti vandalism in accordance with six principles:

**Stakeholder engagement** - *Council will continue to support ratepayers, businesses and community groups through information gathering, information sharing and directing coordinated efforts to address graffiti.*

*Council will develop graffiti removal kits to be available for sale to businesses, organisations and members of the community. The kits will be supplied free of charge to community and not for profit volunteer groups undertaking graffiti vandalism removal on public property.*

**Report** – *Simple reporting mechanism to be made available to community, business and council services. To provide timely data for clean-up crews, and enforcement agencies, as well as provide statistical information for educational and reporting.*

**Removal** – *Timely removal based upon set prioritisation criteria in an environmentally friendly manner.*

**Prevention** – *Implementation of design-based and environmental strategies to assist in the prevention of graffiti vandalism.*

**Education** – *Web based information and educational material provided to assist the community in the prevention and safe removal of graffiti vandalism. This may include educating young people on the legal and community consequences of graffiti vandalism.*

**Enforcement** – *Reporting system must assist in the mapping of graffiti vandalism incidents within the LGA to inform stakeholders of the worst affected area.*

The policy then outlines proposed graffiti vandalism service levels:

**High profile areas**

*Council has established that the following precincts will have a two (2) working days response time standard after notification in respect to the removal of graffiti vandalism:*

- *major commercial centres eg. Murwillumbah, Tweed Heads, Kingscliff*
- *gateway locations eg. Budd Park, Jack Evans Boat Harbour*
- *village centres eg. Cabarita, Tumbulgum*

- *places of interest eg. Art gallery, Tweed Valley cemetery*

### **Graffiti hot spots**

*Council will record graffiti vandalism 'hot spots'. Locations where graffiti vandalism is removed six (6) times or more in three (3) months will be included on a hot spot list that has a response service standard of 48 hours. These listings will be made utilising the Australian Graffiti Register.*

*All other areas will have a ten (10) working days response standard after notification in respect to the removal of graffiti vandalism.*

### **Graffiti vandalism removal on Council property**

*Graffiti vandalism on Council property in High Profile Areas will be acted on within two (2) working days. All other Council property areas will be acted on within ten (10) working days of notification subject to budget constraints.*

### **Graffiti vandalism removal on government and agency property**

*Council will contact the appropriate department or agency and advise them of the graffiti vandalism incident within five (5) working days of notification.*

*Council will record the date and time of a graffiti vandalism notification to each government and agency.*

*Council will offer to treat the graffiti vandalism on a cost recovery basis as part of the notification.*

### **Heritage items and conservation zones**

*All listed heritage items and conservation zones will have five (5) working days response standard after notification in respect to the removal of graffiti vandalism. Council is aware that heritage structures and monuments may require special approvals before removal can be carried out where removal is likely to impact on the integrity of historic fabric.*

### **Graffiti vandalism removal on private property**

*Council will remove all graffiti vandalism from private property in High Profile Areas after notification in accordance with Part 4 of the Graffiti Control Act 2008 (Appendix 1).*

*Council will offer to treat graffiti vandalism on a cost recovery basis in all areas across the Shire following formal agreement with the property owner or occupier in accordance with Part 4 of the Graffiti Control Act 2008 prior to taking any action to remove graffiti vandalism from private property.*

### **Removal of graffiti vandalism of an offensive nature**

*Subject to the approval of the General Manager Council will remove or render non-offensive any offensive graffiti vandalism visible to the public domain within two (2) working days of notification.*

### **Graffiti removal at Skate Parks**

*Regular graffiti removal on skate parks would have damaging effects on the skate surface affecting both the skate-ability and the life span of the facility. Due to the substantive amount of graffiti encountered at skate parks, graffiti removal response times will not apply.*

### **Graffiti vandalism removal procedures**

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*All solvents, additives or chemicals used by Council for removing graffiti vandalism should be handled with ecologically sustainable development principles to minimise harm to the environment and comply with relevant environmental law and policies and in accordance with manufacturer safety guidelines.*

**Graffiti vandalism surveillance**

*Council will inspect the High Profile Areas of Council at least twice a week for graffiti vandalism.*

*Council will inspect all areas at least once monthly for graffiti vandalism.*

*All inspections will be undertaken in conjunction with other scheduled maintenance and inspection practices and not as a dedicated graffiti vandalism inspection regime.*

*Council will record on the Australian Graffiti Register all significant incidences of graffiti vandalism noted in its surveillance program.*

**OPTIONS:**

1. Endorse the Draft Policy *Graffiti Vandalism Management* as presented.
2. Endorse the Draft Policy *Graffiti Vandalism Management* with amendments.
3. Do not endorse the Draft Policy *Graffiti Vandalism Management* as presented.

**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.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Proposed new Policy *Graffiti Vandalism Management*

**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.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Draft Policy - *Graffiti Vandalism Management* (ECM 3663798)

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15 [CNR-CM] RFP2015-019 Knox Park Playground Upgrade

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
  - 2.1.3 Provide opportunities for residents to enjoy access to the arts, festivals, sporting activities, recreation, community and cultural facilities
- 

### SUMMARY OF REPORT:

Tender RFP2015-019 Knox Park Playground Upgrade was called to engage a suitably qualified and experienced organisation to provide landscape construction services to complete the upgrade of the Knox Park Playground area which is part of the Knox Park Redevelopment Project.

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 Wednesday 22 April 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 Evaluation Report included in **CONFIDENTIAL ATTACHMENTS 1 and 2**. A summary of the Selection criteria is also included in the body of this report.

### RECOMMENDATION:

That in respect to Contract RFP2015-019 Knox Park Playground Upgrade:

1. Council awards the contract to D'Bah Enterprises (trading as Greenwood Landscape Management) ABN 61 850 361 870 for the amount of \$249,946.00 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.



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

**REPORT:**

**Tender Background**

This tender has been called to engage a suitably qualified and experienced organisation to provide landscape construction services to complete the upgrade of the Knox Park Playground area which is part of the Knox Park Redevelopment Project.

**Tender Advertising**

Tender RFP2015-019 Knox Park Playground Upgrade was officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. The Tender was advertised on Tuesday 17 March 2015 in The Sydney Morning Herald. The Tender was also advertised in The Tweed Link on Monday 16 March 2015.

**Tender Addendums**

Notice to Tenders 01 was issued on 19 March 2015.

NTT01 advised tenderers that drawings 122, 124 and 128 have been amended and should read as "Issue C".

Notice to Tenders 02 was issued on 8 April 2015.

NTT02 advised that the Tender Closing Date was amended to close at **4:00PM NSW Local Time on Wednesday 22 April 2015.**

**Tender Evaluation Panel**

The Tender Evaluation Panel consisting of 1 x Engineer Contracts and 1 x Landscape Architect conducted the tender assessment.

**Tender Submissions**

As per the requirements of the Local Government Regulation 2005, tender submissions closed at 4:00PM (local time) on 22 April 2015 in the Tender Box located in the foyer of the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

Submissions were recorded at the Tender Box opening and their details are as follows:

<b>Tenderer</b>	<b>ABN</b>	<b>Tender Amount (incl GST)</b>
D'Bah Enterprises (trading as Greenwood Landscape Management)	61 850 361 870	Confidential Information
Penfold Projects	40 091 451 311	
Desire Contractors	77 167 694 055	
CBD Landscape Constructions Pty Ltd*	-	

**Late and/or Non-Conforming Tenders**

CBD Landscape Constructions called Council offices at 4:02pm noting they were having difficulty uploading their submission for the last 15-20 mins. The prospective tenderer was asked to send their submission by email to Contracts Unit. The email was then forwarded to Council's Compliance and Auditing unit for further instruction.

Upon investigation by Council's Compliance and Auditing unit, it was found that the tenderer did not try to submit a tender prior to the advertised closing time. The tender must therefore be deemed not accepted and was not assessed further.

Extract of email from Corporate Compliance sent Fri 24/04/2015 8:22 AM. The Tender documents clearly state that tenders must be received before 4:00pm Wednesday, 22 April 2015. Website logs indicate that the first attempt to upload the submission was performed after 4:00pm (4:00:54PM). Therefore, as per s177(2) of the Local Government (General) Regulations, Council cannot accept this tender. Please note that s177(4) and (5) of the Local Government (General) Regulations do not apply.

### Evaluation Criteria

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

Criterion	Document Reference	Weighting (%)
Value for Money (Normalised Tender Price) (Mandatory but Chairperson sets weighting)	Schedule 2 & 3	40
Price Compared with TSC Estimate	Schedule 2 & 3	Yes/No Item
Financial Details and Capacity	Schedule 4	Yes/No Item
Previous and Current Works (Experience)	Schedule 4	10
Project Management (Key Personnel)	Schedule 5	10
Methodology and Work Program (Time)	Schedule 6	10
WHS and Risk Management	Schedule 7	5
Environmental Management	Schedule 7	5
Quality Management	Schedule 7	10
Proposed Subcontractors (Experience)	Schedule 8	Yes/No Item
Company Insurances	Schedule 9	Yes/No Item
Sustainable Procurement	Schedule 10	Yes/No Item
Local Content (Development of Local Business) (Mandatory 10% per Policy)	Schedule 11	10
Innovation	All Schedules	
Maintenance and Running costs	All Schedules	Yes/No Item
Life of Proposed materials and equipment	All Schedules	Yes/No Item
Warranty Periods Offered	All Schedules	Yes/No Item
Council's Contract Administration Costs	Schedule 6	Yes/No Item
	Total	100

### Evaluation Summary

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

- (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.

### **Recommendations**

It is recommended that the tender from D'Bah Enterprises (trading as Greenwood Landscape Management) be accepted to the value of \$249,946.00 including GST.

### **OPTIONS:**

Nil.

### **CONCLUSION:**

That Council accepts the Recommendation presented in this report.

### **COUNCIL IMPLICATIONS:**

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

Procurement Policy v1.5.

In accordance with Local Government (General) Regulations 2005.

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

Funding is available in 2014/2015 budget comprising:

Murwillumbah Lions Club contribution

Grant funding

Contribution Plan 5

#### **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 3667114).

*(Confidential)* Attachment 2. Tender Evaluation Scoring Sheet (ECM 3667252).

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16 [CNR-CM] Biodiversity Grants

SUBMITTED BY: Natural Resource Management

Valid



**Caring for the Environment**

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

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

**SUMMARY OF REPORT:**

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

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

This round of Biodiversity Grant funding brings the cumulative total of Council's investment in 2014/2015 to \$108,728. This investments is predominantly spent within the local economy for materials and local labour.

**RECOMMENDATION:**

That Council approves the proposed Biodiversity Grants listed below:

<i>Name</i>	<i>Area</i>	<i>Estimate (\$)</i>	<i>Description</i>
Reid	Tyalgum	\$3,000	Eight person days of ecological restoration
Piper	Commissioners Creek	\$4,000	Site action plan and eight person days of ecological restoration
Chadwick	Banora Point	\$2,400	Six person days of ecological restoration
Norman	Crystal Creek	\$3,000	Eight person days of ecological restoration
	<b>Total</b>	<b>\$12,400</b>	

## REPORT:

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

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

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

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

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

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

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

<i>Name</i>	<i>Area</i>	<i>Estimate (\$)</i>	<i>Description</i>
Reid	Tyalgum	\$3,000	Eight person days of ecological restoration
Piper	Commissioners Creek	\$4,000	Site action plan and eight person days of ecological restoration
Chadwick	Banora Point	\$2,400	Six person days of ecological restoration
Norman	Crystal Creek	\$3,000	Eight person days of ecological restoration
	Total	\$12,400	

## OPTIONS:

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

**CONCLUSION:**

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

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

\$12,400 from existing budget.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**17 [CNR-CM] NSW Environmental Trust Environmental Restoration and Rehabilitation Grants (2014 Funding Round)**

**SUBMITTED BY: Natural Resource Management**

Valid



## Caring for the Environment

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

4	Caring for the Environment
4.2	Conserve native flora and fauna and their habitats
4.2.2	Encourage and promote rehabilitation and management of native vegetation and wildlife habitat in Tweed Shire
4.5	Improve the environmental capacity of the Tweed agriculture lands
4.5.1	Promote and encourage sustainable and innovative agricultural practices

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### SUMMARY OF REPORT:

Tweed Shire Council has been awarded three Environmental Restoration and Rehabilitation Grants from NSW Environmental Trust's 2014 funding round. The individual projects, grants and Council's in-kind and cash contributions are summarised below.

Project name	Grant awarded	Council in-kind financial contribution
<i>Numinbah nature links</i>	\$99,951	\$36,000 from Council's Biodiversity Grant Program
<i>Restoring the waterways of the Cudgen Plateau</i>	\$99,964	Nil (in-kind contributions only)
<i>Working together to protect Threatened Fauna on Fingal Peninsula</i>	\$99,987	\$35,000 from Council's Pest Management and Coastal Management budgets

All projects are of three years duration and will result in significant environmental, agricultural and community capacity-building outcomes.

### RECOMMENDATION:

**That Council:**

- 1. Accepts the Environmental Restoration and Rehabilitation Grant, Contract Number 2014/SL/0071, for the *Numinbah nature links* project.**
- 2. Accepts the Environmental Restoration and Rehabilitation Grant, Contract Number 2014/SL/0072, for the *Restoring the waterways of the Cudgen Plateau* project.**



3. **Accepts the Environmental Restoration and Rehabilitation Grant, Contract Number 2014/SL/0073, for the *Working together to protect Threatened Fauna on Fingal Peninsula* project.**
4. **Votes the expenditure.**

## **REPORT:**

Council was successful in obtaining three grants from the NSW Environmental Trust under its 2014 Restoration and Rehabilitation Grants program. The grants, totalling \$299,902, are for three, three-year projects.

Aside from delivering significant environmental benefits, each project will deliver important landholder agricultural yield and community capacity-building outcomes. Projects include a range of engagement activities including stakeholder meetings, media releases, focus groups, fact sheets, community workshops and a podcast. All projects are to be completed by 31 July 2018.

A précis of each project is provided below.

### ***Numinbah nature links***

Twenty-five hectares of key habitat at Numinbah will be restored. Ecological restoration will improve the condition, connectivity and resilience of endangered ecosystems and protect the habitat of 35 threatened species connecting several World Heritage-listed national parks and nature reserves. Target environments will become more resilient in the face of predicted consequences of climate change including greater rainfall variability, increased temperatures and more intense storm activity. The project will strengthen community capacity to manage weeds and protect and enhance sensitive areas supporting high biodiversity. Workshops and information sessions will assist and support private landholders whose land management activities are critical for effective landscape-scale conservation.

### ***Restoring the waterways of the Cudgen Plateau***

The project will engage the farming community to restore and rehabilitate 1.5km of waterways on the Cudgen plateau through sediment control works, revegetation and weed control. Riparian vegetation condition will be enhanced resulting in a reduction in soil and nutrient runoff into Cudgen Creek, provide greater protection for remnant vegetation, provide habitat for local flora and fauna and increase connectivity between coastal vegetation communities. The project will ultimately build farming communities capacity to effectively manage riparian areas for improved farm productivity, biodiversity and improved water quality outcomes.

### ***Working together to protect Threatened Fauna on Fingal Peninsula***

Feral animal control will be conducted across multiple tenures including private land. Fox and cat predation on native fauna will be reduced and local populations of threatened fauna, including critically endangered shorebirds, will start to recover. The threat to native fauna of disturbance and predation by domestic pets will be addressed via a multi-faceted approach involving community education, increased ranger patrols, updated interpretive signage and assessment of the suitability of existing dog walking areas. The project will generate multiple benefits for threatened fauna on Fingal Peninsula including reduced disturbance and increased breeding success.

Following is a copy of the correspondence received from the Minister for the Environment:



**Rob Stokes MP**  
Minister for the Environment  
Minister for Heritage  
Minister for the Central Coast  
Assistant Minister for Planning

DOC15/70684  
2014/SL/0072

Mr Eli Szandala  
Program Leader - Sustainable Agriculture  
Tweed Shire Council  
PO Box 816  
MURWILLUMBAH NSW 2484

WOOGEN CREEK  
WOOGEN LAKE  
ENVIRONMENTAL TRUST GRANTS

TWEED SHIRE COUNCIL	
FILE No:	WASGEMMS
DOC. No:	
REC'D:	24 MAR 2015
ASSIGNED TO:	SZANDALA, E
HARD COPY	<input type="checkbox"/>
IMAGE	<input type="checkbox"/>

Dear Mr Szandala

I am pleased to advise that the NSW Environmental Trust has approved a grant of \$99,964 for your project entitled *Restoring the waterways of the Cudgen Plateau* under the Restoration and Rehabilitation (Government) Program, subject to certain conditions.

Following an initial assessment of 85 proposals, the Trust (on the recommendation of the independent Technical Review Committee appointed to assess applications to the program) approved funding for 28 projects worth a total of \$2,280,214. A list showing all of the successful grantees will soon be placed on the Trust's website: [www.environmentaltrust.nsw.gov.au](http://www.environmentaltrust.nsw.gov.au).

A Trust representative will contact you shortly to make arrangements for the uptake of your grant and to advise of any special conditions that may have been attached to the funding. In the interim, if you have any questions about the grant, the Trust administration can be contacted on 8837 6093.

Congratulations on your successful application. I wish you well with your project and am sure that it will help realise the ultimate goals of the program, which are to facilitate projects of significant environmental benefit to NSW and build capacity of communities and organisations to protect, restore and enhance the natural environment.

Yours sincerely

**Rob Stokes MP**  
**Minister for the Environment**

5 March 2015



**Rob Stokes MP**  
Minister for the Environment  
Minister for Heritage  
Minister for the Central Coast  
Assistant Minister for Planning

DOC15/70684  
2014/SL/0071

Mr Michael Corke  
Biodiversity Project Officer  
Tweed Shire Council  
PO Box 816  
MURWILLUMBAH NSW 2484

ENVIRONMENTAL TRUST GRANTS

TWEED SHIRE COUNCIL
FILE No: <u>BUSHLAND RESTORATION</u>
BOC No: .....
RECD: <b>24 MAR 2015</b>
ASSIGNED TO: <u>LOUIE M.</u>
HARD COPY <input type="checkbox"/> IMAGE <input checked="" type="checkbox"/>

Dear Mr Corke

I am pleased to advise that the NSW Environmental Trust has approved a grant of \$99,951 for your project entitled *Numinbah nature links* under the Restoration and Rehabilitation (Government) Program, subject to certain conditions.

Following an initial assessment of 85 proposals, the Trust (on the recommendation of the independent Technical Review Committee appointed to assess applications to the program) approved funding for 28 projects worth a total of \$2,280,214. A list showing all of the successful grantees will soon be placed on the Trust's website: [www.environmentaltrust.nsw.gov.au](http://www.environmentaltrust.nsw.gov.au).

A Trust representative will contact you shortly to make arrangements for the uptake of your grant and to advise of any special conditions that may have been attached to the funding. In the interim, if you have any questions about the grant, the Trust administration can be contacted on 8837 6093.

Congratulations on your successful application. I wish you well with your project and am sure that it will help realise the ultimate goals of the program, which are to facilitate projects of significant environmental benefit to NSW and build capacity of communities and organisations to protect, restore and enhance the natural environment.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Rob Stokes".

**Rob Stokes MP**  
**Minister for the Environment**

5 March 2015



**Rob Stokes MP**  
Minister for the Environment  
Minister for Heritage  
Minister for the Central Coast  
Assistant Minister for Planning

DOC15/70684  
2014/SL/0073

Ms Pamela Gray  
Program Leader, Pest Management  
Tweed Shire Council  
PO Box 816  
MURWILLUMBAH NSW 2484

FINGAL PENINSULA  
ENVIRONMENTAL TRUST GRANTS  
TWEED SHIRE COUNCIL  
FILE No: FAUNA PROTECTION  
DOC. No: .....  
REC'D: 24 MAR 2015  
ASSIGNED TO: Gray, P  
HARD COPY  IMAGE

Dear Ms Gray

I am pleased to advise that the NSW Environmental Trust has approved a grant of \$99,987 for your project entitled *Working together to protect Threatened Fauna on Fingal Peninsula* under the Restoration and Rehabilitation (Government) Program, subject to certain conditions.

Following an initial assessment of 85 proposals, the Trust (on the recommendation of the independent Technical Review Committee appointed to assess applications to the program) approved funding for 28 projects worth a total of \$2,280,214. A list showing all of the successful grantees will soon be placed on the Trust's website: [www.environmentaltrust.nsw.gov.au](http://www.environmentaltrust.nsw.gov.au).

A Trust representative will contact you shortly to make arrangements for the uptake of your grant and to advise of any special conditions that may have been attached to the funding. In the interim, if you have any questions about the grant, the Trust administration can be contacted on 8837 6093.

Congratulations on your successful application. I wish you well with your project and am sure that it will help realise the ultimate goals of the program, which are to facilitate projects of significant environmental benefit to NSW and build capacity of communities and organisations to protect, restore and enhance the natural environment.

Yours sincerely

A handwritten signature in blue ink that reads "Rob Stokes".

**Rob Stokes MP**  
**Minister for the Environment**

5 March 2015

**OPTIONS:**

1. That Council accepts the three grants from the NSW Environmental Trust and approves the expenditure associated with the Council in-kind cash contributions as listed in the above table.
2. That Council does not accept the three grants from the NSW Environmental Trust and does not approve the expenditure associated with the Council in-kind cash contributions as listed in the above table.

**CONCLUSION:**

Council has been awarded three Environmental Restoration and Rehabilitation Grants from NSW Environmental Trust's 2014 funding round totalling \$299,902. In accordance with the funding applications, Council will contribute a total of \$71,000 from its Biodiversity Grant Program and its Pest Management and Coastal Management budgets. All projects will deliver significant environmental, agricultural and community capacity-building outcomes. It is recommended that Council accepts the grant offers totalling \$299,902 and votes the associated Council in-kind contribution expenditure. These projects have leveraged \$4.25 for every \$1 of Council contribution.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

Council will contribute \$36,000 from its Biodiversity Grant Program to the *Numinbah nature links* project. It will contribute \$35,000 from its Pest Management and Coastal Management budgets to the *Working together to protect Threatened Fauna on Fingal Peninsula* project. The *Restoring the waterways of the Cudgen Plateau* project will require an in-kind contribution only from Council.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

---

**18 [CNR-CM] Draft Homelessness Policy**

**SUBMITTED BY: Community and Cultural Services**

Valid



## Supporting Community Life

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

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

### **SUMMARY OF REPORT:**

The draft Homelessness Policy is presented in this report for endorsement by Council and public exhibition. The draft Policy seeks to prevent homelessness and ensure homeless people are treated respectfully and appropriately and are not discriminated against on the basis of their homeless status. It has been prepared giving consideration to State and Federal Government initiatives, the role and function of Council and opportunities identified in the Tweed Shire Homelessness Issues Paper to demonstrate Council's commitment to preventing and reducing homelessness.

### **RECOMMENDATION:**

**That Council exhibits the draft Homelessness Policy for a period of 28 days and accepts public submissions for a period of 42 days as per Section 160 of the Local Government Act 1993.**

## REPORT:

Council's *Community Strategic Plan 2013/2023* includes the following strategy:

### 2.1.1. Implement Homeless Policy and Protocol

The draft Homelessness Policy (Attachment 1) has been prepared giving consideration to the role and function of Council and is consistent with the NSW Protocol for Homeless People in Public Places (May 2013). It responds to the objectives and principles of the Tweed Shire Housing and Homelessness Network Strategic Plan (2014-2019) and opportunities identified in the Tweed Shire Homelessness Issues paper adopted by Council on 21 November 2013.

### Consultation

Consultations held with internal and external stakeholders to inform preparation of the Tweed Shire Homelessness Issues Paper are detailed in the table below.

Stakeholder	Method of Consultation	Purpose	Timing
Council Units/Teams <ul style="list-style-type: none"><li>Recreation Services</li><li>Strategic Planning and Urban Design</li><li>Compliance</li><li>Holiday Parks and Economic Development</li></ul>	Targeted discussions (face to face)	<ul style="list-style-type: none"><li>Face to face meetings were held with each team to discuss a draft version of the Policy.</li><li>An updated version of the Policy, incorporating feedback, was circulated to all teams with comments closing on 26.2.15</li></ul>	6/2/15-15/4/15
Tweed Shire Housing and Homelessness Network (TSHHN)	Targeted discussions (face to face)	<ul style="list-style-type: none"><li>Council's Community Development Officer - Social Planning attended the TSHHN on 5.2.15 to discuss a draft version of the Policy</li><li>An updated version of the Policy, incorporating feedback, was circulated to the TSHHN inviting comments by 26.2.15</li><li>Only one comment was received from the network.</li></ul>	5/2/15-26/2/15

Units across Council will work collaboratively and in partnership with government and community support agencies to implement the Policy once adopted. Council's commitments to prevent and reduce homelessness are summarised in the Policy Statement under the following themes:

- Education and Advocacy
- Facilitation and Coordination
- Services and Compliance
- Planning

### OPTIONS:

- That the draft *Homelessness Policy* is placed on public exhibition for a period of 28 days and Council accepts public submissions for a period of 42 days.
-



2. That the draft *Homelessness Policy* is not placed on public exhibition and Council seeks further information.

**CONCLUSION:**

Tweed Shire Council's Community Strategic Plan 2013 - 2023 commits to working closely with government and community organisations to improve services to disadvantaged groups to build stronger and more cohesive communities; and to support the supply of affordable housing to reduce housing stress and homelessness. The draft Homelessness Policy links with Council's Youth Strategy and Action Plan (2013), Access and Inclusion Policy (2014), and draft Age Friendly Policy (2015) to address needs, issues and opportunities that will improve life for people within Tweed Shire and work to prevent homelessness.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Not Applicable.

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

Endorsing the draft Homelessness Policy has no direct financial implications. Operationally Council is already responding to homelessness through its Community Development, Compliance and Recreation Services teams. Training for front line staff will be delivered from existing partnerships in the Tweed Shire Housing and Homelessness Network. Initiatives that may be developed over time will be reported to Council if specific financial implications arise.

**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. Draft Homelessness Policy (ECM 3663546)

---

19 [CNR-CM] Age Friendly Community Policy

SUBMITTED BY: Community and Cultural Services

Valid



## Supporting Community Life

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### SUMMARY OF REPORT:

This report presents the *Age Friendly Community Policy* and a summary of public submissions following a period of forty two days on exhibition. The Policy will provide a framework to guide the development and implementation of the *Age Friendly Community Strategy and Action Plan*. This body of work was included as an action in the *Community Strategic Plan (CSP) - Delivery Program 2011/2015*. Endorsement of the *Age Friendly Community Policy* is an important step in Council meeting its responsibilities and obligations to our community as outlined in the CSP under State and Commonwealth strategies in preparing for an ageing population.

### RECOMMENDATION:

**That Council adopts the Age Friendly Community Policy Version 1.1.**

## **REPORT:**

The *Age Friendly Community Policy* makes a formal statement on Council's commitment to State, Commonwealth and international policies and strategies on planning for an ageing population. The policy also makes a commitment to follow best practice guidelines on age friendly planning. Secondly the policy provides a sound framework for the implementation of the *Age Friendly Community Strategy and Action Plan* currently being developed.

The *Age Friendly Community Strategy and Action Plan* will focus on solutions and partnerships to address these issues.

Three submissions were received to the draft *Age Friendly Community Policy* which are summarised in Attachment 1 and the Policy has been amended in accordance with submissions where applicable.

## **OPTIONS:**

1. That Council adopts the *Age Friendly Community Policy*.
2. That Council does not adopt the *Age Friendly Community Policy* and seeks further information.

## **CONCLUSION:**

Adoption of the *Age Friendly Community Policy* is an important step in Council meeting its responsibilities to our community through the CSP as well as our obligations under State and Commonwealth strategies in preparing for an ageing population. It also demonstrates Council's leadership through a policy statement, linked to the United Nations *Principles for Older Persons* and the World Health Organization *Global Age-friendly Cities Guide* that promote the wellbeing of the whole community. This policy is the framework that will guide the implementation of the *Age Friendly Community Strategy* which is a strategic approach to planning for an ageing population.

## **COUNCIL IMPLICATIONS:**

### **a. Policy:**

1. Access and Inclusion Policy.

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

The Long Term Financial Plan provides a recurrent budget of \$10,000 plus consumer price index to support implementation of the *Age Friendly Community Policy* and *Age Friendly Community Strategy and Action Plan*. In addition, Council funds an officer two days per week to work with this population group and the sector to deliver identified programs and actions.

### **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. Table Summarising Submissions on draft Age Friendly Policy (ECM 3664541)
- Attachment 2. Age Friendly Community Policy Version 1.1 (ECM 3558658)
-

**20 [CNR-CM] Review of Tweed Shire Council's Cultural Policy**

**SUBMITTED BY: Community and Cultural Services**

Valid



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## Supporting Community Life

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

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

### **SUMMARY OF REPORT:**

Commencing this year, the Community and Cultural Services Unit is undertaking a major review of Council's Cultural Policy, which was first developed in 1999. Prior reviews of this policy have been program orientated, rather than a critique of the whole framework according to which cultural activity in the Shire is fostered and supported by Council. This report gives the Council an overview of the process developed to undertake this review. The completed Cultural Policy review process will establish a new vision, goals and strategies to direct Council's action toward enabling cultural activity across the Shire, either by initiating, supporting and/or advocating for arts and cultural activities, as well as supporting or advocating for arts and cultural sector workers and volunteers.

The new goals and strategies established by the Cultural Policy review will seek to support the cultural life and activity Shire residents' value and desire by value adding to our existing cultural strengths/assets and evaluating the real need for, and capacity to deliver, new cultural activity and assets in the future. Further, this review process will initiate new measures to monitor the economic and social outcomes generated by Council's support of cultural activity in the Shire. The review process will involve: cross-unit collaboration between Council staff working across programs and assets that support the arts and cultural sector; working with Council's Communications and Marketing staff to promote the review to engender community participation in research; the analysis of research-data gathered from the whole community and select population target groups; collaboration with Arts Northern Rivers to engage arts and cultural sector workers and volunteers; demographic and other data analyses.

### **RECOMMENDATION:**

**That Council:**

- 1. Receives and notes the report on the Review of Tweed Shire Council's Cultural Policy.**

2. **Proceeds with the Review of Tweed Shire Council's Cultural Policy as outlined within the report.**

## REPORT:

The review of Council's Cultural Policy, lead by the Community and Cultural Services Unit, will establish a new framework for Council's support of cultural activity and the development of cultural assets in a new Cultural Plan. The Cultural Plan will be based on and establish a shared understanding of what makes up the cultural life of the varied communities across the Tweed Shire. It will act as a 'roadmap' showing where the community is heading, or would like to be taken, with respect to its cultural life and the activities this embraces. The new Cultural Plan will build on the particular cultural strengths of the Tweed Shire and establish a framework to build on these through forward planned action.

Council's existing Cultural Policy was first adopted in 1999. The cultural milieu of the Tweed Shire and Council's commitment to arts and cultural activity has transformed significantly since this time; spurred by various changes including:

- demographic shifts and the impact of cultural development programs that stemmed from community demand for cultural development programs
- Council's receipt of the NSW government's City of the Arts funding in 2003-2005.

Through this period Council first employed a Cultural Development Officer (1998) and established a *Placemaking and Public Art Policy* (2003). In 2009, on behalf of Council, Griffith University completed the 'Cultural Vision for the Tweed' survey to gauge the community's response to prior cultural development programs delivered across the Tweed Shire community. Combined, these developments established or evolved many of the cultural activities now celebrated as the Shire's key cultural strengths.

Cultural planning for the Tweed links with the Council's *Community and Strategic Plan 2013-2023* key objective of Supporting Community Life and Fit for the Future. The review of Council's existing Cultural Policy will establish a new strategic vision upon which to base the action taken by Council to initiate, support, or advocate for cultural activity throughout the Shire. This process, and the goals and strategies it develops, will draw on the values and visions established by existing Council cultural and community planning documents, including the Cultural Policy (2013 revision edition) and *Community Strategic Plan*. Further, it will generate new data concerning the cultural activity and assets the community values and desires through various community-based research processes.

The Cultural Plan review will adopt the UNESCO's cultural domains as the key areas of cultural activity it will consider and potentially incorporate into its framework. Similarly, the NSW government's new Arts and Cultural Policy Framework *Create in NSW* (2015) broadly embraced these domains. These include:

- Cultural and natural heritage (including tangible and intangible heritage)
- Performance and celebration/s
- Visual arts and crafts
- Books and press
- Audio visual and interactive media
- Design and creative services.

Key stages of the cultural policy review include:

Stage	Detail	Timeframe
<b>Planning</b>	Undertake background research Establish project scope Develop project methodology Prepare communication plan Form internal working group	January to May 2015
<b>Preparation for community based research</b>	Map Tweed Shire cultural assets Prepare Cultural Plan Issues Paper Prepare Cultural Plan survey Prepare focus group approach	May to June 2015
<b>Implementation of community based research</b>	Launch and promote online survey Hold focus groups	July to September 2015
<b>Data analysis</b>	Compile and analyse survey and focus group data Cross reference survey and focus groups data with other project data	October to November 2015
<b>Draft Plan</b>	Write, design and report Draft Cultural Plan to the Council	December 2015 to March 2016
<b>Public exhibition</b>	Exhibit Draft Cultural Plan Receive and analyse public submissions	April to May 2016
<b>Final plan</b>	Report public submissions and final Cultural Plan to the Council	June 2016

Community-based research will be conducted across the whole of the community using an online and hard copy survey. Promotion of the survey will occur throughout the Shire, in various media and at multiple community access points. Focus groups will be held with identified target groups, or their representatives, across the community – including the Aboriginal community, seniors, young people and families, people living with disabilities and arts and cultural sector workers and volunteers. Council staff will collaborate with Arts Northern Rivers to hold focus groups with arts and cultural sector workers and volunteers, including community-based arts and cultural organisations.

Data gathered from community-based research methods will be cross referenced with existing demographic and cultural asset data to develop a new picture of the strengths and weaknesses of cultural activity and assets across the Shire. In turn, this information will then be distilled to establish a new vision and goals and strategies which will then inform new measures to track and monitor the impact of cultural activity, according to its social and economic value. The social and economic value placed on cultural activity will be drawn from community-based data and extant sector measures.

#### **OPTIONS:**

1. Council receives and notes the report on the review of the Shire's Cultural Policy.
2. Council requests further information on the review of the Shire's Cultural Policy.

#### **CONCLUSION:**

Council's Community and Cultural Services Unit is leading a major review of Council's existing Cultural Policy. This process will engage the collaborative support of staff from within Council and Arts Northern Rivers. Key to executing the review process will be research conducted in the community and with the cultural sector, as well as an



understanding of the Shire's demographics. The review will result in a new five year Cultural Plan; it will establish a new vision, goals and strategies to direct the actions of Council toward initiating or supporting cultural programs/activity or cultural asset development. The new Cultural Plan will seek to support the cultural life and activities Shire residents' value and desire by value adding to our existing cultural strengths/assets, assessing the need for, and Council's capacity to deliver, new cultural activity and assets in the future. Further, the plan aims to establish measures monitor the economic and social outcomes generated by Council's support of cultural activity in the Shire.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Cultural Policy v1.1

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

The Long Term Financial Plan provides a recurrent budget of \$24,000 plus CPI to support implementation of the Cultural Plan. In addition, Council funds an officer three days per week to work with population groups and the arts and creative industries sector to facilitate the delivery of identified programs and actions.

**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 FROM THE DIRECTOR ENGINEERING

### 21 [E-CM] Renaming of Parkes Drive, Tweed Heads West

**SUBMITTED BY:** Design

**FILE REFERENCE:** GS5/1 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:

Council at its meeting of 19 March 2015 resolved to publicise its intention to rename Parkes Drive at Tweed Heads West and allowed one month for submissions or objections to the proposal.

Several submissions were received with suggested road names as follows:

Gallipoli Link,  
Remembrance Drive,  
Dog Leg Road,  
Murraba Way and  
Sussyer Avenue

It is recommended that the name "Sussyer Avenue" be adopted for the renaming purposes of Parkes Drive Tweed Heads West.

### RECOMMENDATION:

**That Council:**

- 1. Advertises its intention to rename Parkes Drive, Tweed Heads West as "Sussyer Avenue", allows one month for submissions and/or objections to the proposal; and**
  - 2. Notifies the relevant authorities under the provisions of the Roads (General) Regulation 2008 and the Aboriginal Advisory Committee.**
-

## REPORT:

Council at its meeting of 19 March 2015 resolved to publicise its intention to rename Parkes Drive at Tweed Heads West and allowed one month for submissions or objections to the proposal. Refer to Diagram 1:



Several submissions were received with suggested road names as follows:

Gallipoli Link,  
Remembrance Drive,  
Dog Leg Road,  
Murraba Way and  
Sussyer Avenue

Copies of the correspondence received is attached.

Whilst Gallipoli Link and Remembrance Drive are appropriate names given that this year is the 100 year anniversary it would be more suitable to commemorate the Anzacs in this way on a higher profile road rather than a small side street with minimal use.

The submission of Dog Leg Road provided no information regarding its relevance to the area and is not considered a suitable road name in accordance with Council's policy on Naming of Streets and Roads.

Murraba Way was suggested based on the name holding local Aboriginal significance to the surrounding landscape. Tweed Shire has a Murraba Crescent located at Tweed Heads and as such this does not comply with Council's policy on Naming of Streets and Roads as it is a duplication of an existing name.

Sussyer Avenue was submitted by a member of the Sussyer family to commemorate the Patriarch of the family, Mr Thomas Anthony Sussyer, who was brought to Australia from Tanner Island in Vanuatu for slave labour on the cane farms in North Queensland. Mr Sussyer moved to Tweed Heads and was married in a local church, he and his wife raised 6 children in the Tweed, the eldest of whom is now 84 years old. According to the family

history the Sussyer family were the first South Sea Islander's to own land on Cobaki Road (Kennedy Drive) being 1 Acre situated from where the Pacific Highway overpass crosses Kennedy Drive near Rose Street through to Parkes Drive at Tweed Heads West. This name complies with Council's policy on Naming of Streets and Roads in that it is unique, relevant to the area and refers to and honours an early settler of the immediate area.

A proposal was also received from the Aboriginal Advisory Committee of "Murraba Way" however as noted above this road is not acceptable as it is a duplication of an existing road name within the Shire.

**OPTIONS:**

1. Council advertises its intention to rename Parkes Drive, Tweed Heads West as **"Sussyer Avenue"** allowing one month for submissions and/or objections to the proposal.
2. Council re-advertises its intention to rename Parkes Drive, Tweed Heads West calling for further submissions.

**CONCLUSION:**

Council's Policy on Naming of Streets and Roads suggests interalia that a road name should be unique, a name of an early settler and relevant to the local heritage and history of the area. In this instance Mr Thomas Sussyer (now deceased) was one of the original South Sea Islanders to own property in the immediate area of the road to be named which holds historical significance in its own right. The name is quite unique and is considered suitable for this road naming.

**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. Submissions (ECM 3659504).

---

22 [E-CM] Bridge Naming - Mistral Road, Dunbible

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
- 

### SUMMARY OF REPORT:

Council is in the process of replacing the Bridge on Mistral Road, Dunbible which it refers to as "Anthonys Bridge".

There has been some contention with local residents regarding the name of the bridge and as such it was resolved at the meeting of 11 December 2014 to undertake the process of formally naming it.

An advertisement was placed in the Tweed Link on 17 February 2015 allowing one month for submissions, the following were received;

- |                                |  |
|--------------------------------|--|
| <b>Dallis Park Bridge</b>      | derived from the property name directly adjacent to the bridge   |
| <b>Dunbible Creek Bridge</b>   | advised that the bridge has been locally known as Dunbible Creek Bridge by 5th Generation local family |
| <b>Dunbible Bridge</b>         | advised that the bridge has been locally known as Dunbible Bridge by 4th Generation local family       |
| <b>Robert Penington Bridge</b> | request from family member to honour the name of a (deceased) local resident                           |

As the bridge crosses over the Dunbible Creek it would appear appropriate in this instance to name it "Dunbible Creek Bridge".

**RECOMMENDATION:**

**That:**

- 1. Council publicises its intention to name the bridge at Mistral Road, Dunbible as "*Dunbible Creek Bridge*" allowing one month for submissions or objections to the proposal; and**
- 2. Council notifies the relevant authorities under the provisions of the Roads (General) Regulation, 2008.**
- 3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of The Local Government Act 1993 because it contains:**
  - (f) matters affecting the security of the council, councillors, council staff or council property**

## REPORT:

Council is in the process of replacing the Bridge on Mistral Road, Dunbible which it refers to as "Anthonys Bridge". Refer to Diagram 1.

Diagram 1 showing the aerial view of the bridge to be replaced along Mistral Road, Dunbible



There has been some contention with local residents regarding the name of the bridge and as such it was resolved at the meeting of 11 December 2014 to undertake the process of formally naming it.

An advertisement was placed in the Tweed Link on 17 February 2015 allowing one month for submissions, the following were received;

### **Dallis Park Bridge**

Three (3) submissions received recommending Dallis Park Bridge noting it as being derived from the property name directly adjacent to the bridge.

### **Dunbible Creek Bridge**

One (1) submission received from a 5th Generation local family which noted that the bridge has been known to all locals as Dunbible Creek Bridge.

### **Dunbible Bridge**

One (1) submission received from a 4th Generation local family which noted that it was always referred to as Dunbible Bridge by the family ancestors.

### **Robert Penington Bridge**

One (1) submission received from a family member of Mr Robert (Bob) Penington (deceased 2013) who owned and resided at "Bloxham Hall" in Scott Street, which runs off Mistral Road, from 1986. Mr Penington was the proprietor of Sunnyside Discount Tobacconist for many years and became a much loved character and generous member of

the local community particularly to those suffering hardship. Mr Penington was a returned Vietnam veteran whose bravery during that time was not mentioned to his family by himself but revealed by a fellow veteran after his death.

**OPTIONS:**

Council publicises its intention to name the bridge over Dunbible Creek at Mistral Road, Dunbible as;

- (a) Dallis Park Bridge,
- (b) Dunbible Creek Bridge,
- (c) Dunbible Bridge, or
- (d) Robert Penington Bridge.

**CONCLUSION:**

Whilst the proposal of Dallis Park Bridge attracted the most submissions it is the name of a privately owned property and as such would not be considered appropriate in this instance.

The noteworthy proposal received for the name of Robert Penington Bridge would be highly considered however given the controversy that already exists with local residents over the name of the bridge it may be prudent to not utilise the proposal in this instance and rather keep the name on file for a more appropriate naming of a street or perhaps park in the area.

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 would appear appropriate to name the bridge "Dunbible Creek Bridge".

**COUNCIL IMPLICATIONS:**

**a. Policy:**

No Corporate Policy

**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:**

*(Confidential)* Attachment 1. Bridge Naming Submissions (ECM 3635340).

---



23 [E-CM] RFP 2015-021 Supply of Ready Mixed Concrete

SUBMITTED BY: Infrastructure Delivery

Valid



## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### SUMMARY OF REPORT:

Tender RFP2015-021 Supply of Ready Mixed Concrete was called to for the supply and delivery of ready mixed concrete for use in maintenance and construction projects in various mix types and quantities across the Shire.

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 April 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 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.

### RECOMMENDATION:

That in respect to Contract RFP 2015-021 Supply of Ready Mixed Concrete:

1. Council awards the contract for the supply of Ready Mixed Concrete for the period 1 July 2015 until 30 June 2016 to Boral Construction Materials (ABN 46 009 671 809) for Area 1 and Brims Concreting (ABN 22 110 273 679) for Areas 2 and 3.
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:-**
- (d) **commercial information of a confidential nature that would, if disclosed:**
    - (i) **prejudice the commercial position of the person who supplied it, or**
    - (ii) **confer a commercial advantage on a competitor of the council, or**
    - (iii) **reveal a trade secret.**

**REPORT:**

**Tender Background**

Tender RFP 2015-021 Supply of Ready Mixed Concrete was called for the supply and delivery of ready mixed concrete for use in maintenance and construction projects in various mix types and quantities across the Shire.

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 April 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 RFP 2015-021 Supply of Ready Mixed Concrete on 31 March 2015 in the Sydney Morning Herald. The tender was also advertised in the Tweed Link and Council's web page Tender Section.

**Tender Addendums**

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

**Tender Submissions**

As per the requirements of the Local Government Regulation 2005, tender submissions closed at 4.00pm (local time) on 22 April 2015 in the Tender box located in the foyer of the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484. 5 submissions were recorded at the Tender Box opening and their details are as follows:

<b>Tenderer</b>	<b>ABN</b>
Holcim Australia Pty Ltd	87 099 732 297
Brims Concrete	22 110 273 679
Boral Construction Materials	46 009 671 809
Nucon Pty Ltd	32 076 781 014
Excel Concrete Pty Ltd	74 010 891 773

Tenders were evaluated based on the criteria noted in the table below which were also listed in the Conditions of Tendering. The details of the price and non price evaluation are shown on the attached Tender Evaluation Report.

<b>Criterion</b>	<b>Weighting (%)</b>
Tendered Rates	55
Level of appropriate resources	5
Management methodology including order placement procedure	5
General performance history	15
Relevant experience with contracts of a similar nature	5
Environmental performance and Sustainable Procurement considerations	5
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 Acting Senior Construction Engineer and Engineering Admin Supervisor - 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:

- (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.

**OPTIONS:**

1. That Council accepts a submission from submitting suppliers and enters into a supply arrangement for the supply of Ready Mixed Concrete.
2. That Council takes no action to establish a supply arrangement to provide Ready Mixed Concrete.

**CONCLUSION:**

That Council accepts the submissions from Boral (Area 1) and Brims (Areas 2 and 3) for the supply of Ready Mixed Concrete for the period 1 July 2015 until 30 June 2016.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Procurement Policy v1.5.

In accordance with Local Government (General) Regulations 2005.

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

Provision made in 2015 /2016 Maintenance and Capital Works budgets for the supply of Ready Mixed Concrete.

**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 3663931).

*(Confidential)* Attachment 2. Tender Evaluation Scoring Sheet (ECM 3663863).

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

**SUBMITTED BY: Water and Wastewater**

Valid



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## Supporting Community Life

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

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### SUMMARY OF REPORT:

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

The policy has been amended and Version 3.0 is attached. The amendments are necessary to align the Policy with the North Coast Consistent Water Restrictions developed in September 2014. At the same time, minor errors and anomalies in Version 2.0 have been corrected.

### RECOMMENDATION:

**That:**

- 1. As per Section 160 of the Local Government Act 1993, Council exhibits the draft Policy - *Drought Water Restrictions (Version 3.0)* - for a period of 42 days.**
- 2. Council considers all submissions received during the exhibition period prior to adoption of the revised Policy.**

**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 discuss a consistent approach to drought water restrictions. As a result, the following table was agreed to as a consistent set of water restrictions for the North Coast.

Level	Restrictions – Residential Outdoor Component	Target reduction %	Target Consumption ML/d)	Estimated Days/Weeks Water Left
Water Conservation Measures	No unattended hoses between the hours of 9.00am to 4.00pm	N/A		
1 Moderate	Micro-sprays and drippers/sub-surface can be used for a maximum of 15 minutes and hand held hoses can be used for 1 hour every second day, between the hours of 4.00pm and 9.00am on odd or even days matching house numbering system. Other irrigation and unattended hoses banned.	0 - 10%		
2 High	Micro-sprays and drippers/sub-surface can be used for a maximum of 15 minutes and hand held hoses can be used for ½ hour every second day, between the hours of 4.00pm and 9.00am on odd or even days matching house numbering system. Other irrigation and unattended hoses banned.	10 - 20%		
3 Very High	No irrigation permitted. Use of buckets any time, or hand held hoses for a maximum of 10 minutes, every second day, between the hours of 4.00pm and 9.00am on odd or even days matching house numbering system.	20 - 30%		
4 Severe	All external use of potable water banned. Grey water use only.	30 - 40%		
Emergency	As directed by the water supply authority.	40 - 50%		

Amendments to Council's Policy were necessary to align the Policy with these North Coast Consistent Water Restrictions. At the same time, minor errors and anomalies in Version 2.0 have been corrected. The revised Policy (showing track changes) is Version 3.0, attached to this report.

Note that the required changes relate mainly to the naming of the Water Restriction Levels and to residential watering.

## Summary of Amendments

- Page 5 - the 5/10/20 design rule previously recommended by the NSW Office of Water has been updated to the 5/10/10 design rule in its draft paper - *Assuring future urban water security (December 2013)*. This takes into account some of the demand hardening that has occurred in the past few years.
  - The 5/10/10 design rule underpins the reasonableness of drought restrictions. Levels of service under this rule are defined as follows:
    - restrictions are implemented no more than 5% of the time, on average
    - restrictions are imposed no more than once every 10 years on average
    - demand reductions during drought restrictions should be 10%
- Page 6 - the Water Unit has been amended to the Water and Wastewater unit.
- Page 6 - the Water Restriction Levels have been aligned with the North Coast Consistent Water Restrictions.
- Page 7 - the Water Restriction Levels have been aligned with the North Coast Consistent Water Restrictions.
- Page 9 - new reference added.
- Pages 10-23:
  - the Water Restriction Levels have been renamed according to the North Coast Consistent Water Restrictions.
  - Page 12 - residential watering restrictions have been amended to be consistent with the North Coast Consistent Water Restrictions.
  - Where 4pm to 9pm was previously written, this has been corrected to 4pm to 9am to ensure watering in the coolest part of the day.
  - Page 15 - Sports Grounds and Playing Fields have been removed from P.3.
  - Page 16 - Sportsfields have been added to P.4. This will allow minimal watering during Levels 1,2 and 3.

## Water Conservation Measures

The North Coast Consistent Water Restrictions includes a conservation measure of "No unattended hose between the hours of 9:00am and 4:00pm". The conservation measure is unenforceable and therefore not included in Council's Policy - Drought Water Restrictions. Notwithstanding, the conservation message has merit and it is recommended that it be incorporated in Council's existing Target 170 messaging.

## OPTIONS:

1. Advertise the draft Policy Drought Water Restrictions as presented in this report.
2. Advertise an alternative Policy.



**CONCLUSION:**

The amendments to the Policy ensure that once adopted, it will be 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:**

Nil.

**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 (Version 3.0)  
(ECM 3646550).

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**25 [E-CM] Classification of Land for Drainage Reserve - Pottsville**

**SUBMITTED BY: Design**

**FILE REFERENCE: DA13/0577**

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:**

Proposed Lot 1539 in the plan of subdivision of Lot 1147 in DP 1115395 at Pottsville is to be transferred to Council as Operational Land for the purposes of a Drainage Reserve.

A notice was published in the Tweed Link on 31 March 2015 allowing a period of 28 days for any member of the public to provide a written submission to the proposed classification of this land as operational. No submissions were received.

It is will be necessary to classify proposed Lot 1539 as Operational Land pursuant to the provisions of the Local Government Act, 1993.

### **RECOMMENDATION:**

**That Council**

- 1. Approves the transfer of proposed Lot 1539 in the plan of subdivision of Lot 1147 in 1115395 at Pottsville; and**
- 2. Classifies proposed Lot 1539 in the plan of subdivision of Lot 1147 in 1115395 at Pottsville as Operational Land; and**
- 3. All necessary documentation be executed under the Common Seal of Council.**



**CONCLUSION:**

In accordance with the provisions of the Local Government Act 1993 it is necessary to classify proposed Lot 1539 in the plan of subdivision of Lot 1147 in DP 1115395 at Pottsville as Operational Land.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

No Corporate Policy.

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

To be included in the Works Budget.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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26 [E-CM] Extinguishment of Restriction on Use - Lot 3 DP 839517 - Hogans Road, Upper Duroby

SUBMITTED BY: Design

FILE REFERENCE: GS4/93/87

Valid



## Supporting Community Life

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### SUMMARY OF REPORT:

Council has received an application for the extinguishment on a Restriction of Use over Lot 3 DP 839517 which benefits Council.

The Restriction on Use, created in 1994 when DP839517 was registered, restricted vehicle access to Lot 3 and 5 in DP 839517 to a Right of Carriageway created in the plan. The Right of Carriageway was later dedicated as a public road in 1996 by DP864034 this land is now named Majestic Court.

It appears from Council records that a house was built on Lot 3 in 1994/95, with an unapproved driveway constructed coming directly off Hogans Road and not within the Right of Carriageway.

Should the applicant seek to have the current unlawful driveway approved they will be required to submit a S96 application, under the Environmental Planning & Assessment Act, 1979 (EPA) to amend the original condition of consent and then submit a S138 application, under the Roads Act, 1993 for approval of the driveway in its current location.

### RECOMMENDATION:

**That Council does not approve the extinguishment of the Restriction on Use fourthly referred to in DP839517 and the applicant be given 60 days notice to permanently close and remove the unauthorised driveway access to Lot 3 DP 839517 and submit an application under S138 of the Roads Act, 1993, for approval to construct a driveway at the approved access point off Majestic Court.**

**REPORT:**

Council has received an application for the extinguishment on a Restriction of Use over Lot 3 DP 839517 which benefits Council.

The Restriction on Use, created in 1994 when DP839517 was registered, restricted vehicle access to Lot 3 and 5 in DP 839517 to a Right of Carriageway created in the plan. The Right of Carriageway was later dedicated as a public road in 1996 by DP864034 this land is now named Majestic Court.

It appears from Council records that a house was built on Lot 3 in 1994/95, with an unapproved driveway constructed coming directly off Hogans Road and not within the Right of Carriageway.

**Diagram 1 - DP 839517 highlighting the area approved for access from Hogans Road - Points P and Q.**

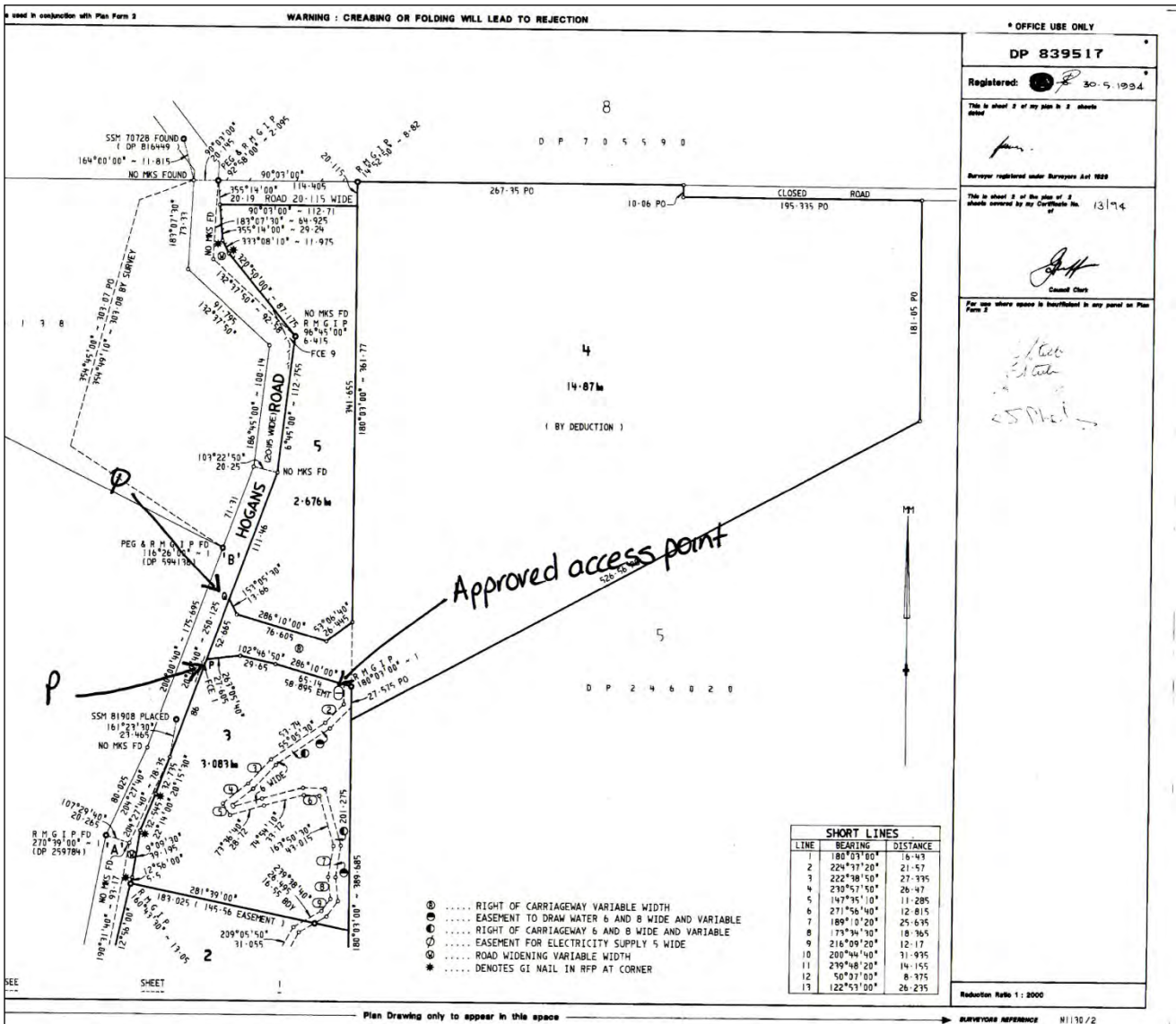
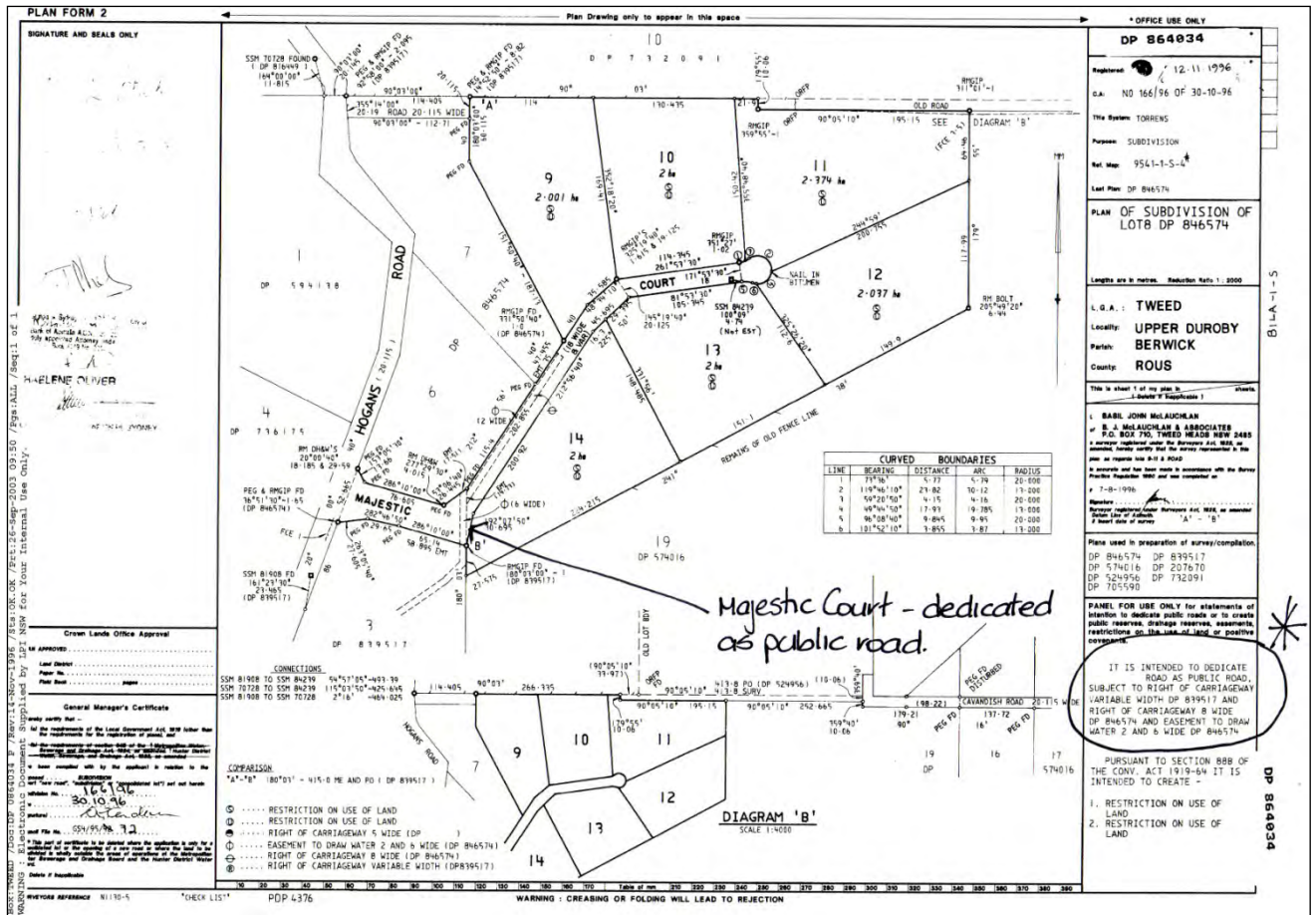


Diagram 2 - DP864034 showing the dedication of the Right of Carriageway as public road.



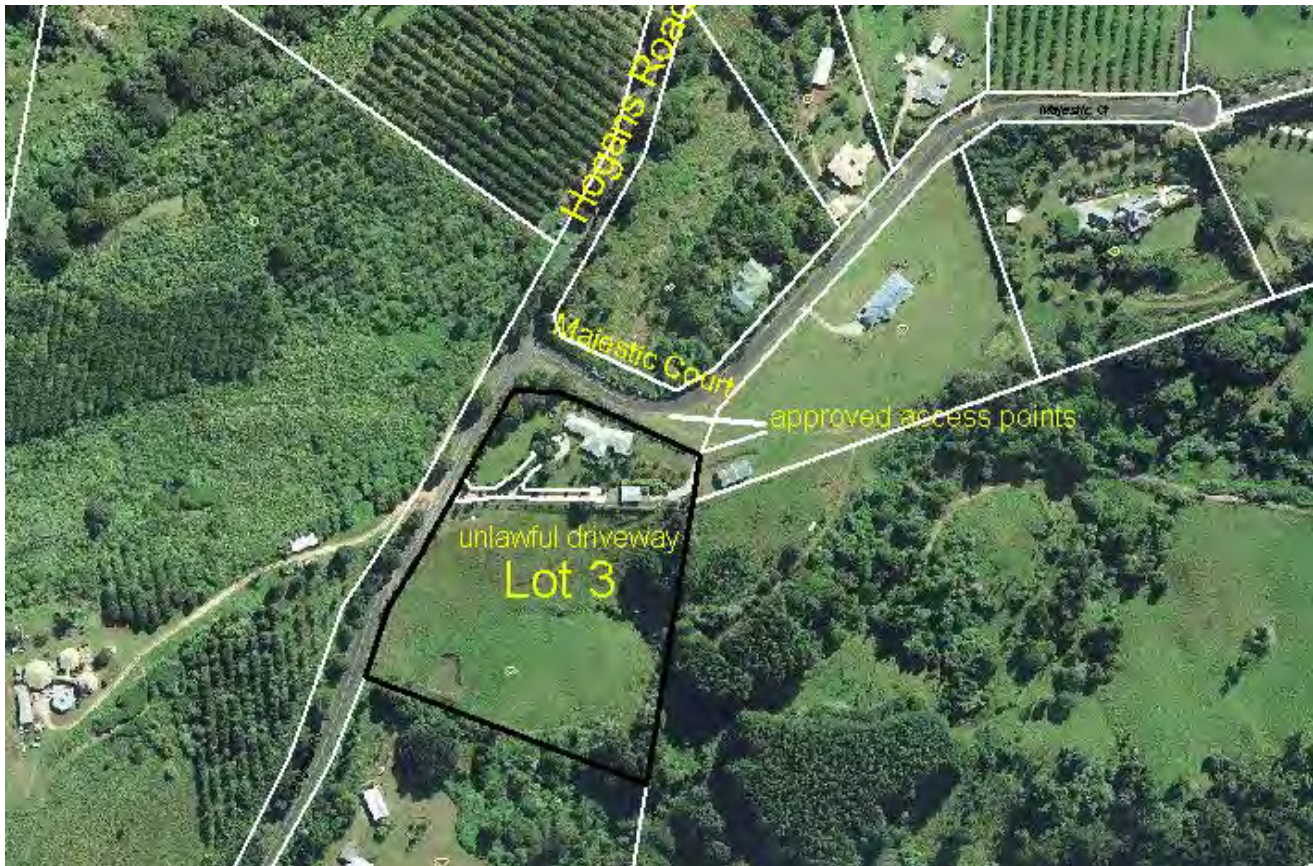
Development consent was provided at the time of subdivision of the original parcels (Lot 5 DP736175 and Lot 1 DP207670) in December 1993 with inter alia a condition (Clause 7(iv)) that the restriction be placed on title as Hogans Road is a designated road and Clause 15A of the Tweed LEP 1987 required that wherever practicable access to the land be provided by a road other than the designated road.

An application for amendment of the development consent under Section 102 of the EPA Act 1979 was received in August 1995 which sought modification to clause 7(iv) allowing vehicular access to Hogans Road directly from the natural ridge on Lot 3 to the crest of the hill. Council advised the applicant in September 1995 that a variation to the development standard could not be varied under an application to Section 102 and that a separate Development Application would be required accompanied by an objection to the development standard pursuant to the State Environmental Planning Policy No. 1. The correspondence to the applicant/land owner further noted the following statement;

*"In any event, you are advised that it would be unlikely that Council would support any direct access to Hogans Road"*

No further correspondence or Development Applications were received by Council. The owner of the property however proceeded with construction of a full driveway access directly from Hogans road without the consent of Council as the Roads Authority (Refer to Diagram 3).

**Diagram 3** showing the aerial photo of the constructed driveway from Hogans Road and approved access points from Majestic Court:



**OPTIONS:**

As the driveway has been unlawfully constructed in contravention of a condition of the original development consent Council is unable to approve the extinguishment of the Restriction on Use fourthly referred to in DP839517.

**CONCLUSION:**

The access driveway from Hogans Road to Lot 3 DP839517 has been constructed unlawfully in contravention of the original development consent and advice provided in September 1995, therefore it is recommended that Council instructs the property owner to close the driveway access from Hogans Road and apply under S138 to construct a driveway access off Majestic Court.



**COUNCIL IMPLICATIONS:**

**a. Policy:**

No Corporate Policy

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

No Future Budget Implications

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## REPORTS FROM THE DIRECTOR CORPORATE SERVICES

### 27 [CS-CM] Quarterly Budget Review - March 2015

**SUBMITTED BY:** Financial Services

Valid



## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

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### SUMMARY OF REPORT:

This is the third quarter statutory budget review for this financial year and summarises the estimated expenditure and income changes to the 2014/2015 Budget.

This statutory report is prepared in accordance with the Local Government (General) Regulations 2005, sections 202 and 203. Council will have a balanced budget as at 30 June 2015 in all Funds.

### RECOMMENDATION:

That:

1. Quarterly Budget Review Statement as at 31 March 2015 be adopted.
2. Expenditure and income, as summarised below and detailed within the report, be voted and adjusted in accordance with the revised total expenditure and income for the year ending 30 June 2015:

Description	Change to Vote	
	Deficit	Surplus
General Fund		
<u>Expenses</u>		
Employee costs	30,000	0
Materials & Contracts	0	103,189
Interest	0	0
Other Operating costs	0	0
Capital	8,454,500	0
Loan Repayments	0	0
Transfers to Reserves	100,000	0
	<hr/>	<hr/>
	8,584,500	103,189

Description	Change to Vote	
<b>Income</b>		
Rates and Annual Charges	0	0
Interest revenue	0	71,000
Operating Grants & Conts	0	55,811
Capital Grants & Conts	0	6,354,500
User Charges & Fees	0	0
Other Operating Revenue	0	0
Loan Funds	100,000	0
Recoupments	0	0
Transfers from Reserves	0	2,100,000
Asset Sales	0	0
	<b>100,000</b>	<b>8,581,311</b>
<b>Net Surplus/(Deficit)</b>		<b>0</b>
	<b>Deficit</b>	<b>Surplus</b>
<b>Sewer Fund</b>		
<b>Expenses</b>		
Employee costs	0	0
Materials & Contracts	6,833	0
Interest	0	0
Other Operating costs	0	0
Capital	42,000	0
Loan Repayments	0	0
Transfers to Reserves	0	24,210
	<b>48,833</b>	<b>24,210</b>
<b>Income</b>		
Rates and Annual Charges	0	0
Interest revenue	2,377	0
Operating Grants & Conts	0	0
Capital Grants & Conts	0	0
User Charges & Fees	0	0
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	0	12,500
Transfers from Reserves	0	14,500
Asset Sales	0	0
	<b>2,377</b>	<b>27,000</b>
<b>Net Surplus/(Deficit)</b>		<b>0</b>
<b>Water Fund</b>		
<b>Expenses</b>		
Employee costs	0	0
Materials & Contracts	0	10,185
Interest	0	0
Other Operating costs	0	0
Capital	38,325	0
Loan Repayments	0	0
Transfers to Reserves	10,185	0
	<b>48,510</b>	<b>10,185</b>

Description	Change to Vote	
<b>Income</b>		
Rates and Annual Charges	0	0
Interest revenue	0	0
Operating Grants & Conts	0	0
Capital Grants & Conts	0	0
User Charges & Fees	0	0
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	0	0
Transfers from Reserves	0	38,325
Asset Sales	0	0
	<hr/>	<hr/>
	0	38,325
Net Surplus/(Deficit)	<hr/>	<hr/>
		0

## **REPORT:**

### **Budget Review 31 March 2015 (Quarterly Budget Review)**

In accordance with Section 203(1) of the Local Government (General) Regulation 2005, a Budget Review Statement and revision of the estimates of income and expenditure must be submitted to Council within two months of the close of each quarter.

The Regulation requires that the quarterly financial review must include the following:

- A revised estimate for income and expenditure for the year.
- A report as to whether or not such statements indicate that the financial position of the Council is satisfactory and if the position is unsatisfactory, make recommendations for remedial action.

### **Report by Responsible Accounting Officer – Quarterly Budget Review Statements**

The Quarterly Budget Review Reports are prepared to provide Council and the community with information in relation to Council's financial performance and proposed amendments to its budget and forward estimates. The reports are prepared under accrual accounting principles in accordance with the requirements of the Local Government Act 1993.

From the 2011/2012 financial year, councils have been required to prepare a Quarterly Budget Review Statement, which includes the following information:

- The original budget
- Approved changes to the original budget
- Recommendations by Council officers regarding changes to the revised budget
- A projected year end result
- Actual year to date figures
- Key Performance Indicators
- New contracts entered into during the quarter
- Consultancy and legal expenses

This information is presented in the following reports:

- List of changes which will impact on revenue, i.e. will affect the Operational Plan (budget) or Long Term Financial Plan
- Detailed list of recommended changes, including those recommended by officers and those adopted by Council
- Income and Expenses Statement, consolidated and by fund
- Funding Statement, consolidated and by fund, which gives the total budget result
- Capital Budget Review Statement
- Cash & Investments Budget Review Statement
- Budget Review Key Performance Indicators Statement
- Budget Review Contracts (part A) and Other Expenses (part B)

## Impacts on the Operational Plan and/or Long Term Financial Plan

Some recommended changes will have no net effect on the Operational Plan (1 year budget). Others will have long term effects and will need to be reflected in the next revision of the Long Term Financial Plan. The changes which will have such an effect are listed below:

Description	\$	\$
	<b>Net Effect on 2014/2015 Budget</b>	<b>Net Effect on LTFP</b>
<b>General Fund</b>		
Wild dog control	12,500	
Mosquito control	8,000	
Recruitment costs	30,000	
Extra Charges/Interest	-71,000	
The Anchorage revetment survey	6,500	
Art Gallery business plan	9,000	
Art Gallery grounds maintenance	5,000	
	<hr/> 0	<hr/> 0

## Detailed list of changes

In/Ex	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
<b>1. Proposed Variations</b>						
<b>General</b>						
Ex	1	Ex-Op	Future Flood Mitigation works	294,128	-100,000	Current works funded from unexpended loans
In	1	In-Loan	Flood mitigation loan funding	-100,000	100,000	Not required this year
Ex	2	Ex-Op	Contribution to Fingal SLSC (from Works Carried Forward Reserve)	200,000	-100,000	Partially re-allocate to Work Carried Forward Reserve
Ex	2	Ex-TTR	Transfer to Works Carried Forward reserve	0	100,000	Reserve part of Fingal funds provisionally restricted for Tennis Terranora
Ex	3	Ex-Op	Pest Management Expenses (dog control)	0	12,500	Urgent targeted wild dog control required following Casuarina dog attacks
Ex	4	Ex-Op	Mosquito control	56,263	8,000	Extended mosquito control period required 14/15 to reduce potential human health issues
Ex	5	Ex-Op	Emergency Preparedness Flood-prone Caravan Parks	0	28,476	Grant received
In	5	In-OG&C	Ministry for Police & Emergency Services	0	-28,476	Funding for above
Ex	5	Ex-Op	The Aged Care Emergency Preparedness Project	0	14,980	Grant received
In	5	In-OG&C	Ministry for Police & Emergency Services	0	-14,980	Funding for above
Ex	6	Ex-OpEmp	Recruitment costs	28,141	30,000	Additional costs resulting from vacant positions
In	7	In-Interest	Extra Charges/Interest	-154,000	-71,000	Additional revenue from overdue rates
Ex	8	Ex-Op	Survey of The Anchorage Island Revetment	1,521	6,500	Survey for revetment works required on The Anchorage estate
Ex	9	Ex-Capital	Organics processing facility		4,200,000	Regional facility, part grant funded
In	9	In-CG&C	NSW Environmental Trust		-2,100,000	Funding for above
In	9	In-TFR	Waste reserves		-2,100,000	Funding for above

In/Ex	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
Ex	10	Ex-Capital	Bamberry Street Fingal		4,500	Kerb & Gutter
In	10	In-CG&C	Road contributions - Kerb & Gutter		-4,500	Contribution in lieu of works
Ex	11	Ex-Op	Art Gallery Business Plan		9,000	Consultancy costs
Ex	12	Ex-Op	Art Gallery grounds maintenance	14,824	5,000	Repair eroded path
Ex	13	Ex-Op	Pottsville Fauna Friendly Pets Program		12,355	New grant funded project
In	13	In-OG&C	Office of Local Government grant		-12,355	Funding for above
Ex	14	Ex-Capital	Drainage Construction - Tulgi Way	0	100,000	Additional funding allocated
Ex	14	Ex-Capital	Drainage Construction - Tamarind Ave	452,068	-100,000	Re-allocated to Tulgi Way
Ex	15	Ex-Capital	Anthony's Bridge	913,922	1,507,488	Additional funding allocated
Ex	15	Ex-Capital	Chartlons Bridge		-419,309	Rollovers re-allocated to Anthony's Bridge
Ex	15	Ex-Capital	Richards Bridge		-138,179	Rollovers re-allocated to Anthony's Bridge
In	15	In-CG&C	Federal Grant		-950,000	Bridges Renewal Program
Ex	16	Ex-Capital	Tweed Heads main street beautification	1,444,515	500,000	Additional funding allocated
Ex	16	Ex-Capital	Road construction - Inlet Drive		-500,000	Re-allocated to Tweed Heads main street
Ex	17	Ex-Capital	Kennedy Drive Stage 2	193,760	3,317,331	Additional funding allocated Infrastructure Investment Program
In	17	In-CG&C	Federal Grant		-3,300,000	
Ex	17	Ex-Capital	Kennedy Drive		-17,331	Rollovers re-allocated to Kennedy Drive Stage 2
					<u>0</u>	
			<b>Sewer Fund</b>			
Ex	18	Ex-Op	Operations		6,833	Operational adjustments
Ex	18	Ex-Capital	Various Capital Works		42,000	Replacement work identified
In	18	In-Interest	Interest		2,377	Funding adjustment
In	18	In-Recoup	Transfers from Capital Contributions Res.		-12,500	Funding adjustment
In	18	In-TFR	Transfers from Asset Replacement Res.		-38,710	Funding adjustment
					<u>0</u>	
			<b>Water Fund</b>			
Ex	19	Ex-Op	Operations		-10,185	Operational adjustments
Ex	19	Ex-Capital	Various Capital Works		38,325	Replacement work identified
In	19	In-TFR	Transfers from Asset Replacement Res.		-28,140	Funding adjustment
					<u>0</u>	
			<b>2. Variations Arising from Council Resolutions</b>			
			Nil			
					<u>0</u>	
			<b>Summary of Votes by Type</b>			
			2014/15 Variations		0	
			Council Resolutions		0	
					<u>0</u>	
			<b>Key to Category codes</b>			
		Ex-OpEmp	Employee costs			
		Ex-Op	Materials & contracts			
		Ex-Interest	Interest on loans			
		Ex-OpOther	Other operating expenses			
		Ex-Capital	Capital works			
		Ex-Loan Reps	Repayment on principal on loans			
		Ex-TTR	Transfers to reserves			
		In-Rates	Rates & annual charges			
		In-Interest	Interest income			
		In-OG&C	Operating grants & contributions			
		In-CG&C	Capital grants & contributions			
		In-Operating	User charges & fees			
		In-OpOther	Other operating income			

In/Ex	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
		In-Loan	Loan funds			
		In-Recoup	Recoupment from s64 & s94 funds			
		In-TFR	Transfers from reserves			
		In-Sales	Proceeds from sale of assets			
			<u>Expenses</u>			
			Employee costs		30,000	
			Materials & Contracts		-106,541	
			Interest		0	
			Other Operating costs		0	
			Capital		8,534,825	
			Loan Repayments		0	
			Transfers to Reserves		100,000	
					<u>8,558,284</u>	
			<u>Income</u>			
			Rates and Annual Charges		0	
			Interest revenue		-68,623	
			Operating Grants & Conts		-55,811	
			Capital Grants & Conts		-6,354,500	
			User Charges & Fees		0	
			Other Operating Revenue		0	
			Loan Funds		100,000	
			Recoupments		-12,500	
			Transfers from Reserves		-2,166,850	
			Asset Sales		0	
					<u>-8,558,284</u>	
			Net		<u>0</u>	
			<b>Summary of Votes - by Division</b>			
			Corporate Services		-41,000	
			Planning & Regulation		0	
			Community & Natural Resources		41,000	
			Engineering		0	
			General Manager		0	
					<u>0</u>	

**Results by fund:**

**General Fund**

The General Fund is expected to remain as a “balanced budget”.

**Water Fund**

The Water Fund is expected to remain as a “balanced budget”.

**Sewer Fund**

The Sewer Fund is expected to remain as a “balanced budget”.



## Quarterly Budget Review Statements

### Income and Expense - Consolidated Budget Review Statement for the quarter ended 31 March 2015

	Original Budget (000's)				Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
		Sep Review (000's) *	Dec Review (000's)	Revised Budget (000's)			
<b>Income</b>							
Rates and Annual Charges	94,362	-	-	94,362	-	94,362	68,178
User Charges and Fees	37,718	30	65	37,813	-	37,813	30,523
Interest and Investment Revenue	9,116	(101)	(650)	8,365	69	8,434	6,418
Other Revenues	1,622	-	80	1,702	-	1,702	1,359
Grants & Contributions - Operating	16,147	457	84	16,688	56	16,744	13,570
Grants and Contributions - Capital	2,103	-	232	2,335	6,355	8,690	4,171
- Contributions (S94)	21,121	-	(14,583)	6,538	-	6,538	8,221
Net gain from the disposal of assets	-	-	-	-	-	-	782
<b>Total Income</b>	<b>182,189</b>	<b>386</b>	<b>(14,772)</b>	<b>167,803</b>	<b>6,480</b>	<b>174,283</b>	<b>133,222</b>
<b>Expense</b>							
Employee costs	46,514	393	(114)	46,793	30	46,823	34,339
Borrowing Costs	13,042	-	-	13,042	-	13,042	8,441
Materials & Contracts	52,534	15,255	112	67,901	(105)	67,796	29,074
Depreciation	41,368	-	-	41,368	-	41,368	31,026
Legal Costs	436	-	-	436	-	436	667
Consultants	471	-	-	471	-	471	288
Other Expenses	14,735	200	10	14,945	-	14,945	9,559
Net Loss from Disposal of Assets	-	-	-	-	-	-	-
<b>Total Expenses</b>	<b>169,100</b>	<b>15,848</b>	<b>8</b>	<b>184,956</b>	<b>(75)</b>	<b>184,881</b>	<b>113,394</b>
<b>Net Operating Result</b>	<b>13,089</b>	<b>(15,462)</b>	<b>(14,780)</b>	<b>(17,153)</b>	<b>6,555</b>	<b>(10,598)</b>	<b>19,828</b>
<b>Net Operating Result before capital items</b>	<b>10,986</b>	<b>(15,462)</b>	<b>(15,012)</b>	<b>(19,488)</b>	<b>200</b>	<b>(19,288)</b>	<b>15,657</b>

**Funding Statement - Consolidated - Source & Application of Funds**

	Original Budget (000's)				Recommended changes for Council Resolution (000's)	Projected year end result (000's)
		Sep Review (000's) *	Dec Review (000's)	Revised Budget (000's)		
Operating Result (Income Statement)	13,089	(15,462)	(14,780)	(17,153)	6,555	(10,598)
<b>Add Back non-funded items:</b>						
Depreciation	41,368	-	-	41,368	-	41,368
		-	-	-	-	-
<b>Add non-operating funding sources</b>						
Transfers from Externally Restricted Cash	15,142	2,524	335	18,001	13	18,014
Transfers from Internally Restricted Cash	20,514	21,583	(1,724)	40,373	2,167	42,540
Proceeds from sale of assets	2,845	-	-	2,845	-	2,845
Loan Funds Utilised	4,376	8,852	-	13,228	(100)	13,128
Repayments from Deferred Debtors	-	-	-	-	-	-
<b>Funds Available</b>	<b>97,334</b>	<b>17,497</b>	<b>(16,169)</b>	<b>98,662</b>	<b>8,635</b>	<b>107,297</b>
<b>Funds were applied to:</b>						
Purchase and construction of assets	48,169	14,889	(1,437)	61,621	8,535	70,156
Repayment of principal on loans	7,714	-	-	7,714	-	7,714
Transfers to Externally Restricted Cash	21,863	-	-	21,863	-	21,863
Transfers to Internally Restricted Cash	19,588	2,608	(14,732)	7,464	100	7,564
<b>Funds Used</b>	<b>97,334</b>	<b>17,497</b>	<b>(16,169)</b>	<b>98,662</b>	<b>8,635</b>	<b>107,297</b>
<b>Increase/(Decrease) in Available Working Capital</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

\* Includes Carried Forward Works revotes

**Income and Expense- General Fund Budget Review Statement for the quarter ended 31 March 2015**

	Original Budget (000's)				Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
		Sep Review (000's) *	Dec Review (000's)	Revised Budget (000's)			
<b>Income</b>							
Rates and Annual Charges	65,338			65,338		65,338	46,292
User Charges and Fees	17,244	30	20	17,294	-	17,294	14,314
Interest and Investment Revenue	4,643	-	-	4,643	71	4,714	4,042
Other Revenues	1,364	-	80	1,444	-	1,444	1,065
Grants & Contributions - Operating	15,297	457	84	15,838	56	15,894	12,725
Grants and Contributions - Capital	2,103	-	232	2,335	6,355	8,690	4,136
- Contributions (S64/S94)	1,677			1,677		1,677	3,945
Net gain from the disposal of assets				-		-	782
<b>Total Income</b>	<b>107,666</b>	<b>487</b>	<b>416</b>	<b>108,569</b>	<b>6,482</b>	<b>115,051</b>	<b>87,301</b>
<b>Expense</b>							
Employee costs	38,123	393	(114)	38,402	30	38,432	26,539
Borrowing Costs	6,044		-	6,044	-	6,044	3,772
Materials & Contracts	32,217	14,741	158	47,116	(103)	47,013	22,976
Depreciation	25,315			25,315		25,315	18,986
Legal Costs	436			436		436	667
Consultants	107			107		107	211
Other Expenses	10,488	200	10	10,698	-	10,698	7,523
Net Loss from Disposal of Assets				-		-	
<b>Total Expenses</b>	<b>112,730</b>	<b>15,334</b>	<b>54</b>	<b>128,118</b>	<b>(73)</b>	<b>128,045</b>	<b>80,674</b>
<b>Net Operating Result</b>	<b>(5,064)</b>	<b>(14,847)</b>	<b>362</b>	<b>(19,549)</b>	<b>6,555</b>	<b>(12,994)</b>	<b>6,627</b>
<b>Net Operating Result before capital items</b>	<b>(8,844)</b>	<b>(14,847)</b>	<b>130</b>	<b>(21,884)</b>	<b>200</b>	<b>(21,684)</b>	<b>2,491</b>

**Funding Statement - General Fund - Source & Application of Funds**

	Original Budget (000's)				Recommended changes for Council Resolution (000's)	Projected year end result (000's)
		Sep Review (000's) *	Dec Review (000's)	Revised Budget (000's)		
Operating Result (Income Statement)	(5,064)	(14,847)	362	(19,549)	6,555	(12,994)
<b>Add Back non-funded items:</b>						
Depreciation	25,315			25,315	-	25,315
<b>Add non-operating funding sources</b>						
Transfers from Externally Restricted Cash	3,300	3,907	60	7,267	-	7,267
Transfers from Internally Restricted Cash	8,300	21,470	110	29,880	2,100	31,980
Proceeds from sale of assets	2,845			2,845	-	2,845
Loan Funds Utilised	4,376	8,852		13,228	(100)	13,128
Internal charges				-		-
Repayments from Deferred Debtors				-		-
<b>Funds Available</b>	<b>39,072</b>	<b>19,382</b>	<b>532</b>	<b>58,986</b>	<b>8,555</b>	<b>67,541</b>
<b>Funds were applied to:</b>						
Purchase and construction of assets	28,037	19,056	532	47,625	8,455	56,080
Repayment of principal on loans	3,480			3,480		3,480
Transfers to Externally Restricted Cash	2,419			2,419		2,419
Transfers to Internally Restricted Cash	5,136	326		5,462	100	5,562
<b>Funds Used</b>	<b>39,072</b>	<b>19,382</b>	<b>532</b>	<b>58,986</b>	<b>8,555</b>	<b>67,541</b>
<b>Increase/(Decrease) in Available Working Capital</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

\* Includes Carried Forward Works revotes

**Income and Expense- Sewer Fund Budget Review Statement for the quarter ended 31 March 2015**

	Original Budget (000's)				Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
		Sep Review (000's)	Dec Review (000's)	Revised Budget (000's)			
<b>Income</b>							
Rates and Annual Charges	24,192			24,192		24,192	18,410
User Charges and Fees	1,311			1,311		1,311	1,905
Interest and Investment Revenue	2,838	166	(493)	2,511	(2)	2,509	1,638
Other Revenues	15			15		15	15
Grants & Contributions - Operating	464		-	464	-	464	468
Grants and Contributions - Capital				-		-	35
- Contributions (S64/S94)	5,646		(4,235)	1,411	-	1,411	1,461
Net gain from the disposal of assets				-		-	
<b>Total Income</b>	<b>34,466</b>	<b>166</b>	<b>(4,728)</b>	<b>29,904</b>	<b>(2)</b>	<b>29,902</b>	<b>23,932</b>
<b>Expense</b>							
Employee costs	4,848			4,848		4,848	4,683
Borrowing Costs	2,389			2,389		2,389	1,214
Materials & Contracts	9,647	444	405	10,496	8	10,504	3,077
Depreciation	9,209			9,209		9,209	6,907
Legal Costs				-		-	
Consultants	141			141		141	12
Other Expenses	2,327			2,327	-	2,327	1,330
Net Loss from Disposal of Assets				-		-	
<b>Total Expenses</b>	<b>28,561</b>	<b>444</b>	<b>405</b>	<b>29,410</b>	<b>8</b>	<b>29,418</b>	<b>17,223</b>
<b>Net Operating Result</b>	<b>5,905</b>	<b>(278)</b>	<b>(5,133)</b>	<b>494</b>	<b>(10)</b>	<b>484</b>	<b>6,709</b>
<b>Net Operating Result before capital items</b>	<b>5,905</b>	<b>(278)</b>	<b>(5,133)</b>	<b>494</b>	<b>(10)</b>	<b>484</b>	<b>6,674</b>

**Funding Statement - Sewer Fund - Source & Application of Funds**

	Original Budget (000's)				Recommended changes for Council Resolution (000's)	Projected year end result (000's)
		Sep Review (000's) *	Dec Review (000's)	Revised Budget (000's)		
Operating Result (Income Statement)	5,905	(278)	(5,133)	494	(10)	484
<b>Add Back non-funded items:</b>						
Depreciation	9,209	-	-	9,209	-	9,209
<b>Add non-operating funding sources</b>						
Transfers from Externally Restricted Cash	5,335	360	270	5,965	13	5,978
Transfers from Internally Restricted Cash	8,548	(659)	(839)	7,050	39	7,089
Proceeds from sale of assets				-		-
Loan Funds Utilised				-	-	-
Repayments from Deferred Debtors				-		-
<b>Funds Available</b>	<b>28,997</b>	<b>(577)</b>	<b>(5,702)</b>	<b>22,718</b>	<b>42</b>	<b>22,760</b>
<b>Funds were applied to:</b>						
Purchase and construction of assets	14,433	(3,149)	(1,009)	10,275	42	10,317
Repayment of principal on loans	3,049			3,049		3,049
Transfers to Externally Restricted Cash	5,646			5,646		5,646
Transfers to Internally Restricted Cash	5,869	2,572	(4,693)	3,748	-	3,748
Internal charges				-		-
<b>Funds Used</b>	<b>28,997</b>	<b>(577)</b>	<b>(5,702)</b>	<b>22,718</b>	<b>42</b>	<b>22,760</b>
<b>Increase/(Decrease) in Available Working Capital</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**Income and Expense- Water Fund Budget Review Statement for the quarter ended 31 March 2015**

	Original Budget (000's)				Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
		Sep Review (000's)	Dec Review (000's)	Revised Budget (000's)			
<b>Income</b>							
Rates and Annual Charges	4,832			4,832		4,832	3,476
User Charges and Fees	19,163		45	19,208	-	19,208	14,304
Interest and Investment Revenue	1,635	(267)	(157)	1,211	-	1,211	738
Other Revenues	243			243		243	279
Grants & Contributions - Operating	386		-	386	-	386	377
Grants and Contributions - Capital				-		-	
- Contributions (S64/S94)	13,798		(10,348)	3,450	-	3,450	2,815
Net gain from the disposal of assets				-		-	
<b>Total Income</b>	<b>40,057</b>	<b>(267)</b>	<b>(10,460)</b>	<b>29,330</b>	<b>-</b>	<b>29,330</b>	<b>21,989</b>
<b>Expense</b>							
Employee costs	3,543			3,543		3,543	3,117
Borrowing Costs	4,609			4,609		4,609	3,455
Materials & Contracts	10,670	70	(451)	10,289	(10)	10,279	3,021
Depreciation	6,844			6,844		6,844	5,133
Legal Costs				-		-	
Consultants	223			223		223	65
Other Expenses	1,920			1,920		1,920	706
Net Loss from Disposal of Assets				-		-	
<b>Total Expenses</b>	<b>27,809</b>	<b>70</b>	<b>(451)</b>	<b>27,428</b>	<b>(10)</b>	<b>27,418</b>	<b>15,497</b>
<b>Net Operating Result</b>	<b>12,248</b>	<b>(337)</b>	<b>(10,009)</b>	<b>1,902</b>	<b>10</b>	<b>1,912</b>	<b>6,492</b>
<b>Net Operating Result before capital items</b>	<b>12,248</b>	<b>(337)</b>	<b>(10,009)</b>	<b>1,902</b>	<b>10</b>	<b>1,912</b>	<b>6,492</b>

**Funding Statement - Water Fund - Source & Application of Funds**

	Original Budget (000's)				Recommended changes for Council Resolution (000's)	Projected year end result (000's)
		Sep Review (000's) *	Dec Review (000's)	Revised Budget (000's)		
Operating Result (Income Statement)	12,248	(337)	(10,009)	1,902	10	1,912
<b>Add Back non-funded items:</b>						
Depreciation	6,844	-	-	6,844	-	6,844
<b>Add non-operating funding sources</b>						
Transfers from Externally Restricted Cash	6,507	(1,743)	5	4,769	-	4,769
Transfers from Internally Restricted Cash	3,666	772	(995)	3,443	28	3,471
Proceeds from sale of assets				-		-
Loan Funds Utilised				-	-	-
Repayments from Deferred Debtors				-		-
<b>Funds Available</b>	29,265	(1,308)	(10,999)	16,958	38	16,996
<b>Funds were applied to:</b>						
Purchase and construction of assets	5,699	(1,018)	(960)	3,721	38	3,759
Repayment of principal on loans	1,185			1,185		1,185
Transfers to Externally Restricted Cash	13,798			13,798		13,798
Transfers to Internally Restricted Cash	8,583	(290)	(10,039)	(1,746)	-	(1,746)
Internal charges				-		-
<b>Funds Used</b>	29,265	(1,308)	(10,999)	16,958	38	16,996
<b>Increase/(Decrease) in Available Working Capital</b>	-	-	-	-	-	-

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 31 March 2015 and should be read in conjunction with other documents in the QBRS.



**Capital Budget Review Statement - Consolidated - for the quarter ended 31 March 2015**

	Original Budget (000's)				Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
		Sep Review (000's) *	Dec Review (000's)	Revised Budget (000's)			
<b>Capital Funding **</b>							
Rates and other untied funding	16,654	(209)	352	16,797		16,797	3,144
Capital Grants & Contributions	4,378		180	4,558	6,355	10,913	3,972
Internal Restrictions (Reserves)	18,723	3,041	(1,969)	19,795	2,180	21,975	9,320
External Restrictions							
- s64 & s94 funds	11,555	3,204		14,759		14,759	7,639
Other Capital Funding Sources							
- loans	6,576	8,852		15,428		15,428	5,615
Income from sale of assets							
- plant and equipment	2,545			2,545		2,545	926
- Land,Buildings,Furniture,Fittings							
<b>Total Capital Funding</b>	<b>60,431</b>	<b>14,888</b>	<b>(1,437)</b>	<b>73,882</b>	<b>8,535</b>	<b>82,417</b>	<b>30,616</b>
<b>Capital Expenditure</b>							
<u>New Assets</u>							
- Plant and Equipment		200		200		200	148
- Land,Buildings,Furniture,Fittings	7,100	3,062	60	10,222		10,222	5,588
- Roads, Bridges, Footpaths	451	364	270	1,085	5	1,090	1,061
- Drainage							
- Water & Sewer Infrastructure	4,778			4,778		4,778	2,214
- Other	8,875	4,686	174	13,735	4,200	17,935	2,088
<u>Renewals (Replacement)</u>							
- Plant and Equipment	5,506			5,506		5,506	2,748
- Land,Buildings,Furniture,Fittings	100	230		330		330	64
- Roads, Bridges, Footpaths	6,066	5,876	28	11,970		11,970	3,911
- Drainage	210	620		830		830	74
- Water & Sewer Infrastructure	6,968	(1,023)	(1,969)	3,976	80	4,056	1,509
- Other		2		2		2	364
<u>Upgrades</u>							
- Plant and Equipment							
- Land,Buildings,Furniture,Fittings		2		2		2	145
- Roads, Bridges, Footpaths	3,566	2,786		6,352	4,250	10,602	2,669
- Drainage	890	989		1,879		1,879	546
- Water & Sewer Infrastructure	8,207	(3,145)		5,062		5,062	1,443
- Other		239		239		239	380
Loan Repayments (principal)	7,714			7,714		7,714	5,664
<b>Total Capital Expenditure</b>	<b>60,431</b>	<b>14,888</b>	<b>(1,437)</b>	<b>73,882</b>	<b>8,535</b>	<b>82,417</b>	<b>30,616</b>

\* Includes Carried Forward Works revotes

\*\* Note, figures in the Actual YTD column of capital funding are estimates only.

Detailed calculations of funding results are performed annually.

**Capital Budget Review Statement - General Fund - for the quarter ended 31 March 2015**

Original Budget (000's)				Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
	Sep Review (000's) *	Dec Review (000's)	Revised Budget (000's)			

**Capital Funding \*\***

Rates and other untied funding	11,870	70	352	12,292		12,292	3,208
Capital Grants & Contributions	4,378		180	4,558	6,355	10,913	3,972
Internal Restrictions (Reserves)	8,175	6,272		14,447	2,100	16,547	6,023
External Restrictions							
- s64 & s94 funds	2,200	3,862		6,062		6,062	2,206
Other Capital Funding Sources							
- loans	6,576	8,852		15,428		15,428	5,615
Income from sale of assets							
- plant and equipment	2,545			2,545		2,545	926
- Land,Buildings,Furniture,Fittings							
<b>Total Capital Funding</b>	<b>35,744</b>	<b>19,056</b>	<b>532</b>	<b>55,332</b>	<b>8,455</b>	<b>63,787</b>	<b>21,950</b>

**Capital Expenditure**

New Assets

- Plant and Equipment		200		200		200	148
- Land,Buildings,Furniture,Fittings	6,600	3,062	60	9,722		9,722	5,585
- Roads, Bridges, Footpaths	451	364	270	1,085	5	1,090	1,061
- Drainage							
- Other	8,875	4,686	174	13,735	4,200	17,935	2,088

Renewals (Replacement)

- Plant and Equipment	5,506			5,506		5,506	2,748
- Land,Buildings,Furniture,Fittings	100	230		330		330	64
- Roads, Bridges, Footpaths	6,066	5,876	28	11,970		11,970	3,911
- Drainage	210	620		830		830	74
- Other		2		2		2	364

Upgrades

- Plant and Equipment							
- Land,Buildings,Furniture,Fittings		2		2		2	145
- Roads, Bridges, Footpaths	3,566	2,786		6,352	4,250	10,602	2,669
- Drainage	890	989		1,879		1,879	546
- Other		239		239		239	380

Loan Repayments (principal)	3,480			3,480		3,480	2,167
<b>Total Capital Expenditure</b>	<b>35,744</b>	<b>19,056</b>	<b>532</b>	<b>55,332</b>	<b>8,455</b>	<b>63,787</b>	<b>21,950</b>

\* Includes Carried Forward Works revotes

\*\* Note, figures in the Actual YTD column of capital funding are estimates only.

Detailed calculations of funding results are performed annually.

**Capital Budget Review Statement - Sewer Fund - for the quarter ended 31 March 2015**

	Original Budget (000's)				Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
		Sep Review (000's)	Dec Review (000's)	Revised Budget (000's)			
<b>Capital Funding **</b>							
Rates and other untied funding	3,599	(279)		3,320		3,320	168
Capital Grants & Contributions							
Internal Restrictions (Reserves)	8,548	(3,231)	(1,009)	4,308	42	4,350	2,699
External Restrictions							
- s64 & s94 funds	5,335	360		5,695		5,695	3,534
Other Capital Funding Sources							
- loans							
Income from sale of assets							
- plant and equipment							
- Land,Buildings,Furniture,Fittings							
<b>Total Capital Funding</b>	<b>17,482</b>	<b>(3,150)</b>	<b>(1,009)</b>	<b>13,323</b>	<b>42</b>	<b>13,365</b>	<b>6,401</b>
<b>Capital Expenditure</b>							
<u>New Assets</u>							
- Plant and Equipment							
- Land,Buildings,Furniture,Fittings							
- Water & Sewer Infrastructure	4,023	(644)		3,379		3,379	1,076
- Other							
<u>Renewals (Replacement)</u>							
- Plant and Equipment							
- Land,Buildings,Furniture,Fittings							
- Water & Sewer Infrastructure	3,783	(941)	(1,009)	1,833	42	1,875	1,300
- Other							
<u>Upgrades</u>							
- Plant and Equipment							
- Land,Buildings,Furniture,Fittings							
- Water & Sewer Infrastructure	6,627	(1,565)		5,062		5,062	1,409
- Other							
Loan Repayments (principal)	3,049			3,049		3,049	2,616
<b>Total Capital Expenditure</b>	<b>17,482</b>	<b>(3,150)</b>	<b>(1,009)</b>	<b>13,323</b>	<b>42</b>	<b>13,365</b>	<b>6,401</b>

\*\* Note, figures in the Actual YTD column of capital funding are estimates only.  
Detailed calculations of funding results are performed annually.

**Capital Budget Review Statement - Water Fund - for the quarter ended 31 March 2015**

Original Budget (000's)				Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
	Sep Review (000's)	Dec Review (000's)	Revised Budget (000's)			

**Capital Funding \*\***

Rates and other untied funding	1,185			1,185		1,185	(232)
Capital Grants & Contributions							
Internal Restrictions (Reserves)	2,000		(960)	1,040	38	1,078	598
External Restrictions							
- s64 & s94 funds	4,020	(1,018)		3,002		3,002	1,899
Other Capital Funding Sources							
- loans							
Income from sale of assets							
- plant and equipment							
- Land,Buildings,Furniture,Fittings							
<b>Total Capital Funding</b>	<b>7,205</b>	<b>(1,018)</b>	<b>(960)</b>	<b>5,227</b>	<b>38</b>	<b>5,265</b>	<b>2,265</b>

**Capital Expenditure**

New Assets

- Plant and Equipment							
- Land,Buildings,Furniture,Fittings	500			500		500	3
- Water & Sewer Infrastructure	755	644		1,399		1,399	1,138
- Other							

Renewals (Replacement)

- Plant and Equipment							
- Land,Buildings,Furniture,Fittings							
- Water & Sewer Infrastructure	3,185	(82)	(960)	2,143	38	2,181	209
- Other							

Upgrades

- Plant and Equipment							
- Land,Buildings,Furniture,Fittings							
- Water & Sewer Infrastructure	1,580	(1,580)					34
- Other							
Loan Repayments (principal)	1,185			1,185		1,185	881
<b>Total Capital Expenditure</b>	<b>7,205</b>	<b>(1,018)</b>	<b>(960)</b>	<b>5,227</b>	<b>38</b>	<b>5,265</b>	<b>2,265</b>

\*\* Note, figures in the Actual YTD column of capital funding are estimates only.

Detailed calculations of funding results are performed annually.

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 31 March 2015 and should be read in conjunction with other documents in the QBRs.

Cash and Investments Budget Review Statement for the quarter ended 31 March 2015

	Original Budget (000's)	Approved Changes			Revised Budget (000's)	Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual * YTD (000's)
		Roll-Overs (000's)	Sep Review (000's)	Dec Review (000's)				
<b>Unrestricted</b>	5,539				5,539		5,539	5,705
<b>Externally restricted</b>								
RTA Contributions	347				347		347	347
Developer contributions	22,016				22,016		22,016	27,242
Domestic waste management	7,300				7,300	(1,050)	6,250	7,300
Special Rates	214				214		214	222
Special purpose grants	2,764				2,764		2,764	2,764
Water Supplies	31,533			(10,348)	21,185		21,185	33,012
Sewerage Services	53,510			(4,235)	49,275		49,275	61,608
Other	21,443				21,443		21,443	21,443
<b>Total Externally restricted</b>	139,127	0	0	(14,583)	124,544	(1,050)	123,494	153,938
<b>Internally restricted</b>								
Employee Leave entitlements	10,291				10,291		10,291	10,291
Unexpended loans	9,436				9,436		9,436	9,000
Unexpended grants	2,753				2,753		2,753	2,000
7 Year Plan	3,094				3,094		3,094	2,000
Works Carried Forward	11,777				11,777	100	11,877	10,000
Replacement of Plant and Vehicles	3,039				3,039		3,039	3,039
Non-Domestic waste management	4,311				4,311	(1,050)	3,261	4,311
Asset renewals	2,034				2,034		2,034	2,034
Other	5,781				5,781		5,781	5,781
<b>Total Internally restricted</b>	52,516	0	0	0	52,516	(950)	51,566	48,456
<b>Total Restricted</b>	191,643	0	0	(14,583)	177,060	(2,000)	175,060	202,394
<b>Total cash and investments</b>	197,182	0	0	(14,583)	182,599	(2,000)	180,599	208,099
<b>Available cash</b>	5,539	0	0	0	5,539	0	5,539	5,705

\* Note: figures in the Actual YTD are estimates only. Detailed calculations of funding results and cash restrictions are performed annually.

**Notes:**

The available cash position excludes restricted funds. External restrictions are funds that must be spent for a specific purpose and cannot be used by council for general operations. Internal restrictions are funds that council has determined will be used for a specific purpose.

### Statement of compliance with investment policy:

Council's investments have been made in accordance with Council's investment policies.

### Reconciliation of restricted funds with current investment report:

	<b>(000's)</b>
Total restricted funds	202,394
Total invested funds as per March Investment Report	207,755
Note: some restricted funds are held as cash as they will be utilised in the current period.	

### Statement of bank reconciliation:

Cash has been reconciled with the bank statement. The last bank reconciliation was completed to 16 April 2015.

### Reconciliation of cash and investments:

	<b>(000's)</b>
Cash and investments as per above	208,099
<b>Cash on hand and at bank</b>	344
<b>Investments</b>	<u>207,755</u>
	208,099

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 31 March 2015 and should be read in conjunction with other documents in the QBRS.

### Key Performance Indicators Budget Review Statement for the quarter ended 31 March 2015

Note that KPIs will be distorted by the short reporting period (3 months), and by the fact that detailed calculations are only prepared on an annual basis.

These ratios should therefore be viewed with caution.

	Amounts	Indicator
<b>1. Unrestricted Current Ratio</b>		
	<b>(000's)</b>	
<u>Current assets less all external restrictions</u>	<u>75,020</u>	5.5:1
Current liabilities	13,530	
Target:		2:1

### Purpose:

To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

### Comment:

Higher than it would be for the annual calculation, as expenditure throughout the year will run down cash and receivables.

	Amounts	Indicator
<b>2. Debt Service Ratio</b>		
	(000's)	
Debt Service Cost	14,105	12.59%
Selected operating income	112,072	
Target:		15%

**Purpose:**

To assess the impact of loan principal and interest repayments on the discretionary revenue of Council.

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 31 March 2015 and should be read in conjunction with other documents in the QBRS.

**Budget Review Contracts and Other Expenses for the quarter ended 31 March 2015**

PART A-Contracts Listing		Contract value	Commencement	Duration of	Budgeted
Contractor	Contract detail & purpose	\$	date	contract	(Y/N)
Reline Solutions Pty Ltd	EC2014-142 Sewer Gravity Mains Rehabilitation	\$717,432.45	02/02/2015	26 Weeks	Y
Desire Contractors Pty Ltd	EC2014-181 Jim Devine Soccer Changerooms	\$238,516.65	27/01/2015	10 Weeks	Y

PART B - Consultancy and Legal expenses		Expenditure	Budgeted
Expense		YTD \$	(Y/N)
Consultancies		347,581	Y
Legal expenses		445,317	Y

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 31 March 2015 and should be read in conjunction with other documents in the QBRS.

**Statutory Statement – Local Government (General) Regulations 2005  
(Sections 202 & 203) by “Responsible Accounting Officer”**

**202 Responsible accounting officer to maintain system for budgetary control**

*The responsible accounting officer of a council must:*

- (a) establish and maintain a system of budgetary control that will enable the council’s actual income and expenditure to be monitored each month and to be compared with the estimate of the council’s income and expenditure, and*
- (b) if any instance arises where the actual income or expenditure of the council is materially different from its estimated income or expenditure, report the instance to the next meeting of the council.*

**203 Budget review statements and revision of estimates**

- (1) Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the Statement of the council’s revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.*
- (2) A budget review statement must include or be accompanied by:
  - (a) a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and*
  - (b) if that position is unsatisfactory, recommendations for remedial action.**
- (3) A budget review statement must also include any information required by the Code to be included in such a statement.*

**Statutory Statement**

It is my opinion that the Quarterly Budget Review Statement for Tweed Shire Council for the quarter ended 31/3/2015 indicates that Council’s projected financial position at 30/6/2015 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.



M A Chorlton 21/04/2015  
“Responsible Accounting Officer”  
Manager Financial Services  
Tweed Shire Council

**OPTIONS:**

Not Applicable

**CONCLUSION:**

Refer to Statutory Statement above.



**COUNCIL IMPLICATIONS:**

**a. Policy:**

Not Applicable

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

As detailed in the report.

**c. Legal:**

Not Applicable

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**28 [CS-CM] Corporate Quarterly Report - 1 January to 31 March 2015**

**SUBMITTED BY: Corporate Governance**

Valid



## **Civic Leadership**

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

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

### **SUMMARY OF REPORT:**

The Corporate Quarterly Report for the period 1 January to 31 March 2015 is presented to Council for consideration.

This report and accompanying attachments detail the progress of the 2014/2015 Operational Plan activities up to 31 March 2015.

### **RECOMMENDATION:**

**That Council endorses the Corporate Quarterly Performance Report as at 31 March 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.

Some highlights for the quarter 1 January to 31 March 2015 are as follows:

Item	Description
<b>S1.5.2.1</b>	<b>Development Planning and Assessment</b>
	Average time to determine development applications is 67 days with all section 149 Certificates delivered within 5 days.
<b>S2.3.6.4</b>	<b>Swimming Centres</b>
	The cost recovery of expenditure increased to 69%.
<b>S4.2.1.2</b>	<b>Pest Management</b>
	Area of Council bushland actively managed for vertebrate pest species has increased to 530 hectares.
<b>S4.4.1.1</b>	<b>Coastal Management</b>
	Area of public coastal dune actively management increased to 145 hectares.
<b>S4.5.1.1</b>	<b>Sustainable Agriculture</b>
	Area of agriculture land under improved sustainable management practices increased to 105 hectares.
<b>CP2.3.2.46</b>	<b>Water Mains: Minstral Road South Murwillumbah - upgrade</b>
	Upgrade works complete
<b>CP2.3.3.46</b>	<b>SPS 5004 Tamarind Avenue</b>
	Upgrade works complete
<b>CP2.3.3.62</b>	<b>Sewerage Pumping Stations: 3031 Falcon Way Tweed Heads South - mechanical electrical telemetry upgrade</b>
	Following investigation it was established existing pumps were suitable for the proposed new duty.
<b>CP2.3.5.1</b>	<b>Stormwater drainage rehabilitation</b>
	Corrugated steel culverts in Greenvale Court, Burringbar relined in quarter.
<b>CP2.3.5.18</b>	<b>Stafford Street</b>
	Project completed

Item	Description
<b>CP2.4.3.23</b>	<b>Gravel resheeting</b>
	Upgrade and seal of section of Milsoms Lane completed under Residents Bitumen Contribution scheme. 4.2km of rural unsealed roads resheeted.
<b>CP2.4.3.27</b>	<b>Tweed Terrace</b>
	Project completed.
<b>CP2.4.3.28</b>	<b>Viking Street</b>
	Project completed.
<b>CP2.4.3.29</b>	<b>Wommin Lake Crescent</b>
	Project completed.
<b>CP2.4.3.30</b>	<b>Banksia Avenue</b>
	Project completed.
<b>CP2.4.3.33</b>	<b>Hill 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 third 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:**

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. Corporate Quarterly Performance Report for the period  
1 January to 31 March 2015 (ECM 3664229)

29 [CS-CM] Mayor and Councillors Annual Fees 2015/2016

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 Local Government Remuneration Tribunal has made a determination under Section 241 of the Local Government Act 1993 in relation to fees payable to mayors and councillors for the 2015/2016 financial period.

The Tribunal has determined that an increase of 2.5 per cent in the minimum and maximum fee for the mayoral office and councillors is applicable for the 2015/2016 financial period.

Therefore Council needs to determine the fees payable for the 2015/2016 period.

### RECOMMENDATION:

That:

1. The fees payable for the Mayor and Councillors for the 2015/2016 financial period be the maximum fees payable to members of a Regional Rural category council as determined by the Local Government Remuneration Tribunal, being:

Mayor	\$40,090
Councillors	\$18,380

2. Councillors choosing not to accept an increase from the 2015/2016 fees payable can elect to return their additional amount to Council's general revenue account number A0007.3318 which has been established in Council's chart of accounts for this purpose.

**REPORT:**

The Local Government Remuneration Tribunal has made a determination under Section 241 of the Local Government Act 1993 in relation to fees payable to mayors and councillors for the 2015/2016 financial period.

The Tribunal has determined that an increase of 2.5 per cent in the minimum and maximum fee for the mayoral office and councillors is applicable for the 2015/2016 financial period.

In making this determination the Tribunal has not made any changes to the existing council categories, with Tweed Shire being one of the 32 councils within the Country Rural/Regional Rural category.

In accordance with Section 241 of the Local Government Act 1993, the Tribunal has determined minimum and maximum annual fees within each category and for the Country Rural/Regional Rural category as follows:

	2014/2015		2015/2016	
	Minimum	Maximum	Minimum	Maximum
<b>Councillor</b>	\$8,130	\$17,930	\$8,330	\$18,380
<b>Mayor*</b>	\$17,310	\$39,110	\$17,740	\$40,090

*\* It is noted that the Mayoral fee is payable in addition to fee paid to the mayor as a Councillor in accordance with Section 249(2) of the Local Government Act 1993.*

The fees payable during 2014/2015 were resolved to be the maximum fees for Councillors of \$17,930 and the Mayor of \$39,110. Council further resolved that should any councillor not wish to accept an increase from the previous year's fees that they could elect to return that additional amount to be receipted to an appropriate job number.

Therefore Council needs to determine the fees payable for the 2015/2016 period.

**OPTIONS:**

Council can determine the fees applicable across the range of the minimum to the maximum for the Country Rural/Regional Rural category.

**CONCLUSION:**

That Council determines the applicable fees payable to the Mayor and Councillors for the 2015/2016 period.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable  
Local Government Act 1993 Section 241

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

Due allowance is made within the budget for the annual fee payments to Councillors.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.

Local Government Remuneration Tribunal Annual Report and determination of 13 April 2015 (ECM 3662370).

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**30 [CS-CM] Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy Version 1.9**

**SUBMITTED BY: Corporate Governance**

Valid



## **Civic Leadership**

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

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

### **SUMMARY OF REPORT:**

Council considered a report on the review of this Policy at the Council Meeting held on 19 March 2015 where it was resolved that the Policy would be placed on public exhibition and inviting public submissions.

The public exhibition period has closed with any public submissions able to be submitted by 12 May 2015. At the time of preparing this report, no submissions have been received and if any are subsequently submitted they will be provided at the May Council Meeting.

### **RECOMMENDATION:**

**That the Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy Version 1.9 be adopted.**



## **REPORT:**

A review of the Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy was submitted to the Council Meeting of 19 March 2015, with the following areas of the Policy receiving greater clarity:

- Attendance at seminars, conferences, training and education courses in the northern rivers and adjacent local government areas and the need to seek authorisation for travel to these areas,
- Travel outside the Tweed Shire Local Government area for attendance at committee and other associated meetings,
- Spouse and partner expenses.

The Policy was placed on public exhibition during the period 31 March to 28 April 2015 with the receipt of any submissions closing on 12 May 2015. At the time of preparing this report, no submissions have been received and if any are subsequently submitted they will be provided at the May Council Meeting.

Therefore it is timely that the Policy be adopted by Council to enable its effective operation.

## **OPTIONS:**

1. Adopt the revised Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy Version 1.9.
2. Do not adopt the revised Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy Version 1.9 and make further amendments.

## **CONCLUSION:**

To enable the effective operation of this Policy it is timely that it be adopted.

## **COUNCIL IMPLICATIONS:**

### **a. Policy:**

Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors v1.9.

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

Expenditure is allowed within the budget for expenses incurred under this Policy.

### **c. Legal:**

Not Applicable.

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

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.                      Councillors - Payment of Expenses and Provision of Facilities  
for Mayor and Councillors Policy Version 1.9 (ECM 3603152).

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**31 [CS-CM] Fees and Charges for Small Businesses**

**SUBMITTED BY: Financial Services**

Valid



## Civic Leadership

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### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### SUMMARY OF REPORT:

At Council's meeting of 16 April 2015, it was resolved:

*"that Council bring forward a report that includes the management comments and information that was circulated to Councillors on 16 April 2015, in regards to the typical annual fees for small businesses."*

The information requested is now contained within this report for Councillors information.

### RECOMMENDATION:

**That the report on fees and charges for small businesses be received and noted.**

## REPORT:

Council's Fees and Charges document, which forms part of the Revenue Policy, is exhibited and adopted annually as part of the Integrated Planning and Reporting process.

In 2013/14 Council collected \$33.79m in User Charges and Fees (excluding Caravan Parks) as follows:

<i>Specific User Charges</i> Domestic Waste Management Services ( <i>does not apply to small businesses</i> ) Water Supply Services Sewerage Services Waste Management Services	\$25.23m
<i>Statutory fees controlled by the State Government:-</i> Building Town Planning Health Approvals S603 Certificates Animal Control	\$2.9m
<i>Other Fees and Charges</i> Cemeteries Pools Sewer/Drainage Tweed Laboratory Water connections Art Galley sales On Site sewerage management	\$5.66m

It is not possible to collate fees charged to small businesses as most fees and charges are specific amounts regarding a form of service/usage and that they don't necessarily distinguish between the size of the business or the beneficiary.

In recent years Council has rationalised the fees and charges document from around 100 pages down to 64 pages for the current 2014/15 version.

It is also worth noting Council's recent communication with the Minister for Local Government requesting a review of the regulated fee arrangement effecting NSW Councils.

Many statutory fees have not changed since 2000 and this Council has strongly been advocating to the Government that fees at a minimum should be indexed. The Local Government's Fit for the Future Reform Agenda also encourages Council to make use of fees and charges under the user pays principle. Background information relating to Council's advocacy to have fees and charges reviewed is detailed below:

### **Fit for the Future - Regulated Fees**

Tweed Shire Council supports the government's attempts to improve the financial and asset sustainability of NSW communities through the Fit for the Future reforms. Whilst these reforms will guide Councils in reviewing their asset costs and assumptions as well as their

operating results, expenditures whether operational or capital are only one half of the equation.

Whilst it is acknowledged that discussions are ongoing in relation to any future rate-pegging framework through the review of the Local Government Act, regulated fees also play a substantial role in local government's revenue base.

In 2013/14 Council received \$8.577m from fees of which \$2.918m or 34% were regulated by the State Government. In some instances these fees have not been reviewed since 2000.

By way of example, the development assessment processes in the Tweed Shire has been as follows:-

	2003/04	2008/09	2013/14
No. of applications	609	390	803
Income	\$1,188,517	\$792,751	\$1,156,245
Expenditure	\$1,660,413	\$3,153,317	\$3,068,186
Net Cost	\$471,896	\$2,360,566	\$1,911,941

Income levels ten years apart have remained static whilst expenditure has increased 85%. This equates to the development assessment process being subsidised by the rate payer at almost 4% ordinary rates per annum, not a glowing endorsement of a user pay system.

In more recent times, further fee regulation has been imposed upon local government through pool fencing inspection programs.

Whilst Council will make every attempt to match service/asset levels with community expectations, this process is being hampered by the increasing costs of regulatory functions and Councils inability to control fee setting.

Council would request that all regulated fees are reflective of the services being offered and reviewed at more timely intervals.

Below are some examples of typical small businesses in the Shire. The fees are very few and simplified due to rationalisation undertaken last year.

### Average Annual Fees Charged to Small Businesses

Example Business	Building & Environmental Health	Water Unit ^
Cafe which serves hot food and non alcoholic beverages	\$530.00 \$250 annual administration fee & two inspections @ \$140 each */**	\$145.00 Annual Trade Waste Category 2 Charges
Restaurant that serves a range of food and also has alcohol license	\$530.00 \$250 annual administration fee & two inspections @ \$140 each */**/**	\$145.00 Annual Trade Waste Category 2 Charges
Retail shop (such as clothes, jewellery, toys, cards, music, paint, etc)	Nil	Nil
Mechanic/ panel beater workshop	Nil	\$101.00 Annual Trade Waste Category 1B

Example Business	Building & Environmental Health	Water Unit ^	
		Charges	Category
Small fabrication workshop (such as steel, wood, fibreglass surf boards etc)	Nil	Nil <sup>^</sup>	1B <sup>^</sup>
Large retail outlet such as a Harvey Norman	Nil	Nil	
Mobile Food / Coffee Van	\$390- \$530	\$250 annual administration fee & one or two inspections @ \$140 each dependent upon risk rating (i.e. beverage only = one inspection food preparation = two inspections) */***	Nil
Tattooist/ Body Piercing	\$140.00	Annual registration & inspection	Nil
Hairdresser	Nil	Nil	Nil

\* Number of inspections is based on risk rating determined by Food Authority Regime.

\*\* Alcohol licensing is a State Government responsibility and fee.

\*\*\* The number of inspections may be reduced if a business demonstrates good food safety practices over an 18 month period.

**Note:** Maximum statutory Annual Administration fee allowed is \$390 for 5 or less equivalent food handlers. TSC charge \$250.

Maximum statutory Inspection fee allowed is \$250/hour (set in 2010), excluding travel time with annual CPI increments permitted.

Statutory provisions do not permit the charging of an Administration fee if no inspection is conducted annually.

<sup>^</sup> Trade Waste charges occur where a pre-treatment device is installed prior to discharge to Council's sewerage system.

#### OPTIONS:

Not Applicable.

#### CONCLUSION:

That the report on fees and charges for small businesses be received and noted.

#### COUNCIL IMPLICATIONS:

##### a. Policy:

Corporate Policy Not Applicable

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

Not Applicable.

##### c. Legal:

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## 32 [CS-CM] Ethical Investments

**SUBMITTED BY: Financial Services**

Valid



### Civic Leadership

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

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

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#### SUMMARY OF REPORT:

There has been several Notices of Motion and Questions on Notice related to Council's Investment Policy with regard to 'ethical investments' during this term of Council. In recent months some councils and churches have resolved to either use positive screening strategies for their investments or utilise websites to assist with their investment decisions.

The legislative and fiduciary responsibilities of Council and the constraints and difficulties in providing for targeted social/environmental investing are included within the body of this report.

Outlined below are options that Council may wish to consider that:

- are practical and protect Council's underlying capital as per our investment policy;
- use a source that is accredited and recognised within the industry; and
- provide an open, transparent and positive strategy for ethical investments

#### Option 1

Due to the difficulty in defining 'ethical investing' and sourcing specific local government ethical investment advice, Council does not amend the Investment Policy to favour ethical investing.

#### Option 2

Council initially adopts, for the purposes of reporting and due to lack of other impartial/accredited advice, the charter and credentials of Australian Ethical and highlights within the monthly investment report those investments that are acknowledged by Australian Ethical as worthy ethical investments.



Option 3

- a) Council Officers utilise a positive screening approach for indirect divestments, and due to a lack of other impartial/accredited advice, make use of the charter and credentials of Australian Ethical as the source of advice and
- b) Prioritise investments in non-fossil fuel aligned Authorised Deposit-taking Institutions if the investment transaction is compliant with Council's Investment Policy and the rate of investment is no worse than other investments available to Council at the time.

**RECOMMENDATION:**

**That Council highlights within the Monthly Investment Report those investments that are acknowledged by Australian Ethical as worthy ethical investments.**

## REPORT:

There has been several Notices of Motion and Questions on Notice related to Council's investment policy with regards to 'ethical investments' during this term of Council. In recent months some councils and churches have resolved to either use positive screening strategies for their investments or utilise websites to assist with their investment decisions.

This report provides an analysis of those strategies and provides options that Council may wish to consider that are practical, protect Council's underlying capital as per our investment policy and that use a source that is credited and recognised within the industry whilst providing an open, transparent and positive strategy for ethical investments.

### 1. Legislative and fiduciary responsibility

Council and Council Officers must have regard to several legislative and policy requirements in regard to investments. These include:

#### Legislative responsibility

##### **Section 625 How May Councils Invest?**

- (1) A council may invest money that is not, for the time being, required by the council for any other purpose.
- (2) Money may be invested only in a form of investment notified by order of the Minister published in the Gazette. \*
- (3) An order of the Minister notifying a form of investment for the purposes of this section must not be made without the approval of the Treasurer.
- (4) The acquisition, in accordance with section 358, of a controlling interest in a corporation is not an investment for the purposes of this section.

\*Refer overleaf Ministerial Order

Ministerial order

**LOCAL GOVERNMENT ACT 1993 – INVESTMENT ORDER**

(Relating to investments by councils)

I, the Hon. Barbara Perry MP, Minister for Local Government, in pursuance of section 625(2) of the *Local Government Act 1993* and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council or county council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- (a) any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- (b) any debentures or securities issued by a council (within the meaning of the *Local Government Act 1993* (NSW));
- (c) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the *Banking Act 1959* (Cwth)), but excluding subordinated debt obligations;
- (d) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- (e) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation;

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

Transitional Arrangements

- (i) Subject to paragraph (ii) nothing in this Order affects any investment made before the date of this Order which was made in compliance with the previous Ministerial Orders, and such investments are taken to be in compliance with this Order.
- (ii) Paragraph (i) only applies to those investments made before the date of this Order and does not apply to any restructuring or switching of investments or any re-investment of proceeds received on disposal or maturity of such investments, which for the avoidance of doubt must comply with this Order.

Key Considerations

An investment is not in a form of investment notified by this order unless it also complies with an investment policy of council adopted by a resolution of council.

All councils should by resolution adopt an investment policy that is consistent with this Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet, from time to time.

The General Manager, or any other staff member, with delegated authority by a council to invest funds on behalf of a council must do so in accordance with the council's adopted investment policy.

Councils have a fiduciary responsibility when investing. Councils should exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

When exercising the power of investment councils should consider, but not be limited by, the risk of capital or income loss or depreciation, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, the likelihood of inflation affecting the value of the proposed investment and the costs (including commissions, fees, charges and duties payable) of making the proposed investment.

Dated this 12<sup>th</sup> day of January 2011

  
Hon BARBARA PERRY MP  
Minister for Local Government

Fiduciary Duty

**The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14a (2), 14c (1) and (2)**

**14a (2) Duties of trustee in respect of power of investment**

A trustee must, in exercising a power of investment:

- (a) if the trustee's profession, business or employment is or includes acting as a trustee or investing money on behalf of other persons, exercise the care, diligence and skill that a prudent person engaged in that profession, business or employment would exercise in managing the affairs of other persons, or
- (b) if the trustee is not engaged in such a profession, business or employment, exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

**14c Matters to which trustee is to have regard when exercising power of investment**

- (1) Without limiting the matters that a trustee may take into account when exercising a power of investment, a trustee must, so far as they are appropriate to the circumstances of the trust, if any, have regard to the following matters:
  - (a) the purposes of the trust and the needs and circumstances of the beneficiaries,
  - (b) the desirability of diversifying trust investments,
  - (c) the nature of, and the risk associated with, existing trust investments and other trust property,
  - (d) the need to maintain the real value of the capital or income of the trust,
  - (e) the risk of capital or income loss or depreciation,
  - (f) the potential for capital appreciation,
  - (g) the likely income return and the timing of income return,
  - (h) the length of the term of the proposed investment,
  - (i) the probable duration of the trust,
  - (j) the liquidity and marketability of the proposed investment during, and on the determination of, the term of the proposed investment,

- (k) the aggregate value of the trust estate,
  - (l) the effect of the proposed investment in relation to the tax liability of the trust,
  - (m) the likelihood of inflation affecting the value of the proposed investment or other trust property,
  - (n) the costs (including commissions, fees, charges and duties payable) of making the proposed investment,
  - (o) the results of a review of existing trust investments in accordance with section 14A (4).
- (2) A trustee may, having regard to the size and nature of the trust, do either or both of the following:
- (a) obtain and consider independent and impartial advice reasonably required for the investment of trust funds or the management of the investment from a person whom the trustee reasonably believes to be competent to give the advice,
  - (b) pay out of trust funds the reasonable costs of obtaining the advice.

Investment Policy

All Council investments must comply with Council's Investment Policy, available at <http://knowledge:1036/Policies/Investment%20Policy%20V1.8.pdf>

Major points within this policy include:

**Risk Management Guidelines**

Investments obtained are to comply with seven key criteria relating to:

- (i) **Preservation of Capital:** the requirement for preventing losses in an investment portfolio's total value, inclusive of both principal and income.
- (ii) **Diversification/Credit Risk** limits overall credit exposure of the portfolio by diversification of credit ratings.

**Overall Portfolio Credit Limits**

Long-Term Credit Ratings	Short-Term Credit Ratings	Investments Maximum
AAA	A1+	100%
AA	A1+	100%
A+	A1	60%
A	A1	60%

A-	A1	60%
BBB+	A2	20%
BBB	A2	20%
BBB-	A3	20%
Unrated	Unrated	10%

(iii) **Market Risk:** limiting the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices by restricting the amount invested in non-rated or lower rated institutions.

(iv) **Counterparty Credit Framework:** exposure to individual counterparties/institutions to remain within policy guidelines.

#### Individual Counterparty Limits

Long-Term Ratings	Credit	Short-Term Ratings	Credit	Investments Maximum
AAA		A1+		25%
AA		A1+		20%
A+		A1		15%
A		A1		15%
A-		A1		15%
BBB+		A2		10%
BBB		A2		10%
BBB-		A3		10%
Unrated		Unrated		5%

(v) **Maturity Framework:** limits the duration of any investment term.

#### Overall Portfolio Term to Maturity Limits

<b>Portfolio % &lt;=1 year</b>	100% max; 40% min
<b>Portfolio % &gt;1 &lt;=3 years</b>	60%
<b>Portfolio % &gt;3 &lt;=5 years</b>	40%

(vi) **Leveraging Risk:** the magnification of an investor's risk and return that occurs when the investor takes on financial leverage through an investment product. Leveraged investment products are prohibited by the Investment Policy.

(vii) Council will seek independent investment advice where necessary when preparing an investment policy. Advisors must have no actual or potential conflict of interest in relation to investment products being recommended. Advisors are required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to investment they recommending or reviewing. Manufacturers and distributors of investment products are excluded from acting as investment advisors to Council.

## 2. Divestment, screening strategies and constraints

There have been recent calls on Local Government to divest from financial institutions that support fossil fuel industries.

What is divestment?

### a) Divestment

There are two types of fossil fuel divestment:

- i) **Direct Divestment** - no direct investment in any company that involves fossil fuel in their core business strategy or principle business activity.

This usually refers to stocks held for resources companies and alike, and has been the main focus of many organisations that have declared their commitment to fossil fuel divestment (e.g. Dunedin City Council in New Zealand, City of San Francisco (USA), City of Seattle (USA), Australian National University, Local Government Super, The University of Sydney, Stanford University, Uniting Church of Australia, etc.). These organisations had a direct exposure via shares or bonds of companies or indirect exposure through holdings with managed funds.

Constrained by the *Local Government Act 1993*, the Ministers Investment order and the Tweed Shire Council Investment Policy, Council does not invest in direct shares of companies or invest in managed funds and therefore complies with direct divestment.

- ii) **Indirect Divestment** - divest from financial institutions or companies that invest in fossil fuel companies. Diversification of portfolios amongst companies makes it difficult to readily identify all indirect investments; therefore companies usually limit their divestment policies to direct investments only.

Council currently hold investments in Authorised Deposit-taking Institutions (ADIs), including large banks, in accordance with the Tweed Shire Council Investment Policy.

### b) Screening

An increasingly popular investment analysis tool is 'Screening'.

Screening is the process of selecting companies to invest in based on their social and/or environmental performance.

Negative screening excludes certain securities from investment consideration based on social and/or environmental criteria. Negative impacts on society or the environment may exclude investments in tobacco, carbon intensive industries, old growth and native forest logging, land degradation caused by mining, uranium, animal cruelty, human rights abuses, weapons and armaments, gambling, genetic modification, excessive consumerism.

As acknowledged by '350.org Melbourne' *finance is heavily interlinked and it would be impossible to find a completely 'kosher' investment product that didn't perhaps inadvertently deal with the fossil fuel industry.*

Positive screening involves making investments in activities and companies believed to have a positive social impact. This investment approach allows investors to positively express their values on corporate behaviour issues such as social justice and the environment through stock selection - without sacrificing portfolio diversification or long-term performance.

**c) Resources and impartial advice**

Council does not have the resources to undertake any form of screening and therefore must seek impartial advice from external parties, as is part of Council's fiduciary duty:

- (2) *A trustee may, having regard to the size and nature of the trust, do either or both of the following:*
  - (a) *obtain and consider independent and impartial advice reasonably required for the investment of trust funds or the management of the investment from a person whom the trustee reasonably believes to be competent to give the advice,*
  - (b) *pay out of trust funds the reasonable costs of obtaining the advice.*

There are many and often contradictory websites offering advice on ethical investments and fossil-fuel friendly financial institutions. Whose definition of ethical do you use? Where do you draw the line? These questions provide practical and fiduciary difficulties for Council Officers undertaking investment decisions.

Australian Ethical is a super fund that has won Ethical Fund of the year twice at the annual sustainability awards; has \$1B under investment and lists the Directors, their qualifications and experience for both their Investment and Superannuation companies. *Refer below for the Australian Ethical Charter.*

**"Australian Ethical Charter**

***Australian Ethical shall seek out investments which provide for and support:***

- a. *the development of workers' participation in the ownership and control of their work organisations and places*
- b. *the production of high quality and properly presented products and services*
- c. *the development of locally based ventures*
- d. *the development of appropriate technological systems*
- e. *the amelioration of wasteful or polluting practices*
- f. *the development of sustainable land use and food production*
- g. *the preservation of endangered eco-systems*
- h. *activities which contribute to human happiness, dignity and education*
- i. *the dignity and well being of non-human animals*
- j. *the efficient use of human waste*
- k. *the alleviation of poverty in all its forms*
- l. *the development and preservation of appropriate human buildings and landscape*

***Australian Ethical shall avoid any investment which is considered to unnecessarily:***

- i. *pollute land, air or water*
-



- ii. *destroy or waste non-recurring resources*
- iii. *extract, create, produce, manufacture, or market materials, products, goods or services which have a harmful effect on humans, non-human animals or the environment*
- iv. *market, promote or advertise, products or services in a misleading or deceitful manner*
- v. *create markets by the promotion or advertising of unwanted products or services*
- vi. *acquire land or commodities primarily for the purpose of speculative gain*
- vii. *create, encourage or perpetuate militarism or engage in the manufacture of armaments*
- viii. *entice people into financial over-commitment*
- ix. *exploit people through the payment of low wages or the provision of poor working conditions*
- x. *discriminate by way of race, religion or sex in employment, marketing, or advertising practices*
- xi. *contribute to the inhibition of human rights generally"*

**OPTIONS:**

Option 1

Due to the difficulty in defining 'ethical investing' and sourcing specific local government ethical investment advice, Council does not amend the Investment Policy to favour ethical investing.

Option 2

Council initially adopts, for the purposes of reporting and due to lack of other impartial/accredited advice, the charter and credentials of Australian Ethical and highlights within the monthly investment report those investments that are acknowledged by Australian Ethical as worthy ethical investments.

Current investments in compliance to Australian Ethical (March 2015)

	\$	% Total Investment Portfolio
<b>Credit unions &amp; building societies</b>		
Beyond Bank	1,000,000	0.49
Credit Union Australia	6,000,000	2.92
Greater Building Society		
Heritage Bank	1,600,000	0.78
IMB Building Society	2,000,000	0.97
Mystate Limited		
Newcastle Permanent Building Society	1,000,000	0.49
People's Choice Credit Union		
Wide Bay	4,000,000	1.94
	15,600,000	7.59%
<b>Retail banking</b>		
Bank of Queensland Limited	17,000,000	8.3
bankMECU		

	\$	% Total Investment Portfolio
<b>Credit unions &amp; building societies</b>		
Bendigo and Adelaide Bank Limited	11,000,000	5.38
ME Bank	12,430,000	6.04
Suncorp Group Limited	19,150,000	9.31
Westpac Banking Corporation	27,000,000	13.15
	86,580,000	42.18%
<b>Total</b>	<b>102,180,000</b>	<b>49.74%</b>
<b>Other financial institutions</b>		
ASX Limited	54,500,000	Bonds/FRN's

### Option 3

- a) Council Officers utilise a positive screening approach for indirect divestments, and due to a lack of other impartial/accredited advice, make use of the charter and credentials of Australian Ethical as the source of advice and
- b) Prioritise investments in non-fossil fuel aligned Authorised Deposit-taking Institutions if the investment transaction is compliant with Council's Investment Policy and the rate of investment is no worse than other investments available to Council at the time.

### **CONCLUSION:**

The legislative and fiduciary responsibilities of Council and the constraints and difficulties in providing for targeted social/environmental investing are outlined above. Given the lack of a broadly accepted 'ethical' definition and maturity for ethical investing in local government, it may be more appropriate to adopt a watching brief and record Councils ethical investments, on the monthly investment register, in accordance with Australian Ethical guidelines.

### **COUNCIL IMPLICATIONS:**

**a. Policy:**

The Investment Policy may need amending, depending on the option resolved by Council.

**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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**33 [CS-CM] Monthly Investment and Section 94 Developer Contribution Report for Period Ending 30 April 2015**

**SUBMITTED BY: Financial Services**

Valid



## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### SUMMARY OF REPORT:

The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested. The Manager Financial Services, being the Responsible Accounting Officer, certifies that investments have been made in accordance with Section 625 of the Local Government Act (1993), Cl. 212 of the Local Government (General) Regulations and Council policies. Council had **\$202,532,147** invested as at **30 April 2015** and the accrued net return on these funds was **\$617,162** or **3.66%** 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 30 April 2015 totalling \$202,532,147 be received and noted.**

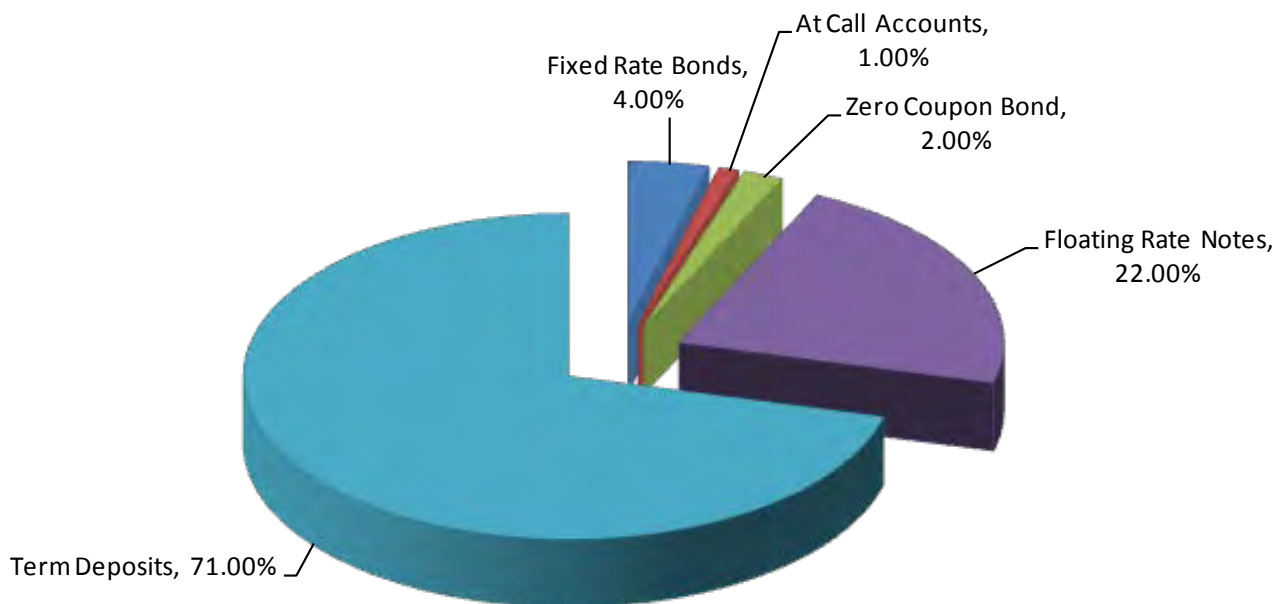
**REPORT:**

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

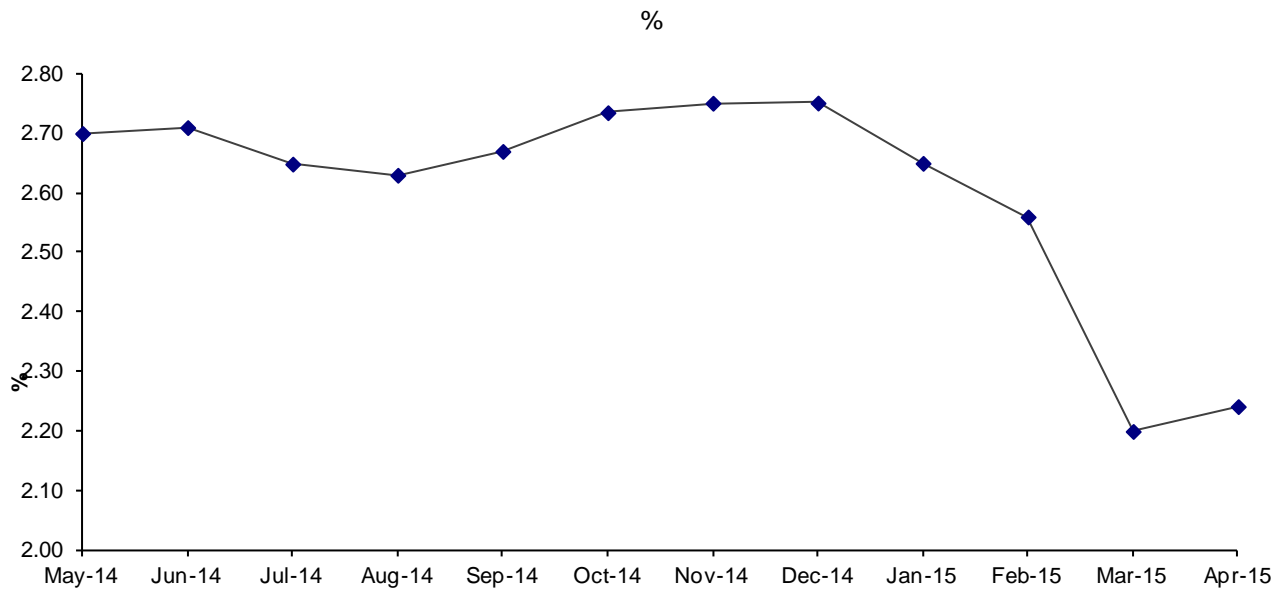
Description	(\$'000)			
	General Fund	Water Fund	Sewer Fund	Total
<b>Externally Restricted (Other)</b>	11,504	18,795	47,006	<b>77,305</b>
Crown Caravan Parks	18,338			<b>18,338</b>
Developer Contributions	23,639	2,615		<b>26,254</b>
Domestic Waste Management	11,407			<b>11,407</b>
Grants	2,764			<b>2,764</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 June 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	1,011,460.00	5.59	FRN	06/06/2018
AMP (RIM) (05/17)	2,500,000.00	2,542,925.00	3.43	FRN	29/05/2017
ANZ (04/20)	1,600,000.00	1,606,928.00	3.08	FRN	17/04/2020
ANZ (11/18)	1,000,000.00	1,018,140.00	3.63	FRN	06/11/2018
Bendigo (FIIG) (11/15) +1.25%	1,000,000.00	1,014,140.00	3.93	FRN	02/11/2015
Bendigo (RBS) (05/17)	3,000,000.00	3,051,900.00	3.52	FRN	17/05/2017
Bendigo (RBS) (11/18)	1,000,000.00	1,021,890.00	3.60	FRN	14/11/2018
BOQ (05/17)	2,000,000.00	2,013,880.00	3.08	FRN	19/05/2017
BOQ (06/18)	1,000,000.00	1,043,810.00	4.00	Fixed Rate Bond	12/06/2018
BOQ (06/18)	1,000,000.00	1,011,380.00	3.33	FRN	12/06/2018
BOQ (11/19)	2,000,000.00	2,024,980.00	3.82	FRN	06/11/2019
CBA (04/19)	1,000,000.00	1,010,630.00	3.14	FRN	24/04/2019
CBA (08/16) 1.17%	3,000,000.00	3,059,610.00	3.65	FRN	02/08/2016
CBA (10/19)	2,000,000.00	2,015,040.00	3.11	FRN	18/10/2019
CBA Bond (04/19)	1,000,000.00	1,049,060.00	4.25	Fixed Rate Bond	24/04/2019
CBA/Merrill Lynch Zero Coupon Bond (01/18)	4,000,000.00	3,555,080.00	7.17	Fixed Rate Bond	22/01/2018
CUA (03/17)	1,000,000.00	1,006,260.00	3.98	FRN	20/03/2017
CUA (03/17) (CBA)	1,000,000.00	1,006,260.00	3.98	FRN	20/03/2017
CUA (03/17) (Morgans)	2,000,000.00	2,012,520.00	3.98	FRN	20/03/2017
CUA (12/17) ANZ	1,000,000.00	1,003,890.00	3.47	FRN	22/12/2017
Heritage (RBS/RIMSEC) (06/17)	1,500,000.00	1,620,000.00	7.25	Fixed Rate Bond	20/06/2017

Counterparty	Face Value	Market Value	% Return on Face Value	Investment Type	Maturity Date
ING Bond (RBS) (09/15)	2,000,000.00	2,036,660.00	5.50	Fixed Rate Bond	03/09/2015
ING Bond(RBS) (08/16)	1,000,000.00	1,027,020.00	4.25	Fixed Rate Bond	23/08/2016
Macquarie (ANZ)	750,000.00	757,050.00	3.40	FRN	03/03/2020
ME Bank (ANZ) (11/17)	1,000,000.00	1,007,560.00	3.32	FRN	17/11/2017
ME Bank (CBA) (09/15)	1,400,000.00	1,411,004.00	3.53	FRN	03/09/2015
ME Bank (CBA) (11/16)	1,000,000.00	1,013,820.00	3.58	FRN	28/11/2016
ME Bank (Morgans) (11/16)	1,000,000.00	1,013,820.00	3.58	FRN	28/11/2016
NAB (06/16)	2,000,000.00	2,028,400.00	3.44	FRN	21/06/2016
NPBS (Morgans) (02/18)	1,000,000.00	1,006,150.00	3.43	FRN	27/02/2018
Rabo (RBS) (09/18)	1,000,000.00	1,015,220.00	3.37	FRN	25/09/2018
Suncorp (04/19)	2,000,000.00	2,026,680.00	3.36	FRN	23/04/2019
Suncorp (11/19)	1,000,000.00	1,007,160.00	3.10	FRN	05/11/2019
Suncorp (CBA) (08/19)	1,000,000.00	1,008,620.00	3.27	FRN	20/08/2019
Suncorp Covered (RIMSEC) (12/16)	2,000,000.00	2,105,840.00	4.75	Fixed Rate Bond	06/12/2016
Westpac (JP Morgans) (02/19)	2,000,000.00	2,036,740.00	3.27	FRN	25/02/2019
Westpac (RBS) (02/17)	1,000,000.00	1,030,620.00	3.98	FRN	20/02/2017
<b>Total</b>	<b>55,750,000.00</b>	<b>56,232,147.00</b>	<b>3.89</b>		
<b>LEGEND</b>		ABS = Asset Backed Security			
Investment Type		Bond = Fixed Rate Bond			
		FRN = Floating Rate Note			
<b>Counterparty</b>		BB = Bendigo Bank		ME = Members Equity Bank	
AMP = AMP Bank		Heritage = Heritage Bank		RaboDirect = Rabo Bank	
ANZ = ANZ Bank		ING = ING Bank		Rural = Rural Bank (previously Elders Bank)	
BOQ = Bank of Queensland		Investec = Investec Bank		Suncorp = Suncorp Metway Bank	
CBA = Commonwealth Bank		Macquarie = Macquarie Bank		WBC = WBC Banking Corporation	
		NAB = National Australia Bank			

## 5. Term Deposits

Counterparty	Lodged or Rolled	DUE	PRINCIPAL	TERM	% Yield
AMP (Curve) annual interest (July 2015)	27-Jan-15	<b>28-Jul-15</b>	1,000,000.00	182	3.40
AMP Bank (RIMSEC) (June 2015)	02-Sep-14	<b>02-Jun-15</b>	2,000,000.00	273	3.50
Auswide (Curve) (Feb 2017)	03-Feb-15	<b>07-Feb-17</b>	1,000,000.00	735	3.50
Auswide (RIMSEC) (Mar 2016)	25-Mar-15	<b>22-Mar-16</b>	1,000,000.00	363	3.06
Auswide Bank (Dec 2016)	08-Dec-14	<b>08-Dec-15</b>	3,000,000.00	365	3.76
Bankwest (Apr 2015)	28-Apr-15	<b>29-Sep-15</b>	1,000,000.00	154	3.00
Bankwest (June 2015)	10-Mar-15	<b>09-Jun-15</b>	2,000,000.00	91	3.10

Counterparty	Lodged or Rolled	DUE	PRINCIPAL	TERM	% Yield
Bankwest (Mar 2016)	17-Mar-15	15-Mar-16	1,000,000.00	364	3.00
BCU (Feb 2017)	19-Feb-15	18-Feb-16	1,000,000.00	365	3.20
Bendigo (May 2015)	28-May-14	26-May-15	2,000,000.00	363	3.73
Bendigo Bank (Dec 2015)	09-Dec-14	15-Dec-15	2,000,000.00	371	3.45
Bendigo Bank (RIMSEC) (May 2015)	11-Nov-14	12-May-15	1,000,000.00	182	3.48
Bendigo Bank (Sept 2019)	01-Sep-14	03-Sep-19	1,000,000.00	1828	4.15
BOQ (Aug 2015)	03-Mar-15	11-Aug-15	3,000,000.00	161	3.10
BOQ (Feb 2016)	23-Feb-15	25-May-15	1,000,000.00	90	3.92
BOQ (Feb 2016)	23-Feb-15	23-Feb-16	3,000,000.00	365	4.05
BOQ (Sept 2015) annual interest	20-Sep-14	21-Sep-15	2,000,000.00	365	4.20
BOQ (Sept 2016) quarterly interest	20-Mar-15	20-Jun-15	2,000,000.00	91	3.58
CBA (Feb 2020)	13-Feb-15	13-May-15	1,000,000.00	90	3.24
CBA (Oct 2015) annual interest	11-Oct-14	11-Oct-15	1,000,000.00	365	4.85
CUA (Oct 2015) (Curve)	09-Oct-14	06-Oct-15	1,000,000.00	362	3.60
IMB (Jan 2020)	06-Apr-15	06-Jul-15	1,000,000.00	90	3.15
IMB (Nov 2017)	05-Feb-15	05-May-15	1,000,000.00	92	3.25
ING (Curve) (Oct 2015)	15-Oct-14	13-Oct-15	2,000,000.00	365	4.01
ING (FIIG) (Aug 2015)	17-Feb-15	18-Aug-15	1,000,000.00	182	3.15
ING (RIMSEC) (Aug 2015)	17-Feb-15	11-Aug-15	1,000,000.00	175	3.14
ING (RIMSEC) (Feb 2020)	10-Feb-15	11-May-15	1,000,000.00	182	3.34
ING (RIMSEC) (Jan 2019)	29-Apr-15	29-Jul-15	2,000,000.00	91	3.11
ING (RIMSEC) (Sept 2015)	02-Sep-14	02-Sep-15	1,000,000.00	364	4.14
Investec (July 2016)	24-Apr-15	24-Jul-15	2,000,000.00	91	3.36
Investec (RIMSEC) (Aug 2015)	11-Feb-15	11-May-15	1,000,000.00	92	4.32
Investec (RIMSEC) (Jun 2016)	10-Mar-15	10-Jun-15	1,000,000.00	90	3.43
Investec (RIMSEC) (Sept 2015) annual interest	03-Sep-14	03-Sep-15	1,000,000.00	365	4.14
Investec (Sept 2015) annual interest	11-Sep-14	15-Sep-15	2,000,000.00	365	4.37
MEB (Apr 2015)	14-Apr-15	13-Oct-15	2,000,000.00	182	3.00
MEB (Curve) (Mar 2016)	25-Feb-15	25-Feb-16	2,000,000.00	365	4.07
MEB (Jul 2016)	29-Jan-14	29-Apr-15	2,000,000.00	92	3.75
MEB (May 2015)	19-May-14	12-May-15	2,000,000.00	365	3.90
NAB (Aug 2015)	10-Sep-14	11-Aug-15	4,000,000.00	335	3.60
NAB (Aug 2015)	18-Aug-14	18-Aug-15	1,000,000.00	365	3.65
NAB (Curve) (Aug 2015)	06-Aug-14	04-Aug-15	2,000,000.00	364	4.10
NAB (Dec 2019)	19-Mar-15	19-Jun-15	2,000,000.00	92	3.32

Counterparty	Lodged or Rolled	DUE	PRINCIPAL	TERM	% Yield
NAB (Feb 2016)	17-Feb-15	<b>16-Feb-16</b>	2,000,000.00	364	3.17
NAB (Feb 2020)	03-Feb-15	<b>03-May-15</b>	1,000,000.00	92	3.70
NAB (Jan 2020)	16-Apr-15	<b>16-Jul-15</b>	2,000,000.00	91	3.75
NAB (May 2016)	20-May-14	<b>20-May-15</b>	3,000,000.00	365	4.00
NAB (May 2020) annual interest	12-Feb-15	<b>12-Feb-16</b>	2,000,000.00	365	3.40
NAB (Oct 2016)	21-Apr-15	<b>21-May-15</b>	2,000,000.00	30	3.17
NAB (RBS) (Aug 2015)	27-Feb-15	<b>27-May-15</b>	2,000,000.00	89	3.53
NAB (RBS) (Aug 2015) quarterly interest	11-Feb-15	<b>11-May-15</b>	2,000,000.00	89	4.35
NAB (Sept 2015) annual interest	03-Sep-14	<b>03-Sep-15</b>	4,000,000.00	365	4.05
NAB (Sept 2016)	04-Sep-14	<b>04-Sep-15</b>	4,000,000.00	1098	4.25
P&N Bank (RIMSEC) (Sept 2017)	22-Sep-14	<b>21-Sep-17</b>	1,000,000.00	1095	4.00
Rabo Bank (Curve) (Aug 2018)	20-Aug-14	<b>20-Aug-15</b>	2,000,000.00	1462	4.10
Rabo Bank (Curve) (Sept 2019)	01-Sep-14	<b>03-Sep-19</b>	1,000,000.00	1828	4.05
Rabo Bank (Mar 2017) (RIMSEC)	04-Mar-14	<b>07-Mar-17</b>	2,000,000.00	370	4.15
RaboDirect (Curve) (Aug 2019)	07-Aug-14	<b>07-Aug-15</b>	2,000,000.00	365	4.30
RaboDirect (Curve) (Feb 2017) annual interest	10-Feb-15	<b>10-Feb-16</b>	1,000,000.00	366	3.40
RaboDirect (Curve) (Jan 2019)	13-Jan-15	<b>15-Jan-19</b>	1,000,000.00	1463	4.00
RaboDirect (Curve) (Jul 2015)	26-Jul-14	<b>27-Jul-15</b>	1,000,000.00	365	5.20
RaboDirect (Curve) (Jul 2016)	26-Jul-14	<b>28-Jul-15</b>	1,000,000.00	365	5.40
RaboDirect (Curve) (Nov 2016) annual interest	11-Nov-14	<b>11-Nov-15</b>	1,000,000.00	366	6.30
RaboDirect (RIMSEC) (Mar 2016) annual interest	22-Mar-15	<b>22-Mar-16</b>	1,000,000.00	364	7.15
RaboDirect (RIMSEC) annual interest (July 2015)	24-Jul-14	<b>27-Jul-15</b>	2,000,000.00	364	4.25
Suncorp (Aug 2015)	19-Feb-15	<b>25-Aug-15</b>	2,000,000.00	188	3.15
Suncorp (Aug 2015)	24-Feb-15	<b>25-Aug-15</b>	2,000,000.00	182	3.10
Suncorp (Jul 2015)	20-Jan-15	<b>21-Jul-15</b>	2,000,000.00	182	3.50
Suncorp (Sept 2015)	03-Mar-15	<b>01-Sep-15</b>	3,000,000.00	182	3.15
Suncorp Metway (March 2015)	10-Mar-15	<b>15-Sep-15</b>	4,000,000.00	189	3.15
Westpac (Jan 2016)	13-Apr-15	<b>13-Jul-15</b>	8,000,000.00	91	3.52
Westpac (Apr 2016) quarterly interest	07-Apr-15	<b>07-Jul-15</b>	2,000,000.00	91	3.45
Westpac (Aug 2019)	19-Aug-14	<b>18-Aug-19</b>	3,000,000.00	364	3.75
Westpac (Feb 2016)	18-Feb-15	<b>18-Feb-16</b>	2,000,000.00	92	3.97

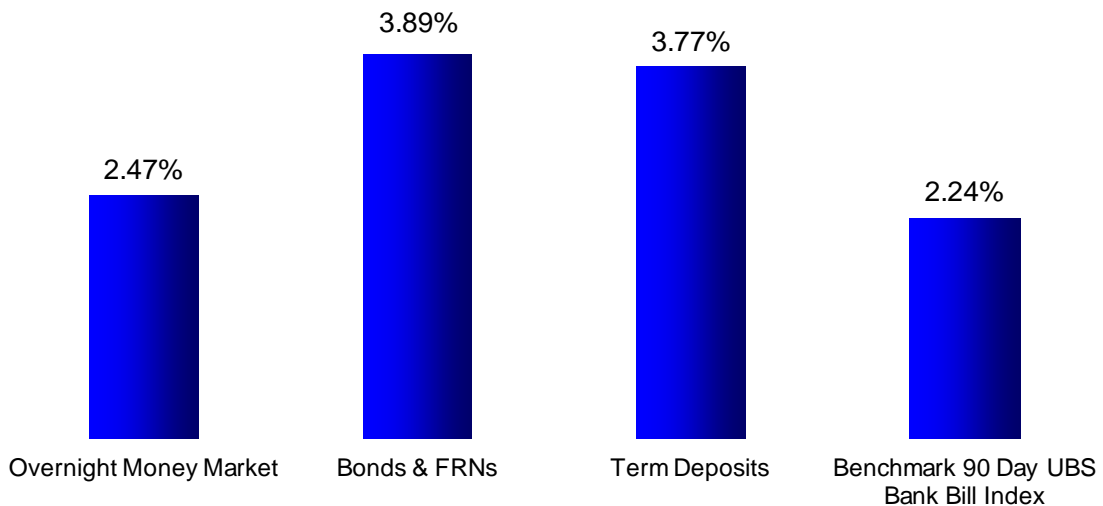


Counterparty	Lodged or Rolled	DUE	PRINCIPAL	TERM	% Yield
Westpac (June 2015)	11-Mar-15	09-Jun-15	2,000,000.00	90	3.10
Westpac (June 2015)	24-Jun-14	23-Jun-15	2,000,000.00	364	3.84
Westpac (Sept 2015)	10-Sep-14	08-Sep-15	2,000,000.00	363	3.82
Westpac (Sept 2015)	16-Sep-14	15-Sep-15	3,000,000.00	364	3.74
		<b>Total</b>	<b>144,000,000.00</b>		<b>3.77</b>
<b>LEGEND</b>	<b>Counterparties</b>	ING = ING Bank		RaboDirect = Rabo Bank	
AMP = AMP Bank		Investec = Investec Bank		Rural = Rural Bank	
ANZ = ANZ Bank		Macquarie = Macquarie Bank		Suncorp = Suncorp Metway Bank	
BOQ = Bank of Queensland		NAB = National Australia Bank		WBC = Westpac Bank	
CBA = Commonwealth Bank		ME = Members Equity Bank			
Heritage = Heritage Bank		NPBS = Newcastle Permanent Building Society			

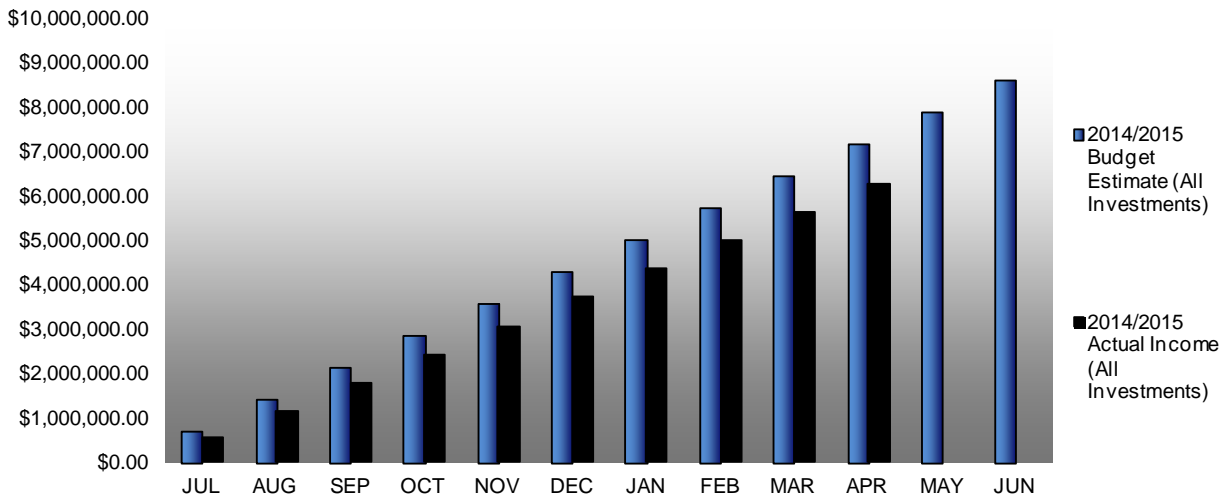
## 6. Performance by Category

Category	Face Value	Market Value	Weighted Average Return	Above or (Below) 90 day BBSW Benchmark	
Overnight Money Market	2,300,000.00	2,300,000.00	2.47%	0.23%	
Bonds & FRNs	55,750,000.00	56,232,147.00	3.89%	1.65%	
Term Deposits	144,000,000.00	144,000,000.00	3.77%	1.53%	
Benchmark 90 Day UBS Bank Bill Index	2.24%	202,050,000.00	202,532,147.00	2.24%	1.14%

### Performance by Category Compared with Benchmark



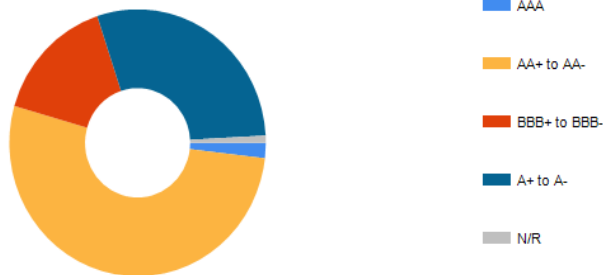
## 7. Total Portfolio Income v Budget



## 8. Investment Policy Diversification and Credit Risk

Total Portfolio Credit Limits Compared to Policy Limits					
Long-Term Credit Ratings	Investment Policy Limit	Actual Portfolio	Short-Term Credit Ratings	Investment Policy Limit	Actual Portfolio
AAA Category	100%	<b>1.03%</b>	A-1+	100%	<b>15.38%</b>
AA Category	100%	<b>29.20%</b>	A-1	100%	<b>9.83%</b>
A Category	60%	<b>16.32%</b>	A-2	60%	<b>14.74%</b>
BBB Category	20%	<b>8.59%</b>	A-3	0%	<b>0.00%</b>
Unrated	10%	<b>0.49%</b>	Unrated	10%	<b>4.42%</b>

Market Value by Security Rating Group (Long Term)



Market Value by Security Rating Group (Short Term)



## 9. Term to Maturity

Maturity Profile	Actual % Portfolio	Policy Limits
Less than 365 days	50.00%	Minimum 40%
More than 365 days and less than 3 years	30.02%	Maximum 60%
3 years and less than 5 years	19.98%	Maximum 35%
Total	100.00%	

Market Value by Term Remaining

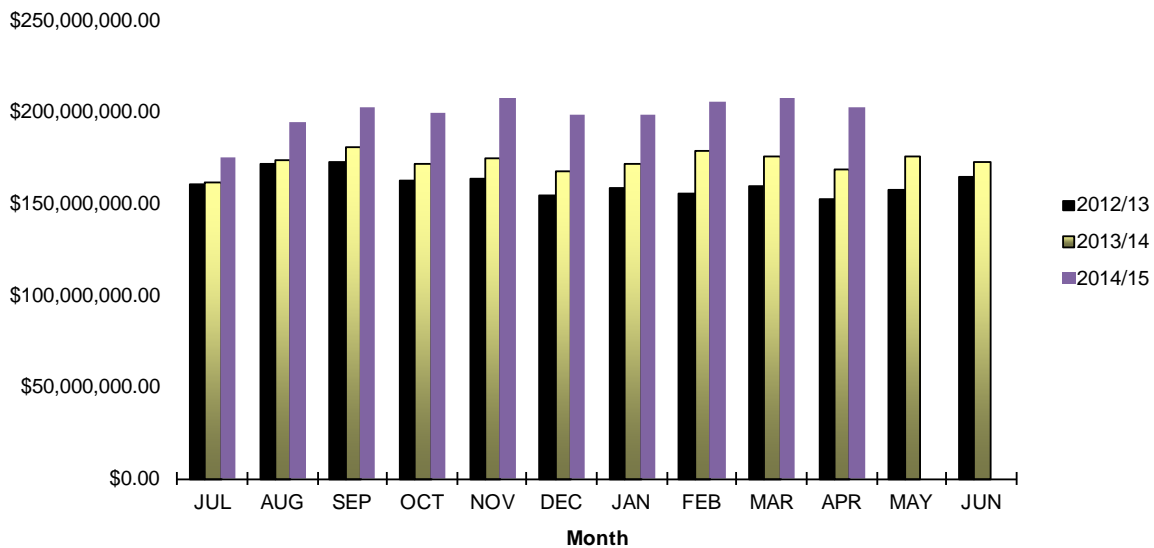


## 10. Investment Alternatives Explained

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

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

**11. Monthly Comparison of Total Funds Invested**



## 12. Section 94 Developer Contributions - Monthly Balances and 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	10,209,883	401,136
5	Open Space	320,022	6,166
6	Street Trees	176,226	1,485
7	West Kingscliff	454,290	
10	Cobaki Lakes	-1,353	
11	Libraries	2,059,734	38,207
12	Bus Shelters	81,575	2,913
13	Cemeteries	51,979	5,605
14	Mebbin Springs	90,452	
15	Community Facilities	980,973	53,516
16	Surf Lifesaving	385,141	452
18	Council Administration/Technical Support	1,380,438	86,959
19	Kings Beach	657,360	
20	Seabreeze Estate	755	
21	Terranora Village	30,968	
22	Cycleways Shirewide	228,378	21,092
23	Carparking Shirewide	1,413,294	
25	SALT	1,143,010	
26	Open Space Shire wide	2,390,944	225,399
27	Tweed Heads Masterplan	176,201	
28	Seaside City	301,992	53,141
91	DCP14	108,247	
92	Public Reserve Contributions	128,911	
95	Bilambil Heights	529,337	
	<b>Total</b>	<b>28,138,128</b>	<b>896,073</b>

## 13. Economic Commentary

### Australian and World Economy and Cash Rate

At its 5 May meeting, the Reserve Bank Board of Australia (RBA) lowered the cash rate by 25 basis points to 2 per cent.

According to the RBA, the global economy is expanding at a moderate pace, but commodity prices have declined over the past year, in some cases sharply. These trends appear largely to reflect increased supply, including from Australia. Australia's terms of trade are falling nonetheless.

The US Federal Reserve is expected to start increasing its policy rate later this year, but some other major central banks are stepping up the pace of unconventional policy measures. Hence, financial conditions remain very accommodative globally, with long-term borrowing rates for sovereigns and creditworthy private borrowers remarkably low.

In Australia, the available information suggests improved trends in household demand over the past six months and stronger growth in employment. Looking ahead, the key drag on private demand is likely to be weakness in business capital expenditure in both the mining and non-mining sectors over the coming year. Public spending is also scheduled to be subdued. The economy is therefore likely to be operating with a degree of spare capacity for some time yet. Inflation is forecast to remain consistent with the target over the next one to two years, even with a lower exchange rate.

Low interest rates are acting to support borrowing and spending, and credit is recording moderate growth overall, with stronger lending to businesses of late. Growth in lending to the housing market has been 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 has declined noticeably against a rising US dollar over the past year, though less so against a basket of currencies. Further depreciation seems both likely and necessary, particularly given the significant declines in key commodity prices.

### 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 but these margins have continued to contract. Banks demand for funds for term deposits is diminishing in conjunction with the falling cash rate and new banking capital requirements.

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

All investment categories out-performed the UBS 90 day bank bill benchmark this month. The investment portfolio again benefited during April from higher yielding bonds returns purchased before yields began contracting. Overall, the investment portfolio has returned an average 1.14% pa above the 90 day UBS bank bill index for the last month. Even though this equates to an investment portfolio average of only 3.38% pa, a margin of more than 1% above the benchmark 90 day bank bill swap rate in the current market is very reasonable.

*Source: RBA Monetary Policy Decision*

## 14. Investment Summary

<b>GENERAL FUND</b>	CORPORATE FIXED RATE BONDS	10,817,470.00	
	FLOATING RATE NOTES	45,414,677.00	
	TERM DEPOSITS	49,000,000.00	
	CALL ACCOUNT	2,300,000.00	<b>107,532,147.00</b>
<b>WATER FUND</b>	TERM DEPOSITS	36,000,000.00	
	FUND MANAGERS	0.00	<b>36,000,000.00</b>
<b>SEWERAGE FUND</b>	TERM DEPOSITS	59,000,000.00	
	FUND MANAGERS	0.00	<b>59,000,000.00</b>
<b>TOTAL INVESTMENTS</b>			<b>202,532,147.00</b>

It should be noted that the General Fund investments of **\$107 million** are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

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

**Statutory Statement - Local Government (General) Regulation 2005 Cl. 212**

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



**Responsible Accounting Officer**  
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



### 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] Black Rocks Sports Field**

##### **NOTICE OF RESCISSION:**

Councillor G Bagnall, K Milne and M Armstrong hereby give notice that at the next Ordinary Council meeting of Council we will move that the resolution from the meeting held on 19 February 2015 at Minute No 58 Item No 1 titled [CONMIN} Confirmation of Ordinary and Confidential Council Meeting held Thursday 22 January 2015, being:

*"that*

- 1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 22 January 2015 be adopted as a true and accurate record of proceedings of that meeting, with the following additional text at Minute No 39, point 2:

"...2. Replaces the gates at the entrance to the Black Rock Sports Field with a koala grid to prevent koalas entering the nearby urban environment. **This should not be undertaken until the study referred to in paragraph 1 is complete with the General Manager being authorised to accept the assistance offered by the Office of Environment and Heritage to complete the study without delay...**"

***be rescinded.***

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35 [NOM] Black Rocks Sports Field

**NOTICE OF MOTION:**

Councillor Longland moves that the Minutes of the Ordinary and Confidential Council Meetings held on Thursday 22 January 2015 be adopted as a true and accurate record of proceedings of that meeting, subject to Minute No 39 Item No 27 titled [NOM] Black Rocks Sports Field, being:

*"that Council:*

- 1. Commissions a study using the methodology contained in the currently exhibited Comprehensive Koala Plan of Management to obtain baseline data on koala numbers in the Black Rocks Sports Field precinct.*
- 2. Replaces the gates at the entrance to the Black Rocks Sports Field with a koala grid to prevent koalas entering the nearby urban environment.*
- 3. Brings a report to a future Council Meeting with recommended options to address the impacts of "hooning" behaviour on the entrance road to the playing fields."*

*be amended as follows:*

*"that Council:*

- 1. Commissions a study using the methodology contained in the currently exhibited Comprehensive Koala Plan of Management to obtain baseline data on koala numbers in the Black Rocks Sports Field precinct. To complete the study without delay, the General Manager is authorised to accept the assistance offered by the Office of Environment and Heritage by letter dated 19 February 2015.*
- 2. Replaces the gates at the entrance to the Black Rocks Sports Field with a koala grid to prevent koalas entering the nearby urban environment. The gates should not be replaced with a koala grid until the study referred to in paragraph 1 is complete.*
- 3. Brings a report to a future Council Meeting with recommended options to address the impacts of "hooning" behaviour on the entrance road to the playing fields."*

**Councillor's Background Notes**

At the meeting held on Thursday 19 February 2015, Council confirmed the minutes of the meeting held on Thursday 22 January 2015, with the following additional text at Minute No 39 point 2:

2. *Replaces the gates at the entrance to the Black Rocks Sports Field with a koala grid to prevent koalas entering the nearby urban environment. This should not be undertaken until the study referred to in paragraph 1 is complete with the General Manager being authorised to accept the assistance offered by the Office of Environment and Heritage to complete the study without delay.*

For abundant clarity and regularity, it is appropriate to amend the resolution at Minute No 39 by way of a motion to alter the resolution. This notice of motion is made to clarify Council's intention regarding the management of koalas in the Black Rocks Sports Field Precinct and to respond suitably to the letter received by Council from the Office of Environment and Heritage dated 19 February 2015.

Recommended Priority:

Nil

Description of Project:

Nil.

**Management Comments:**

Delivery Program:

Valid



## Caring for the Environment

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

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

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Budget/Long Term Financial Plan:

Nil.

Legal Implications:

Nil.

Policy Implications:

Nil.

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**36 [NOM] Financial Assistance Grants to Local Government**

**NOTICE OF MOTION:**

**Councillor G Bagnall moves that Council:**

- 1. Acknowledges the importance of Federal funding through the Financial Assistance Grants program for the continued delivery of Council services and infrastructure:**
- 2. Acknowledges that the Council will receive \$9.4 million in 2014-2015; and**
- 3. Will ensure that this Federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in Council publications, including annual reports.**

**Councillor's Background Notes**

Recommended Priority:

Nil.

Description of Project:

Nil.

**Management Comments:**

Delivery Program:

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**Civic Leadership**

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

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

- 1. Council has previously resolved to submit a motion to the National General Assembly "to prioritise and increase its lobbying of the Commonwealth Government and Federal Treasurer, to reinstate indexing of the Financial Assistance Grants (FAGs)."**
- 2. A decision for Council.**
- 3. Acknowledgment of financial support received from federal government departments is required to be included in any formal statements, media releases, displays or publications in regard to the projects. Federal government departments, the local federal member and other dignitaries, as requested by the Minister, are required to be advised of opening or completion ceremonies well in advance of the event and Council**

organises joint ceremonies as requested. Project signage requires acknowledgement of the federal funding and approval by the department prior to installation.

Council's annual Financial Statements require the dissection between state and federal grant funding to be recorded on Note 3(e) to the General Purpose Financial Statements.

Budget/Long Term Financial Plan:

Nil.

Legal Implications:

Nil.

Policy Implications:

Nil.

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37 [NOM] Community Engagement Policy

**NOTICE OF MOTION:**

**Councillor G Bagnall moves that Council includes in the Community Engagement Policy the option of Public Meetings.**

**Councillor's Background Notes**

Public Meetings give members of the community opportunity to hear each other's arguments. This is an excellent way for the community to more fully engaged in issues that affect their area or lifestyle. This type of democratic meeting, allows freedom of speech more fully than information booths.

Recommended Priority:

Nil.

Description of Project:

Nil.

**Management Comments:**

Delivery Program:

Valid



## Civic Leadership

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

- |       |   |
|-------|---|
| 1     | Civic Leadership  |
| 1.2   | Improve decision making by engaging stakeholders and taking into account community input  |
| 1.2.4 | Involve communities including youth, elderly and aboriginal groups in decision making that affects their area and the wider Tweed community |

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Council's existing Community Engagement Strategy Version 1.1, defines community engagement and identifies a range of methods Council utilises for key stages of engagement. These stages of: Inform, Consult, Involve, Collaborate and Empower, are best practice as prescribed by the International Association of Public Participation (IAP2).

The "Consult" stage includes the tool of Community Conversation as best practice. This is defined as: "an opportunity for members of the community to attend a structured two-way information session hosted by Council, usually about specific projects and topics". This method overcomes many of the potential disadvantages of the more traditional style of public meetings, however it should be used in conjunction with a variety of engagement tools to ensure as many viewpoints in the community are heard.

Council currently conducts meetings open to the public in various formats. For the purposes of the Community Engagement Strategy rather than the term 'public meeting', they are called *Community Conversations*.

Council's commitment to ensuring the organisation undertakes meaningful community engagement in line with best practice principles, was further demonstrated by hosting the recent IAP2 Training Workshop. The workshop conducted on Saturday 9 May at the Sustainable Living Centre provided the opportunity for Councillors, the Executive Management Team and other staff involved in community engagement, to participate in training based on International Best Practice. The training was facilitated by an accredited IAP2 Facilitator from Articulous Communications. In total 20 people attended. The content of the workshop ensured participants were across contemporary community engagement methods and practice.

Internationally recognised research has found that you are more likely to establish trust by choosing engagement methods that do not easily allow conversations to be dominated by a small number of individuals.

In the spirit of this proposed NOM, the definition for 'Community Conversation' in the existing strategy could be re-defined as "*an opportunity for members of the community to attend a structured meeting open to the public and hosted in a variety of two-way formats enabling representative community discussion.*"

The Community Engagement Strategy will be reviewed in parallel with the outcomes of the "Tweed the Future is Ours" project.

Budget/Long Term Financial Plan:

Nil

Legal Implications:

Potential defamation/libel action arising from public setting.

Policy Implications:

Community Engagement Strategy, Version 1.1.

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38 [NOM] Aboriginal Meanings on Village Signs

**NOTICE OF MOTION:**

**Councillor G Bagnall moves that, on behalf of the local indigenous community, Council brings forward the Notice of Motion to include Aboriginal meanings on village signs, and that the new signs be in place before the Local Government Aboriginal Network Conference in August 2016.**

**Councillor's Background Notes**

Recommended Priority:

Nil.

Description of Project:

Nil.

**Management Comments:**

On 19 June 2014 it was resolved that *in recognition of the long history of aboriginal peoples of the Tweed Valley, Council:*

1. *Seeks the input of the Aboriginal Advisory Committee (AAC), to consider the inclusion of appropriate known traditional aboriginal names for sites of significance within the Shire. This includes:*
  - (a) *Parks and public reserves that do not have officially adopted names;*
  - (b) *Selected parks and reserves that could be considered for dual naming by Council;*
  - (c) *The dual naming of selected named geographical features of significance to the local Indigenous community in accordance with the Geographical Names Board dual naming policy for geographical features and cultural sites; and*
  - (d) *Where appropriate, signage for towns, villages and place names that have an aboriginal origin be redesigned, which may include the traditional meaning of those names and a suitable indigenous theme.*
2. *A report be brought back to the July 2014 Council meeting with a preliminary response from the AAC to these proposals in order to coincide with NAIDOC week.*

It is important to note that item 1(d) of this resolution includes the term where "where appropriate" which reflects the need for AAC consultation and approval for each proposed name because of cultural sensitivities.

The resolution of 19 June 2014 was discussed at the Aboriginal Advisory Committee (AAC) on 4 July and the following AAC recommendation was endorsed by Council on 17 July 2014:



*That Council receives and notes the recommendation of the Aboriginal Advisory Committee and develops a process to implement naming for sites of significance at future Aboriginal Advisory Committee meetings.*

As Council is aware a Reconciliation Action Plan (RAP) is being prepared which includes an action to develop an Aboriginal branding and signage policy. This is a project in itself which needs to follow a considered process to ensure signage is delivered in a consistent way. Key steps required to develop an Aboriginal signage and branding policy are:

1. Consult with Aboriginal Advisory Committee and relevant internal stakeholders to develop a brand and associated colour palette. This is an important step to ensure uniformity of signage.
2. Once the brand has been developed and endorsed by the AAC and Council, the next step is for identification of appropriate villages based on the current list of languages and definitions. It will be possible to develop a short list of names for the AAC to commence discussions. However, it should be noted this is a complex process due to a range of sensitivities including:
  - In some cases, names of current villages being based on languages not from this area.
  - There being more than one Aboriginal name for the place in some cases.
  - The Aboriginal names for some villages may be complex or have definitions that may be controversial when translated to English.
3. A works program will need to be established for the signage and installation.

In all cases the Aboriginal and resident communities should be consulted and this requires the Aboriginal branding and signage policy to be adopted and an appropriate consultation plan in place.

The RAP is a recognised important and fundamental platform for a Council's commitment to its community. The signage project is in the draft RAP, and diverting resources of staff and the AAC to this specific project would delay the progress on the RAP.

Further resolutions of Council on 23 January and 18 September 2014, listed below, will need to be undertaken concurrently with the aboriginal naming of villages.

23 January 2014:

*"...3. A report be prepared that:*

- (a) Assesses the adequacy of existing town/village entry statements in Tweed Shire in regards to the functions of informing the travelling public, promoting the towns and villages and providing an attractive, culturally and environmentally appropriate village/town entries.*
- (b) Provides a detailed, prioritised and costed works program to upgrade the entry statements to an appropriate current standard over a suitable number of years.*

- (c) *The Rural Villages Strategy be considered in preparing the Tweed Valley Way/Tweed River Corridor Plan of Management."*

18 September 2014

*"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 24 January 2014 regarding Entry Statements to the Tweed Shire.*

To date, preliminary audit work only has been undertaken on this project. The Audit has revealed a large variety of themes and sign types and it is recommended that a holistic approach be taken to standardising and incorporating the Aboriginal names of the various villages and localities.

Given the previous resolutions of Council to review the village and town entries and to incorporate aboriginal naming and Councils priority of developing a Reconciliation Action Plan with the Aboriginal Community it is recommended that the timing of the proposal to erect the aboriginal meanings on village entry signs be deferred until after the Local Government Aboriginal Network Conference in 2016

Delivery Program:

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 |

---

### Budget/Long Term Financial Plan:

The Long Term Financial Plan has funding to support the implementation of programs and projects in association with Aboriginal Development. There is sufficient funding

available to support the development of an Aboriginal branding and signage policy and installation of signage that follows.

Other than the funds available to develop the Aboriginal naming there is no budget allocated to upgrading the village entry statements.

Legal Implications:

Not applicable.

Policy Implications:

Not applicable.

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39 [NOM] Review of Kingscliff Pool Operation Hours

**NOTICE OF MOTION:**

**Councillor C Byrne moves that Council revises its hours of operation at the Kingscliff Swimming Pool and resolves to close the pool to the public on Sundays effective from 1 July 2015. The change of operational hours is to be published in the Tweed Link and council writes to the regular users of this service advising them of alternative swimming venues open on Sunday in the Tweed Shire.**

**Councillor's Background Notes**

In response to a Question on Notice, Council at its meeting on 16 April 2015, it was advised that the cost to open the Kingscliff Pool for four hours each Sunday between 1 July 2014 to 30 March 2015 was approximately \$9,153. The income generated from paid entries over this same time was approximately \$1,425 leaving a shortfall of \$7,728.

The average Sunday entries to the pool over this period was 13 with a maximum of 23 and minimum of 3.

Recommended Priority:

Nil.

Description of Project:

Nil

**Management Comments:**

If Council resolves to close the Kingscliff pool on Sundays, it is suggested a comprehensive consultation process be undertaken with effected community members prior to closure. This will include:

- Directly contact all membership holders who have utilised the Kingscliff swimming pool on Sundays in the past 12 months.
- Conduct a Sunday morning consultation-information session at the pool.
- Offer a 1 month extension to current membership holders who have utilised the pool on a Sunday.
- Inform the community of the Sunday closure of Kingscliff swimming pool and inform of alternative options including Councils Tweed and Murwillumbah facilities.

Delivery Program:

Valid



## Supporting Community Life

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

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

Budget/Long Term Financial Plan:

Decrease in annual financial operational costs at Kingscliff swimming pool of approximately \$10,000

Legal Implications:

Nil

Policy Implications:

Nil

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## 40 [NOM] Internet Use in our Libraries

### NOTICE OF MOTION:

**Councillor C Byrne moves that Council requests that the Richmond Tweed Library liaise with NSW.net to provide high level Internet Filtering of content that is currently not considered to be suitable to be kept in hard copy format at the Tweed Libraries (e.g. illegal content such as child pornography, terrorism, extreme violence and hard core pornography) and access to websites that provide a mechanism to illegally download content (e.g. illegal movie downloads).**

### Councillor's Background Notes

There has been a recent incident at a Tweed Shire library which lead to police being called after the individual had been warned on at least two occasions to cease the activities. Complaints had been made by other library users and put the staff in a very difficult position and the police attending.

The internet kiosks and Wi-Fi at the libraries is currently unfiltered and managed by Lismore.

#### Recommended Priority:

Nil.

#### Description of Project:

Nil.

### Management Comments:

There was an incident in the Murwillumbah Library in February 2015 where a library member was using the public internet connection to view inappropriate sexually explicit material in view of other library users including children. This occurred twice despite staff warning the member and providing copies of the internet usage policy, and the sessions had to be terminated by staff on both occasions. When the man was asked to leave he became aggressive and staff called 000 (police) before the man voluntarily left the library.

The incident prompted questions from the Tweed Shire Council Executive about why the Richmond Tweed Regional Library (RTRL) was not using filters on this and other inappropriate and illegal material (terrorism sites, making weapons, child pornography and pornography generally).

This is not the first incident of this nature that has occurred at Tweed or within the RTRL service.

The key issues that arise from this incident include:

- The safety and security of staff in having to confront and deal with the likely conflict that this situation poses
- The safety and security of other library users
- Free and full access to information for all library users versus protection of users from exposure to inappropriate and illegal material

- The opportunity to utilise filtering software to prevent public access to certain internet sites - it is very easy and fairly low cost to add a filter on the internet feed that will block entire categories of sites (e.g.: pornography, violence, terrorism, gaming, gambling, violence, file sharing etc) . This is currently what Tweed Shire Council does with all our IT using the Symantec Cloud web-filtering solution available on NSW.NET.
- The Public internet access using either Library PCs or Wi-Fi is currently unfiltered at all RTRL branches.
- The Lismore City Council IT section view is that Public internet should be filtered for sites illegal to access from Australia. At this stage RTRL Management have not supported that suggestion.
- State Library has guidelines indicating that access to ANY information resources (physical and electronic) should not be fettered in any way.
- The following Libraries are known to filter public internet content in Australia:
  - Rockdale City Council
  - City of Ryde
  - Leichhardt Municipal Council
  - Wollongong City Council
  - Ashfield Council
  - Marrickville Council.
- In April 2013 the Australian Library & Information Association (ALIS) conducted a survey of public libraries across Australia. 190 participants representing 788 public libraries – 53% of the total responded.
  - The results showed 44% of libraries used filters. Most filters operated at a low to medium level (81%). Only 19% were filtering at a higher level. Most were set to filter out offensive content. Other named items were very large files, file sharing, games and social networking sites.
- Regardless of the final policy position, Councils and RTRL should be taking this issue into account when designing and laying out the internet access and reading areas of our libraries.

Delivery Program:

Valid



## Supporting Community Life

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

Budget/Long Term Financial Plan:

Estimated cost:

75 machines across RTRL @ \$1.70/mth = \$1530pa

Given that Tweed pays approximately 44% of the operating costs for the RTRL, this would equate to \$676 p.a.

Legal Implications:

Nil

Policy Implications:

Nil

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**41 [NOM] Holiday Letting/Tourist Accommodation**

**NOTICE OF MOTION:**

**Councillor W Polglase moves that:**

- 1. Council places a moratorium on action against existing unlawful Holiday Letting/Tourist Accommodation (home stay) in the Shire after 21 May 2015.**
- 2. A high level meeting be called between Councillors, Council Executive and Representatives of the Tourist Accommodation (home stay) Industry.**
- 3. Council facilitates a commitment to process an Local Environmental Plan (LEP) amendment to ensure permissibility and continued operations for the Tourist Accommodation (home stay) Industry and that costs associated with this LEP amendment be borne by the Industry.**

**Councillor's Background Notes**

Recommended Priority:

Nil/

Description of Project:

Nil.

**Management Comments:**

Delivery Program:

Valid



**Strengthening the Economy**

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

- |       |   |
|-------|---|
| 3     | Strengthening the Economy   |
| 3.3   | Maintain and enhance the Tweed lifestyle and environmental qualities as an attraction to business and tourism                                   |
| 3.3.1 | Establish planning controls that balance the need for urban growth against the protection of agriculture, village character and the environment |

**Budget/Long Term Financial Plan:**

There is no immediate financial implication associated with this Notion of Motion. Council officers are working towards preparing a strategic policy in response to Council's resolution of 19 June 2014 and are doing so with current budget forecasts.

**Legal Implications:**

There are no legal implications arising in association with this Notion of Motion.

Policy Implications:

This Notice of Motion primarily responds to land-use issues generated through the making of the Tweed Local Environmental Plan 2014, in April 2014.

The issue of holiday letting of residential dwellings has a long and vexed history. It is widely accepted that this form of commercial land-use serves a broad spectrum of consumers both domestic and international, and generates substantial economic benefit to the region. It is equally accepted that neighbourhood impact can arise and therefore is warranting of a policy response in advance and support of an LEP amendment.

Council officers are currently reviewing the decision made by Byron Shire Council at its meeting of 30 April 2015 to adopt the *"Byron Shire Short Term Holiday Accommodation Action Plan"*, in terms of its relevance for a review of Tweed Council's planning controls.

There is no adverse or derogative policy implication arising from this Notion of Motion

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**42 [NOM] Tweed Shire Urban Heat Island Effect**

**NOTICE OF MOTION:**

**Councillor K Milne moves that Council brings forward a report on Urban Heat Island effects for the Shire and in regard to increased heat waves expected from Climate Change.**

**This report to address:**

- 1. Identifying the most vulnerable demographic in the Shire such as the elderly, infirm, children and those on low incomes,**
- 2. Identifying the localities and areas most likely to be impacted,**
- 3. Recommendations for Council to address these impacts, including, but not be limited to developing an Urban Heat Island Reduction Strategy, review of Council's Subdivision Manual, trials of new road pavements, incentives for green roofs, green waterway corridors, etc.**

**Councillor's Background Notes**

Extract: "Sydney's urban areas to be hit hardest by global warming"

"Green spaces, trees and bodies of water are must-have design features for future development in Sydney's suburbs after researchers found that by 2050 global warming combined with Sydney's urban heat island effect could increase temperatures by up to 3.7°C.

The researchers from the ARC Centre of Excellence for Climate System Science found new urban developments, such as the multitude of new estates on Sydney edges expected to house more than 100,000 residents, were prone to the greatest temperature increases.

Changes to planning guidelines could ease the heat impact, said Dr Paul Osmond from the University of New South Wales Built Environment.

"Current research shows that along with other strategies green spaces, street trees and bodies of water can have a marked effect on reducing urban heat island effect," said Dr Osmond.

"Not only do these help keep suburbs cooler, there is also a knock-on effect where these places gain social advantages through additional amenities and recreational areas. Quite often, leafy suburbs that contain a number of parks and bodies of water also tend to see increased real estate values. It's a win-win situation for everyone."

Previous studies have shown that density, in particular vertical expansion, plays an important role in the urban heat island effect. As global warming develops, urban designers will also have to consider ways to ease this likely heat increase.

Importantly, while this research was focused on Sydney it has lessons for cities right across Australia. The mechanisms that cause warmer nights in Sydney are applicable to any city with similar characteristics and can be solved in similar ways."

<http://www.climatescience.org.au/content/291-sydney%E2%80%99s-urban-areas-be-hit-hardest-global-warming>

Recommended Priority:

Nil.

Description of Project:

Nil.

**Management Comments:**

Delivery Program:

Valid



## Civic Leadership

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

1	Civic Leadership
1.1	Ensure actions taken and decisions reached are based on the principles of sustainability
1.1.3	Prepare for climate change through adaptation and mitigation strategies

Budget/Long Term Financial Plan:

The cost of evaluation and reporting on 'urban heat island' effects for the Shire that specifically addresses the likely propensity and intensity of heat waves arising from predicted climate change is not allocated a financial commitment within the Council's current budget or long term financial plan. The cost of preparing a report by way of external consultancy would need to be tested by a public expression of interest.

There is presently no internal resourcing allocated to this or a like project.

Legal Implications:

There are no legal implications or costs identified at this stage.

Policy Implications:

Evaluation of the potential for and impact of potential escalation of 'urban heat island' effects arising from or otherwise associated with climatic changes would be consistent with and would broadly inform strategic land management and land use policy. It would be consistent with Council's current policy in regard to environmental sustainability.

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43 [NOM] Marine Health Cook Island

**NOTICE OF MOTION:**

**Councillor K Milne moves that**

**1. Council notes:**

- a) **Outcomes of the Southern Cross University National Marine Science Report, 'A long-term program to monitor the health of nearshore reefs',**
- b) **That injury and fatality to vertebrate marine life caused by ingestion of, or entanglement in, harmful marine debris' has been listed as a key threatening process under the EPBC Act 1999.**

2. **Requests relevant Government departments and stakeholders to implement management intervention to mitigate these impacts as outlined in the Southern Cross University report.**

**Councillor's Background Notes**

Extract- SCU Report "A long-term program to monitor the health of nearshore reefs'

Report cards for 2012/13

"Of concern was the fact that 4 of the 5 sites for which this was repeated sampling, recorded their highest marine debris loads during 2012/13. Most of the debris items were fishing-related, and mostly comprised monofilament fishing line entangled around corals. The highest loads were at the 2 sites at Cook Island, both of which are within the Cook Island Aquatic Reserve from which fishing is prohibited.

This is a recurrent observation and one which requires management intervention to mitigate.

Further investigation into the apparent loss of mollusc biodiversity at Cook Island South in 2012 suggested that some of the decline in species richness may simply be related to habitat heterogeneity, and the consequent variability associated with the distribution of mollusc taxa. However, extensive searches in 2013 failed to find any specimens of *Cerithium novaehollandiae* which was one of the more common species in historical sampling. Benthic conditions had improved at this site in 2013, with little evidence of the fine silt that coated most surfaces in the previous 2 years.

This site clearly shows considerable variation in conditions, and is one of the most diverse for both fish and molluscs, and should consequently receive continued, and preferably intensified, monitoring effort into the future."

**Recommended Priority:**

Nil.

Description of Project:

Nil.

**Management Comments:**

A report card for 2012/2013 was prepared in August 2013 as part of the long-term program to monitor the health of near shore reefs.

In summary, the conditions have improved in some biodiversity metrics since last surveys were undertaken (2009 report) due to a reduction in fine silt as a result of less flooding. The main issue of concern, given that this is a Marine Reserve, was that the debris load (fishing line etc) has increased.

Delivery Program:

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
4.4.2	Protect and enhance the aesthetic qualities of the coastal zone

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Budget/Long Term Financial Plan:

Nil.

Legal Implications:

Nil.

Policy Implications:

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.	Southern Cross University - National Marine Science Centre - "A long-term program to monitor the health of nearshore reefs - Report cards for 2012/2013" (ECM3670976)
Attachment 2.	National Marine Science Centre - "A long-term program to monitor the health of nearshore reefs - Regional evaluation and site selection" (ECM3670977).

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## QUESTIONS ON NOTICE

### 44 [QON-Cr K Milne] Saltmarsh Inundation at Cobaki

#### QUESTION ON NOTICE:

Councillor K Milne asked:

Can Council provide an update on the inundation of saltmarsh at the Cobaki Broadwater, including but not limited to:

1. The extent of the areas inundated;
  2. Directions from the State Government agencies in regard to remediation, progress of this remediation and monitoring results, and reasons for delays in remediation;
  3. Extent of damage that may have occurred and species effected, including impacts in regards to mosquitoes and incidences of mosquito borne diseases;
  4. Any penalties imposed on the developer; and
  5. Advice on whether there is an option for Council to pursue legal remedies?
-

## REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

### 45 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 6 February 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

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### SUMMARY OF REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 6 February 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 6 February 2015 be received and noted; and**
- 2. The Executive Management Team's recommendations be adopted as follows:**

**A4. Robert Appo (Tweed Shire Council)**

**(e) *Paulson Park, Bogangar***

**That Council notes the endorsement of the Aboriginal Advisory Committee and calls for any public comments regarding the naming of the park located on the corner of Recreation Street and Cooley Street, Bogangar "*Paulson Park*", in accordance with Council's Policy for the Naming of Public Parks.**



**REPORT:**

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 6 February 2015 are reproduced as follows for the information of Councillors.

**Venue:**

Minjungbal Aboriginal Museum and Cultural Centre

**Time:**

9.40am

**Present:**

Leweena Williams (Tweed Aboriginal Corporation for Sport), Desrae Rotumah (Tweed Aboriginal Co-operative Society), Des Williams (Tweed Byron Local Aboriginal Land Council representative), Jackie McDonald (Tweed Wollumbin Aboriginal Education Consultative Group representative), Aunty Joyce Summers (Canowindra representative).

**Ex-officio:**

Tracey Stinson, Robyn Grigg, Anne McLean, Robert Appo (Tweed Shire Council), Gabby Arthur (Tweed Shire Council) (Minutes).

**Guests (in order of arrival):**

Tim Robins (Everick) (arrived at 10.40am), Brett Curtis and Bianca Carroll (Gold Coast Airport) (arrived at 10.40am)

**Apologies:**

Mayor Gary Bagnall (Tweed Shire Council)

**Chair: Des Williams**

**Moved: Desrae Rotumah**

**Seconded: Jackie McDonald**

**RESOLVED** that the Chair was declared vacant and nominations were called. Des Williams was nominated and was unanimously elected to Chair the meeting.

Des Williams opened the meeting with a welcome to all present and paid respect to Elders past and present.

**Minutes of Previous Meeting:**

**Moved: Leweena Williams**

**Seconded: Jackie McDonald**

**RESOLVED** that the Minutes of the Aboriginal Advisory Committee meeting held Friday 5 December 2014 be accepted as a true and accurate record of the proceedings of that meeting with the exception that GB1 is amended to read:

**'GB1.Serving Our Country - Research of 100 year centenary of Black Diggers who Fought in Conflicts**

Jackie advised that a national project is being undertaken researching the 100 year centenary of Black Diggers who fought in conflicts...'

**Business Arising:**

**GB1. Serving Our Country - Research of 100 year centenary of Black Diggers who Fought in Conflicts**

Jackie advised that the research visit has now been delayed to April 2015. Magali McDuffy will be involved in the filming. AAC members were requested to advise community members of the delay and to remind them to bring their photographs along to the research meeting.

**A3(b) Illegal Clearing on Lots 127 and 128 Zara Road (Boormans Road), Tyalgum (Fish property)**

Leweena advised that the Aboriginal artefact has not yet been registered and she will follow up on this item. Des advised that he doesn't think the rocks he looked at with Mayor Bagnall are artefacts.

**Agenda Items:**

**A1. Terms of Reference (Robyn Grigg, Tweed Shire Council)**

Robyn acknowledged the role and strength of the AAC and the diversity of topics that it covers.

Robyn noted that the AAC is currently working on the Memorandum of Understanding (MOU) and Reconciliation Action Plan (RAP). Some of the discussions that the AAC is currently having around the MOU, RAP and the Aboriginal Employment Strategy are close to operational matters and AAC members were reminded to be mindful of the role of the Committee and understand the difference between operational context and policy/strategic context.

Robyn noted that the AAC is the major guide in relation to Council's relationship with the Aboriginal community, and it provides input to the Community Development team however it needs to do this within the context of the Terms of Reference.

Leweena advised it is part of the role of the AAC members to bring issues in the Aboriginal community to the table and the AAC members will continue bringing raw issues to the table as required by the Aboriginal community. The AAC members are answerable to the Aboriginal community the same way Council officers are answerable to Council.

Tracey agreed that the dialogue must be clear and Council officers may need to give firm advice from time to time to the AAC about what is practical and what is not practical to take forward. This may include issues such as funding, employment etc.

Tracey advised she has been unable to progress the request for an Aboriginal Cultural Heritage Officer as Council is unable to fund the position. Leweena acknowledged that it may not be able to happen now but it will remain on the table for the Aboriginal community.

Desrae noted that all Aboriginal Development Officers at other Councils have a vehicle allocated to the position however this is not the case for Community Development Officer-Aboriginal (Robert Appo). Robyn noted that decisions have been made about allocation of vehicles and the decision has been made across the board. The AAC were advised that Robert will have to book a vehicle from the fleet after 6 March 2015. If Robert is required to use his own vehicle for Council business, he can claim expenses if there is not a fleet vehicle available. If Robert uses his vehicle to attend an Aboriginal meeting out-of-hours, he can still claim use of his vehicle.

Discussion about allocation of vehicles across the Community Development team and it was noted that only two of the four Community Development officers have vehicles allocated. Those two officers were engaged with a vehicle attached to their employment. If those positions became vacant, they may not be recruited with a vehicle.

Robyn advised that Robert's vehicle use could be monitored over time and a business plan could be prepared. The AAC were requested to let Tracey know if the arrangement becomes unsatisfactory.

The AAC considers that due to the level of community involvement and expectation, it is vital that the Community Development Officer-Aboriginal has a vehicle assigned through contract.

The AAC noted that it has been formed for almost 20 years and has been discussing Aboriginal employment and opportunities throughout that time.

*The AAC recommendation in relation to the vehicle is an internal operational matter and will not be reported as part of external minutes of the AAC.*

Robyn Grigg left at 10.40am

**Action:** Anne McLean is preparing a report to the Executive Management Team (EMT) regarding the requirement for the Community Development Officer-Aboriginal position to be allocated a vehicle.

## **A2. Aboriginal Employment Strategy (Suzanne Richmond, Tweed Shire Council)**

Item not discussed. Suzanne Richmond did not attend meeting.

Tim Robins, Brett Curtis (GC Airport) and Bianca Carroll (GC Airport) arrived at 10.40am

## **A3. Tim Robins (Everick Heritage)**

### **(a) Gold Coast Airport**

Tim introduced Brett Curtis and Bianca Carroll to the AAC. Tim noted that all of the AAC members with the exception of Desrae have been attending the Gold Coast Airport meetings and are aware of the proposal.

Tim tabled the Master Plan for Gold Coast Airport and referred to the proposed extensions which will be conducted over the next 20 years.

Part of the proposal is the Instrument Landing System (ILS) and runway extension. The ILS will be on Crown Land. A walkover was conducted over the ILS site before Christmas; nothing was found. The footprint is small. Gold Coast Airport needs to show good faith to the community and demonstrate it is complying with Aboriginal Cultural Heritage. Everick's opinion is that it is unlikely the ILS will impact on Aboriginal Cultural Heritage however Jackie has attended the site and asked for a preliminary investigation. The Airport has agreed to requests and included them in the proposal.

Project 2018 (Commonwealth Games) has a number of components including extension of the taxi apron, terminal and associated infrastructure (lighting and electricity) and realignment of the drain and footings. The realignment of the drain and footings are the

largest areas for potential disturbance. Jackie noted that the drain is actually Coolangatta Creek, the alignment of which has been altered over time by Gold Coast Airport. It should be referred to as Coolangatta Creek as it has historical references and is associated with Aboriginal stories. Tim agreed to change the reference in the historical analysis.

Tim advised that an archaeological survey has been undertaken with TBLALC and Jackie, which identified three low density artefact scatters and some shell. The main artefacts were located around the old dog track, with some others outside of the plan. From an archaeological perspective none were viewed as significant as the ground is highly disturbed however were indicative of the land not being culturally sterile and will require further investigation down the track. Des noted that TBLALC found a high number of significant artefacts along the path. In one area nearby, 100 highly significant pieces were found when they dug down. Tim advised that Everick agreed. Dr Errol Stock carried out geomorphic testing which indicated the site has not been as heavily disturbed as it looks on the aerial photo, in particular down to one metre in the middle and southern portions.

Given changing sea levels over time, Everick considers it likely this site is very old, with potentially 4000 year old coastal dunes. Somewhere below is older sand however the water table is too high to carry out further testing as the pits collapse. Des pointed out that the proposed test pits were carried out contrary to their advice as to how they should be done. Des suggested a prefill may yield better results than an auger. Tim noted there are limitations using an auger and that test pits will be required.

Tim advised that Everick has used geomorphic testing to inform areas for archaeological excavation and tabled a map that indicates areas for further analysis. Des suggested area TP4 may be worthy of further investigation. Tim advised that Dr Stock has indicated this area has been disturbed up to as much as two metres.

Jackie asked Brett Curtis and Bianca Carroll how the Gold Coast Airport feels about the Excavation Strategy. Bianca noted that the Airport is happy to follow Everick's advice and proceed with the Excavation Strategy but noted the archaeological findings will inform the extent of research.

Jackie raised concerns with the lack of testing undertaken on Gold Coast Airport land for the Tugun bypass. She is disappointed that the testing is being done in bits and pieces, rather than the whole footprint of the Airport. Artefact scatter is an important part of the landscape of features for Aboriginal people and needs to be fully investigated so that they are satisfied. Aboriginal habitation cannot be confirmed to one particular area. Jackie's opinion is the Aboriginal community are owed a thorough investigation of this site before the extension proceeds.

Des noted the importance of the area between TP4 line and the track and requested that investigations take place. Tim advised they would note the request.

Jackie reiterated to the Gold Coast Airport representatives the importance of this research to community. It must be done to the satisfaction of the Aboriginal community or the community will be forced to make public its view about the cultural significance of the site. The community is prepared to write to the Minister seeking to have the site listed for National Heritage significance.

Tim noted that they will take the comments on board, have discussions with Gold Coast Airport and come up with a detailed strategy.

Brett Curtis and Bianca Carroll left meeting at 11.14am

**Action:** Everick to email copy of tabled plans to CDO-Aboriginal as copies were not available at the meeting for retaining.

**(b) River Heights**

Tim advised that the revised Development Application is about to be submitted to Council. Tim apologised he forgot to print out the plan of the revised Development Application but will email it to Robert Appo when he gets back to office. Tim advised that the site of significance is well outside of the development footprint.

When asked about timeframe, Tim advised that Council will be requiring feedback from the AAC and the TBLALC re the proposal.

**Action:** Everick to email copy of plan of the revised DA to CDO-Aboriginal as a copy was not available at the meeting.

**(c) Barneys Point Road Subdivision, Banora Point**

Tim tabled the Aboriginal Cultural Heritage Due Diligence Assessment for Barneys Point Road Subdivision dated December 2014.

Tim advised that Everick and TBLALC did a walk over the site last year. The site was covered by fill and highly disturbed and almost entirely developed and covered in houses.

Jackie asked whether the findings of the Hollywell site would be relevant to this proposal. Jackie reminded the AAC that the Hollywell site was covered by fill but once they dug down one metre they found a huge midden underneath the fill. Tim noted that the adjoining areas are developed.

Council has requested a Due Diligence Assessment on the development.

**Action:** Everick requested feedback from the AAC asap as the Applicant is ready to lodge.

**(d) Eviron Quarry**

Tim tabled the Draft Cultural Heritage Due Diligence Assessment for Resource Reuse and Waste Transfer Facility, Eviron.

The proposal is to extend the quarry downwards to enable the extraction of more resources. AAC were referred to the footprint on page 13 figure 2.

Adrian Piper attended the site with TBLALC site officers and could not find anything of significance.

**Action:** Everick requested AAC to provide a response to the proposal asap.

**(e) Walmsleys Road, Bilambil Heights**

Tim tabled the Aboriginal Cultural Heritage Due Diligence Assessment for Walmsleys Road Subdivision, which includes the report by Errol Stock. Tim drew the AAC's attention to

pages 47 and 48 figures 1, 2 and 3 and noted that it is Dr Stock's opinion that the dish shape was formed as a result of a thunder-egg being dislodged.

Des advised that Warren had shown him a photograph and Des didn't believe it was something fashioned by older Aboriginal people for ceremony or collecting water or anything else. There is a spring not far from the area. It is close to a ridgeline which would have been a pathway. Des advised it isn't a women's place so is not a women's artefact.

#### **A4. Robert Appo (Tweed Shire Council)**

##### **(a) Cobaki Heritage**

Tim Robins was invited to stay for this item.

Robert advised that he was tasked to find grant funding sources to undertake further research. A funding source has been identified through the Indigenous Advancement Strategy (IAS) through the Department of Prime Minister's office. Council has written to Leda acknowledging its support for the AAC and requesting access to the site for the Aboriginal community for further investigations. Tracey advised she attended a meeting with the developer yesterday and was advised the matter is still being considered by the developer. Council is still awaiting a formal response from Leda.

The grant is under 'Protection of Aboriginal Heritage' and is very much Aboriginal focussed. TBLALC is the applicant, in partnership with Council and Everick, which will be providing in-kind contributions. The outcomes are very much in favour of the Aboriginal community, with significant outcomes for the community. The focus is not on dating and research but protection of the adjoining TBLALC block of land which will be the last remaining intact piece of landscape in years to come. It is a demand-driven grant so it has gone directly to Department of Prime Minister and Cabinet in Canberra. The grant was lodged on 5 February 2015 and Department of Prime Minister has estimated it will take 1-2 months to determine.

Robert acknowledged the major amount of in kind support from Everick and Council and without it, the Aboriginal community would not be able to obtain sufficient funding to complete the project. The AAC members thanked Council and Everick for their contribution.

Jackie noted that the research is not just for the Aboriginal community, but for the whole Tweed community in getting a better understanding of the landscape and history of the area. It will influence how different archaeologists view the landscape.

The application includes opportunities for indigenous training of Aboriginal site officers through TBLALC. Jackie asked how broad the training would be and Robert confirmed the training component is to pay for TBLALC site officers to be included in the excavation and site identification work, with approximately five days being allocated. Participation from the broader community is welcomed but payment will not be available.

Jackie asked that TBLALC consider others as site officers particularly if there has been a longstanding interest in the site by particular community members. TBLALC has not yet worked out how the training component will be coordinated and whether it will call for expressions of interest. It was noted that the grant had to be completed within certain budgetary boundaries.

Desrae thanked Council for allowing Robert to apply for the funding and also thanked Tim and Richard Robins for their involvement.

The start date for the project is 1 July 2015 and end date 30 June 2016.

Tracey Stinson left at 11.59am  
Tim Robins left at 11.59am

**(b) Faux Park, Tweed Heads South**

Robert advised that the AHIP from OEH for the revetment work in Faux Park has been received by Council. Jackie requested that Robert obtain a copy of the final report from OEH so that the stakeholders can see how their comments were dealt with.

**Action:** CDO-Aboriginal to request copy of the final report for Faux Park from OEH and to distribute to AAC members.

**(c) Aboriginal Place Names Fact Sheet - Endorsement**

Robert distributed the updated version of the Aboriginal Place Names Fact Sheet prepared by Ian Fox for Murwillumbah Museum.

The following further changes requested:

- 'Wollumbin/Mt Warning' be moved into alphabetical order
- Fingal Head - change cultural meaning to: Place of the Echidna "Bonny" = echidna
- Fingal Head - remove the alternate name spelling of Pooninybah. The correct cultural name is Booninybah. Discussion in relation to previous spelling resolved by the AAC in 2011. Records of agreed spelling to be updated to reflect today's advice.
- Cook Island - further change to spelling needs to be made.

Jackie McDonald left the meeting at 12.13pm  
Jackie McDonald returned to meeting at 12.19pm

**Action:** CDO-Aboriginal to liaise with Jackie McDonald in relation to spelling for Cook Island.

**Moved:** Des Williams

**Seconded:** Desrae Rotumah

**RESOLVED** that subject to the above changes being made, the Aboriginal Advisory Committee endorses the Aboriginal Place Names fact sheet for the Tweed Regional Museum.

**(d) Bogong Road - Alternate Street Name to be Adopted**

Robert advised he hasn't yet had a chance to follow up with Vanessa Barr regarding alternate names for Bogong Road and requested confirmation from the AAC as to how to proceed. Jackie suggested that the name of one of the mountain peaks from Border Ranges be used.

Robert to compile a list of ten names and to forward the list to the AAC members for consideration, with a view to the list being endorsed at the next AAC meeting.

**Action:** CDO-Aboriginal to compile list of ten names and to forward to AAC members for consideration and endorsement at next AAC meeting.

**(e) Paulson Park, Bogangar**

Robert advised that the Paulson family has agreed for the name to be used.

**Moved:** Aunty Joyce

**Seconded:** Des Williams

**RECOMMENDATION** that the Aboriginal Advisory Committee endorses the naming of Paulson Park, Bogangar.

**(f) Memorandum of Understanding (MOU)**

**(g) Reconciliation Action Plan (RAP)**

Robert sought advice from the AAC regarding the draft MOU and RAP. The community workshop has not yet been held because it was too close to Christmas. The AAC agreed that a workshop should be held with the Aboriginal community.

Jackie McDonald left meeting at 12.30pm

Jackie McDonald returned at 12.33pm

Des Williams left meeting at 12.35pm

**Action:** CDO-Aboriginal to email draft MOU and RAP to the AAC members.

Action: CDO-Aboriginal to liaise with Desrae Rotumah re suitable date for workshop to be held with Aboriginal community at Minjungbal Aboriginal Museum and Cultural Centre, and to arrangement workshop.

Des Williams returned to meeting at 12.40pm

**A5. Outstanding Matters Report**

Deferred to next meeting.

**General Business:**

**GB1. Recognise Campaign**

Robert advised that he has been contacted by the 'Recognise Campaign' which is the organisation advocating for Aboriginal recognition in the Constitution. The organisation is federally funded. Recognise Campaign would like to hold its first NSW event in the Tweed on 6 March 2015. A venue is required for the organisation and a walk is proposed from Tweed Heads Civic Centre to Pelican Park and then on to Minjungbal Aboriginal Museum and Cultural Centre.

The organisers are proposing a Q&A session including panel the night before (5 March 2015) which may be hosted by Kerry O'Brien or Geoff McMullen. They have offered to have a movie after the Q&A and have suggested 'Charlie's Country'.

Possible venues for the Q&A and movie are South Tweed Community Hall or Tweed Heads Civic Centre.

**GB2. Wommin Bay**

Jackie reminded the AAC that Chinderah is shrinking and asked the AAC members if they know why 'North Kingscliff Caravan Park' isn't called 'Wommin Bay Caravan Park'. Jackie enquired whether a Due Diligence Assessment had been provided for the development; Robert confirmed it had been. Des noted the northern end of the site has been very



disturbed and there was no evidence of occupation. Robert noted that the southern end has a small area that may be of interest.

**Next Meeting:**

The next meeting of the Aboriginal Advisory Committee will be held on Friday 6 March 2015.

The meeting closed at 1.00pm.

**EXECUTIVE MANAGEMENT TEAM COMMENTS:**

**A4. Robert Appo (Tweed Shire Council)**

**(e) *Paulson Park, Bogangar***

Nil.

**EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:**

**A4. Robert Appo (Tweed Shire Council)**

**(e) *Paulson Park, Bogangar***

That Council notes the endorsement of the Aboriginal Advisory Committee and calls for any public comments regarding the naming of the park located on the corner of Recreation Street and Cooley Street, Bogangar "Paulson Park" in accordance with Council's Policy for the Naming of Public Parks.

**EXECUTIVE MANAGEMENT TEAM'S COMMENTS:**

Nil.

**EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:**

Nil.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice.

Terms of Reference - Adopted 19 September 2013 (ECM 3146605).

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

Not applicable.

**c. Legal:**

Not Applicable.

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**46 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 13 March 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 Advisory Committee Meeting held Friday 13 March 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 13 March 2015 be received and noted; and**
- 2. The Executive Management Team's recommendations be adopted as follows:**

**GB2.Wommin Bay**

***That Council clarifies the boundary of Chinderah in relation to the Geographical Names Board and the Parish maps from 1902.***

**REPORT:**

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 13 March 2015 are reproduced as follows for the information of Councillors.

Venue:

Tweed Byron Local Aboriginal Land Council

Time:

9.48am

Present:

Leweena Williams (Tweed Aboriginal Corporation for Sport), Desrae Rotumah (Tweed Aboriginal Co-operative Society), Des Williams (Tweed Byron Local Aboriginal Land Council representative), Jackie McDonald (Tweed Wollumbin Aboriginal Education Consultative Group representative), Aunty Joyce Summers (Canowindra representative), Cr Katie Milne.

Ex-officio:

Robyn Grigg, Anne McLean, Robert Appo (Tweed Shire Council) (Minutes).

Guests (in order of arrival):

Ian Fox (Ian Fox and Associates) (arrived 10.00am), Lara Bennett, Diedre Currie and Danielle Blomeley (Kids caring for country) (Arrived 11.15am), Tim Robins and Jordan Towers (Everick) (arrived at 11.40am).

Apologies:

Mayor Gary Bagnall (Tweed Shire Council).

Chair: Des Williams

Moved: Desrae Rotumah

Seconded: Jackie McDonald

RESOLVED that the Chair was declared vacant and nominations were called. Des Williams was nominated and was unanimously elected to Chair the meeting.

Des Williams opened the meeting with a welcome to all present and paid respect to Elders past and present.

Minutes of Previous Meeting:

Moved: Leweena Williams

Seconded: Jackie McDonald

RESOLVED that the Minutes of the Aboriginal Advisory Committee (AAC) meeting held Friday 6 February 2015 be accepted as a true and accurate record of the proceedings of that meeting with the exception that A3 Gold Coast Airport (a) paragraphs 3 and 4 are amended to read:

Gold Coast Airport paragraph 5 - Tim said an archaeological survey has been undertaken with TBLALC and Jackie which identified three low density artefact scatters and some shell.

Jackie advised that it should be noted that this statement should be acknowledged as Tim Robbins wording, and not that of the AAC.

A3. (a) Gold Coast Airport paragraph 6 - Des pointed out that the proposed test pits were carried out contrary to their advice as to how they should be done. Des advised "proposed" should be added to paragraph 4 which better reflects the initial discussion.

Business Arising:

GB1. Terms of Reference (Robyn Grigg, Tweed Shire Council)

Desrae asked for an update regarding the CDO-Aboriginal vehicle and the recommendation from the February AAC meeting for Council to reconsider its decision to allocate a vehicle. Robyn Grigg advised that a report will be prepared for the Executive Management Team (EMT) after the February minutes are ratified by the AAC.

A3. Tim Robins (Everick Heritage) (a) Gold Coast Airport  
AAC members wish to advise Council that contrary to archaeological views, the AAC consider the entire airport precinct, Cobaki Lakes and the Tugun bypass as a whole landscape and not in isolation as development within the area increases. The AAC would also like to acknowledge that the entire cultural landscape within this area should be considered highly significant to the Aboriginal community. It is the view of the AAC that the assessment of one section of landscape should not be used to downplay another and that the entire cultural landscape should be assessed as one. The AAC also note the diversity and concentration of cultural material recovered so far is an indication of occupation over thousands of years to the present day.

GB2. Wommin Bay

Jackie raised concerns that Chinderah is shrinking, with signage appearing before the Cudgen Leagues Club. Jackie asked the AAC members if they also remember the boundary being closer to Murphy's Road. Ian Fox suggested the Geographical Names Board should have information and that Parish maps from 1902 are available which should show if the boundaries have changed over time.

Moved: Jackie McDonald

Seconded: Leweena Williams

RECOMMENDATION that the Aboriginal Advisory Committee requests Council to clarify the boundary of Chinderah in relation to the Geographical Names Board and the Parish maps from 1902.

Agenda Items:

A1. Agenda Item one deferred due to Business Arising discussion.

A2. Ian Fox - Cultural matters Chinderah

Ian advised he has been engaged to do a Due Diligence assessment for the Chinderah BP Service Centre. He noted that a previous cultural heritage assessment report was prepared for the site by Converge Heritage + Community Consultants dated 3 June 2010. Ian advised that a rezoning application has been lodged and Council requested a Due Diligence assessment as the previous report was prior to the change of legislation on 10 June 2010.

Ian advised the previous Cultural Heritage assessment did not identify any cultural material and noted the site was disturbed. He provided the AAC with portion maps from 1902 which show vegetation species and landscape features such as a swamp or watercourse which flow close to the development site.

Ian asked the AAC who they would like to nominate to assist in a field survey. Des stated that as Tweed Byron Local Aboriginal Land Council (TBLALC) were previously engaged in 2010 they would send a Site Officer to assist Ian with the field survey to continue on with the work that has already been done. Jackie asked if she could assist with the survey and noted some sites she is aware of within the area don't appear to be on AHIMS. Ian said he was more than happy for Jackie to be involved in the survey, however there is provision for one paid assistant for this survey. Ian will liaise with Jackie regarding the sites not on AHIMS to include in his report. Ian will attend the April AAC meeting with the Due Diligence report for comment and final approval.

Ian Fox left the meeting at 11.12am

A3. Lara Bennett, Deidre Currie and Danielle Blomeley – Belly to Big School, Pace Project and Laura Festival update and advice.

Lara advised the YWCA has requested Tweed Valley Women's Service, Kids Caring for Country to take over the running of Belly to Big School festival. This year's festival will be held at Knox Park, Murwillumbah Community Centre and will be rebranded as the Kinship, Culture and Connection Festival and aims to connect with families. Lara enquired about an Elders' tent and requests advice from the AAC. Lara also said services and groups focused on Aboriginal health and wellbeing be invited to attend and have a space at the festival.

Deidre provided the AAC with an update on the Pace project which will continue this year with Danielle Blomeley as project manager and Deidre as the community support worker.

Lara noted the Kids Caring for Country group have been invited to attend and perform at the annual Laura Aboriginal Dance Festival this year. Lara requested advice from the AAC as to who would be available to sit on an assessment panel for families or individuals willing to attend the festival. The purpose of the panel will be to provide guidance and cultural protocols for those wishing to attend. Leweena suggested Kyle Slabb be contacted as he would be able to advise about cultural protocol. Aunty Joyce Summers volunteered to be on the panel if transport could be arranged for her.

Action: Leweena Williams to liaise with Kyle Slabb to provide Lara Bennett's contact details regarding cultural protocol advice.

Lara Bennett, Dierdre Currie and Danielle Blomeley left the meeting at 11.39am.

Robyn Grigg left the meeting at 11.40am.

A4 (a). Tim Robbins and Jordan Towers – 191 Cobaki Road, Cobaki Due Diligence Assessment.

Tim advised Everick have been engaged to do a due diligence assessment of 191 Cobaki Road, Cobaki and described the project as a large lot residential subdivision. He provided a project information plan for the AAC and added an AHIMS search has been undertaken,

however no registered sites are identified within the project boundary. Tim asked for advice from the AAC on cultural information for this site. Des advised him that the Committee will get back to Everick once members have had a chance to check with their organisations. Tim noted that this site is in close proximity to Campbell's Hill and Cobaki. Tim asked if the TBLALC will provide a sites officer to assist with the field survey. Jackie asked whether there was an opportunity for others to attend the field survey as she would like Levi to be involved. Tim advised he would check with the proponent.

Desrae Rotumah left the meeting at 11.55am

A4 (b). Tim Robbins and Jordan Towers – Gold Coast Airport update.

Des Williams questioned the layout of the proposed test pits indicating his advice was for them to run North/South rather than East/West. Tim noted the pits are on the higher ground. Des advised only two pits are on the higher ground and the other pits are not in the correct area. Des is of the opinion that PT4 is too far away from where he would like it. Tim noted that Everick will adjust the grid and circulate the draft to the AAC for comment and take Des's advice into account.

Des noted the Everick report stated the main artefact scatter was at the dog track and commented this was the case, as the area was eroded. He suggested that artefacts in the other areas are surface only, and there are potentially more artefacts under the surface.

Jackie asked if Everick will ensure the creek is referred to as Coolangatta Creek and not a drain. Jackie advised Everick can add that as the AAC's comment in the report. Rob Appo noted there is a Gold Coast City Council Catchment management document prepared by AWC - Australian Wetlands Consulting Pty Ltd.

Action: CDO-Aboriginal to email a copy of the Gold Coast City Council Catchment management document to AAC members and Everick.

A1. Robert Appo, RAP (Tweed Shire Council).

Rob advised he is close to a final draft on the content of the RAP and that he is now writing the introduction to the RAP as well as general text about the Tweed Shire region. As the community have been busy with events in the past few months, Rob has not been able to organise a community workshop for the RAP; however he has been able to forward to the Aboriginal network for comment. Rob asked the AAC about the design and layout of the RAP and noted there are a number of issues to consider such as:

- (a) Timing to consider from Council's perspective
- (b) Procurement of artists/photographers/graphic designer
- (c) Discussion with Council's Communications Unit in regards to branding

Rob asked the AAC to have a think about what the layout for the RAP may look like. Rob made a few suggestions which could include:

- (a) Engaging a local Aboriginal artist
- (b) Engaging a local Aboriginal photographer
- (c) Engaging a local Aboriginal graphic designer

Jackie suggested that a watermark of Wollumbin could be used throughout the document. Rob discussed the possibility of engaging Arts Northern Rivers to project manage the design elements of the RAP, in consultation with the AAC. Rob suggested use of cultural resources, for example pippis, and Leweena suggested landscape features and sites important to the community.

#### GENERAL BUSINESS.

##### GB1. Recognise Campaign

Jackie noted her disappointment that there were no Councillors or Council Executive representatives at the Recognise Campaign events.

##### Next Meeting:

The next meeting of the Aboriginal Advisory Committee will be held on Friday 10 April 2015.

The meeting closed at 1.25pm.

#### EXECUTIVE MANAGEMENT TEAM COMMENTS:

##### **GB2. *Wommin Bay***

Nil.

#### EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

##### **GB2. *Wommin Bay***

**That Council clarifies the boundary of Chinderah in relation to the Geographical Names Board and the Parish maps from 1902.**

#### 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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**47 [SUB-TCKAG] Minutes of the Tweed Coast Koala Advisory Group Committee Meeting held Wednesday 1 April 2015**

**SUBMITTED BY: Natural Resource Manager**

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**Caring for the Environment**

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

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

**SUMMARY OF REPORT:**

The Minutes of the Tweed Coast Koala Advisory Group Committee Meeting held Wednesday 1 April 2015 are reproduced in the body of this report for the information of Councillors.

**RECOMMENDATION:**

**That the Minutes of the Tweed Coast Koala Advisory Group Committee Meeting held Wednesday 1 April 2015 be received and noted.**

**REPORT:**

The Minutes of the Tweed Coast Koala Advisory Group Committee Meeting held Wednesday 1 April 2015 are reproduced as follows for the information of Councillors.

Venue:

Canvas and Kettle – Murwillumbah Civic Centre

Time:

4.00 pm

Present:

Cr Katie Milne (TSC), Mark Kingston (TSC), Scott Hetherington (TSC), Marama Hopkins (TSC), Rhonda James (community rep), Lorraine Vass (Friends of the Koala Inc.), Jennifer Hayes (Team Koala Inc.), Dot Holdom (inaugural chair 2010 - 2012, invited guest), Tracey Stinson (TSC from 5pm))

Apologies:

Ralph Kraemer and Anita Mudge (community reps) John Turbill (OEH), Steve Jensen (DP&E), Iain Lonsdale (TSC)

1. Minutes of Previous Meeting:

Moved: Jennifer Hayes

Seconded: Rhonda James

RESOLVED that the Minutes of the Tweed Coast Koala Advisory Group Committee meeting held 28-30 January 2014 be accepted as a true and accurate record of the proceedings of that meeting.

**BUSINESS ARISING:**

Nil. See agenda items.

**AGENDA ITEMS:**

1. Thank you to Koala Advisory Group members

Mark gave an overview of the role of the KAG, achievements and issues covered over some 23 meetings since the inaugural meeting on 10 August 2010.

In relation to the main business of the KAG which was to assist with preparation of the Comprehensive Koala Plan of Management itself the group had made substantial contributions to:

the consultant's brief

ideas arising from a number of workshops

feedback on numerous drafts of the plan

liaison with Council and State Agencies

consultation during the exhibition

assisting with the assessment of public submissions

recommending the plan for adoption by Council and the Department of Planning and Environment

In addition to the work on the Plan, Mark recounted a long list of other impressive achievements of the KAG including:

Overseeing completion of the Tweed Coast Koala Habitat Study including reinforcing the key issues with Council and the Executive.

Researching and initiating actions to reduce road mortality at Clothiers Creek Road.

Assisting with background research to establish the link between uncontrolled wildfire and the decline of the koala population on the Tweed Coast.

Liaising with the Bush Fire Management Committee and Rural Fire Service to raise the profile of koalas as a key environmental asset at risk from bushfire on the Tweed Coast.

Supporting and assisting with the administration of numerous successful external grant applications such as Tweed Byron Koala Connections which have delivered in excess of \$2.5M to support koala habitat restoration on the Tweed and Byron Coasts.

Engaging the support of landholders and community interests to provide significant in kind support for koala habitat restoration projects.

Considering and providing advice on various issues of concern to Council and the community - examples included various Council motions, koala fencing along Tweed Coast Road, the proposed supermarket on Crown Land at Pottsville and subsequent koala plantings on that land, regional issues such as wild dog management and Private Native Forestry, advice on management of Black Rocks Sportsfields, implications from large development proposals such as Kings Forest and Cobaki Lakes, procedures for recording koala sightings and mortalities.

Garnering the support of Council to provide an ongoing budget of around \$150,000 per year to assist with implementing the Plan.

Successfully initiating a Tree Preservation Order to protect all koala habitat and individual koala food trees (over 3 m high) on the Tweed Coast.

Successfully recommending that Council reinstate previously proposed environmental zones and recognise the importance of koalas in its Local Environmental Plan (while this action was supported by Council the E zones have been deferred by the State Government pending the outcomes of the Far North coast E zone review).

Preparing a nomination for the Tweed Coast Koalas to be listed as an Endangered Population under the *Threatened Species Conservation Act 1995*. This nomination was unanimously supported by Council and has since been supported by the NSW Scientific Committee which is currently assessing public submissions prior to likely gazettal soon.

As chair of the KAG, Mark said he was very proud of what has been achieved and extended his thanks to all KAG members, including the inaugural chair Dot Holdom, for all of their hard work over the last four and a half years. He also thanked the many Council staff who had contributed, all Councillors, the Executive Management Team, Council's consultant Biolink, State Agencies and the general community, all of whom strongly supported the preparation and implementation of the Tweed Coast Comprehensive Koala Plan of Management.

Dot Holdom reminded the group that the completion of the koala plan was the culmination of more than 20 years work with Council's support for the Tweed Coast Koala Habitat Atlas in

1993 and a Council resolution to prepare a Comprehensive Koala Plan of Management in 1997.

## 2. Progress on Plan implementation

Scott provided an overview of recent implementation actions in relation to the Plan's core aims which seek to increase the number of koalas, increase and improve koala habitat, manage development impacts and engage and motivate the community.

In relation to encouraging more koalas and reducing threats to them recent work has been ongoing in the following areas: actively responding to fire events and bushfire training, nominating additional fire trails; liaising with RFS and the Northern Rivers Fire and Biodiversity Consortium on fire risk planning; Clothiers Creek koala road treatments; wild dog monitoring and control; monitoring highway crossings for koala use; preparations for 2015 population assessment; data sharing protocols with Friends of the Koala.

In relation to increasing and improving koala habitat recent work has been ongoing in the following areas: 11 ha of koala habitat re-vegetated including 16,300 trees planted; 20 ha of koala habitat restoration; many landholders engaged; stakeholder network strengthened; prioritisation framework in preparation.

In relation to managing development the Plan is now active and publicly available (including mapping), the Plan has been submitted to DPE for ratification under SEPP 44, several staff training sessions have been run and the community has been advised through the press that the plan is in operation.

In relation to engaging the community the plan has been published and is publically available (including the mapping, there has been press on the Plan's adoption, stakeholders have been notified, a number of presentations were delivered to community groups during the exhibition period and additional presentations and a number of educational materials have been prepared or are currently in preparation.

Lorraine asked whether or not the group had any views on the possible implications arising from changes to biodiversity legislation foreshadowed by the State government. Mark indicated that it is difficult to know how the legislation will change and at what rate but pointed out that as our Plan is an adopted strategy of Council it is not likely to be affected at least in the short term. It was agreed that had we sought approval only under SEPP 44 we may have been waiting for quite some time.

Lorraine also raised the issue of the need for a recovery plan to support the likely endangered population listing of the Tweed Coast koalas. There was general consensus that the current plan could fulfil that role, although this again maybe subject to the proposed changed to biodiversity legislation noted above.

## 3. Debrief on Plan preparation

Mark asked for feedback on the process after which there was a broad ranging discussion covering numerous issues. These included: the time taken to prepare the plan; resourcing issues; the influence of other processes such as major developments and other planning issues such as the LEP; single issues such as Black Rocks sports fields; issues relating to the respective roles of the Executive and the Council; the complex and multi-faceted nature of the Plan and how best to engage with the community. Tracey highlighted the need to maintain broad community engagement to prevent loss of focus. There was a general

feeling that there was a need for community groups to be better informed about the planning process particularly in relation to preparing effective submissions. While many submissions were well informed it was clear that some who felt passionately about koala conservation were not well informed on the factors that affect koalas or the processes available to address their concerns. There was also some uncertainty around how much information group representatives can/should communicate to the people they represent and the general public. In summary, members were grateful for the opportunity to participate and found the process generally rewarding with some frustration around process and timing.

**4. Next stages and formation of Koala Management Committee**

The group were advised that in accordance with the Koala Advisory Group Terms of Reference, the group is to be dissolved on adoption of the Plan by Council. However, Mark indicated that if a reasonably prompt response was received from DPE on the Plan, he would be keen to recall the group informally to assist with resolving any issues that may arise in relation to the ratification of the Plan under SEPP 44.

In accordance with the adopted Plan, a new Koala Management Committee will replace the KAG. This is expected to occur in the next few months.

**GENERAL BUSINESS:**

Nil.

**Next Meeting**

None. In accordance with the Terms of Reference the group is dissolved on adoption of the Plan by Council.

The meeting closed at 5:40pm.

**EXECUTIVE MANAGEMENT TEAM'S COMMENTS:**

Nil.

**EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:**

Nil.

**a. Policy:**

Code of Meeting Practice.

Terms of Reference - Adopted 31 March 2010 (ECM2258077)

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

Not applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**48 [SUB-TRMAC] Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 9 April 2015**

**SUBMITTED BY: Community and Cultural Services**

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## **Supporting Community Life**

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

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

### **SUMMARY OF REPORT:**

The Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 9 April 2015 are reproduced in the body of this report for the information of Councillors.

### **RECOMMENDATION:**

**That the Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 9 April 2015 be received and noted.**



## REPORT:

The Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 9 April 2015 are reproduced as follows for the information of Councillors.

Venue:

Coolamon Centre

Time:

2:05pm

Present:

Tracey Stinson (Director Community & Natural Resources); Judy Kean (Museum Director); Gary Fidler (Community); Sandra Flannery (Community); Fay O'Keeffe (Community); Janet Swift (Community); Peter Budd (Community); Joan Smith (Tweed Heads Historical Society); Denise Garrick (Tweed Heads Historical Society); Helena Duckworth (Uki & South Arm Historical Society); Jayne Parrott (Uki & South Arm Historical Society); Max Boyd (Murwillumbah Historical Society); Tony Clark (Murwillumbah Historical Society).

Apologies:

Cr Michael Armstrong; Jo Watters (Acting Manager Community & Cultural Services)

Minutes of Previous Meeting:

Moved: Tony Clark

Seconded: Joan Smith

RESOLVED that the Minutes of the Tweed Regional Museum Advisory Committee meeting held Thursday 12 February 2015 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

Item from Meeting held 12 February 2015:

#### 4. Uki & South Arm Historical Society Report

Moved: Helena Duckworth

Seconded: Jayne Parrott

RESOLVED that the Tweed Regional Museum Uki and South Arm be noted by the Tweed Regional Museum Advisory Committee.

The Motion was Carried.

FOR VOTE - Unanimous

Denise Garrick advised that the above motion should read:

RESOLVED that the Uki and South Arm Historical Society Report be noted by the Tweed Regional Museum Advisory Committee.

Agenda Items:

1. Museum Director's Report:

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The Museum Director's Report was circulated prior to the meeting.

Museum Director, Judy Kean, advised the Committee that after feedback from members, the description for Photograph ID 33717 had been amended to reflect that the photograph was taken in Prospero Street, South Murwillumbah, not Main Street, Murwillumbah.

Museum Director, Judy Kean, advised the meeting that after feedback from Joan Smith, further investigation will be undertaken into the origins of the framed print *Menin Gate*. As this is not an accessioned item, it does not affect the Committee's approvals.

Denise Garrick queried whether acquisition proposals should be forwarded to Judy Kean or Erika Taylor, Curator. Judy Kean advised that Erika Taylor had completed a new procedure for proposed donations and how the Historical Society members should action them. This procedure will be circulated next week.

Director Community & Natural Resources, Tracey Stinson, made mention of the positive increase in visitor numbers to the newly redeveloped Murwillumbah branch of the Museum. Tracey congratulated everyone on a tremendous effort.

Max Boyd referred to the donation of Hanna family items and asked for more information. Museum Director, Judy Kean, explained that the Museum is working with the Hanna family on which items they would like to donate and how best to tell the broader story of the family and how they contributed to the community.

Moved: Judy Kean

Seconded: Gary Fidler

RESOLVED that the Museum Director's Report be endorsed by the Tweed Regional Museum Advisory Committee.

The Motion was Carried.

Moved: Jayne Parrott

Seconded: Peter Budd

RESOLVED that the proposed acquisitions be endorsed by the Tweed Regional Museum Advisory Committee, with the correction to the description for photograph 33717.

The Motion was Carried.

Moved: Janet Swift

Seconded: Joan Smith

RESOLVED that the proposed de-accessions be endorsed by the Tweed Regional Museum Advisory Committee.

The Motion was Carried.

## 2. Murwillumbah Historical Society Report

The Murwillumbah Historical Society Report was circulated prior to the meeting.

Moved: Max Boyd

Seconded: Tony Clark

RESOLVED that the Murwillumbah Historical Society Report be noted by the Tweed Regional Museum Advisory Committee.

The Motion was Carried.

3. Tweed Heads Historical Society Report

The Tweed Heads Historical Society Report was circulated prior to the meeting.

Joan Smith advised the Committee that since the last meeting, representatives from the Historical Society had met with Tracey Stinson, Director Community & Natural Resources and Judy Kean, Museum Director, regarding options for replacement of the RSL Hall at the Tweed Heads branch of the Museum. It was proposed that a 70m<sup>2</sup> building be built onto the Courthouse building. Joan advised that a letter of acceptance for this proposal had been written by the Historical Society and that it had made their members very happy.

Moved: Joan Smith

Seconded: Denise Garrick

RESOLVED that the Tweed Heads Historical Society Report be noted by the Tweed Regional Museum Advisory Committee.

The Motion was Carried.

4. Uki & South Arm Historical Society Report

The Uki & South Arm Historical Society Report was circulated prior to the meeting.

Moved: Helena Duckworth

Seconded: Jayne Parrott

RESOLVED that the Uki & South Arm Historical Society Report be noted by the Tweed Regional Museum Advisory Committee.

5. Friends of Tweed Regional Museum Report

The Friends of TRM Report was circulated prior to the meeting.

Moved: Gary Fidler

Seconded: Max Boyd

RESOLVED that the Friends of Tweed Regional Museum Report be noted by the Tweed Regional Museum Advisory Committee.

The Motion was Carried.

General Business:

6. Tweed Regional Museum Deductible Gift Recipient Fund Report

The TRM DGR Report was circulated prior to the meeting.

As per the requirements of the Tweed Regional Museum Deductible Gift Recipient Fund Policy Version 1.0, a Subcommittee of the Tweed Regional Museum Advisory Committee (MAC) is to be set up, with two representatives of the MAC to be nominated by Committee members. This Subcommittee will then meet prior to the next MAC meeting and provide a Report to the MAC at its June meeting.

The Chairperson called for nominations for this Subcommittee.

Tony Clark nominated Max Boyd.  
Gary Fidler seconded the nomination.  
Max Boyd accepted the nomination.

Max Boyd nominated Gary Fidler.  
Janet Swift seconded the nomination.  
Gary Fidler accepted the nomination.

There being no further nominations, Max Boyd and Gary Fidler were elected to the Tweed Regional Museum DGR Subcommittee.

**7. President of Murwillumbah Historical Society**

Max Boyd advised the Committee that he would not be running for President of Murwillumbah Historical Society at the next Annual General Meeting. He wished to advise the Committee in case it had any bearing on him remaining as Chairperson of the Tweed Regional Museum Advisory Committee. Museum Director, Judy Kean, advised that according to the Constitution, the Historical Societies were free to nominate any two representatives from amongst their members, so it had no bearing on Max's role as Chairperson.

**Next Meeting:**

The next meeting of the Tweed Regional Museum Advisory Committee will be held Thursday 11 June 2015.

The meeting closed at 2:30pm.

**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 (ECM3283132).

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

Not applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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49 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 15 April 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 15 April 2015 are reproduced in the body of this report for the information of Councillors.

### RECOMMENDATION:

That:

1. The Minutes of the Tweed Coastal Committee Meeting held Wednesday 15 April 2015 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

#### **GB2.Acid Sulphate Soil Runoff in Cudgera/Christies Creeks**

***That Council requests a staff report on the acid sulphate soils runoff and consequent impact in Cudgera/Christies Creeks.***

## REPORT:

The Minutes of the Tweed Coastal Committee Meeting held Wednesday 15 April 2015 are reproduced as follows for the information of Councillors.

Venue:

Murwillumbah Auditorium

Time:

1.10pm

Cr Longland opened the meeting by welcoming and introducing Suzi Bourke who is the representative for Cabarita Beach/Bogangar as a result of Terry Kane's resignation from the Committee.

Present:

Cr Barry Longland (Chair); Ben Fitzgibbon (Office of Environment and Heritage); Rhonda James (Restoration Industry); Suzi Bourke (Cabarita Beach-Bogangar); Jason Pearson (Kingscliff); Peter Sloan (Hastings Point); David Cranwell (Pottsville); Roger Graf (Fingal Head); Jane Lofthouse, Tom Alletson, Marama Hopkins, Stewart Brawley (Tweed Shire Council).

Informal:

Cathey Philip (Minutes Secretary).

Apologies:

Cr Gary Bagnall; Pat Dwyer (Department of Primary Industries - Fisheries NSW); John Harbison (Mooball); Michael Munday (Bogangar); Tim Jack Adams (Kingscliff).

Minutes of Previous Meeting:

Moved: Roger Graff

Seconded: David Cranwell

RESOLVED that the Minutes of the Tweed Coastal Committee meeting held Wednesday 11 February 2015 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

GB1. NSW Government Dredging Program

Jane provided an update advising that NSW Trade & Investment - Crown Lands will be dredging Terranora Inlet and transporting 20,000m<sup>3</sup> of sand to Kingscliff Beach. Council has done a letterbox drop advising local residents and businesses of this activity from 20 June for 10 weeks. There is detailed information on Council's website.

Following the Terranora Inlet dredging the Fingal straight of the Tweed River will be dredged with the sand pumped by pipeline to Fingal Head Beach.

GB2. NSW Government Coastal & Estuary Program Grant Applications

Jane advised that she and Tom had submitted applications for financial assistance under the above grant programs however results are not expected until August/September.

GB3. Horses on Cycleways

Further to Tim's concern at the last meeting regarding horses defecating on walkways, Jane advised that Council's rangers have informed her that they do not have the ability to enforce riders to use pooh-bags on their horses. Tracey Stinson suggested that Council write directly to local horse groups/clubs asking them to consider using the bags when they are on walkways and beaches.

GB4. Tilapia Update

Tom provided an update on the Tilapia fish that had been detected in Cudgen Lake. Tom advised that two workshops had recently been conducted by DPI - Fisheries. The bottom line is that the fish are here to stay as it would be impossible to remove them from this type of area.

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Agenda Items:

A1. Kingscliff Coastal Risk Management Study

Jane conducted an impromptu workshop as the last item of business.

The purpose of this workshop was for the Committee to further consider the proposed response to management of the hazard risk at Kingscliff based on a stepped and adaptive response to sea level rise and storm surge.

A2. Water Quality - Burringbar Creek

In response to a query from John Harbison, Tom provided an in depth update on Burringbar Creek water quality as it relates to the construction of the Burringbar/Mooball wastewater treatment plant.

Tom felt there is no clear signal following August 2013 when the plant was turned on, that there has been a major change in the water quality.

Tom will provide a similar update at the next meeting for the three coastal creeks.

*Agenda Item for Next Meeting*

A3. DuneCare Minutes

Marama provided an update on the first DuneCare Coordinating Committee meeting of 2015. The value of the work done by the late Vic Brill was raised at the meeting.

Discussion on the levels of Bitou Bush and on how they are lower than in previous years. Rhonda stressed the need for people to report any sightings.

*Ben left the meeting at 2.10pm*

Jane raised the vegetation vandalism at Sutherland Point. Small signage was erected immediately and larger signs will now be put up. The blatant vandalism is very disappointing for the Kingscliff DuneCare group who has been working in the area for many years.

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General Business:

GB1. Ambrose Brown Park Access - Northern Section

Barry advised that he has investigated the walkway area that David has previously raised and requested Stewart and Jane to consider improving the access to the beach or if this is not viable, that the signage be removed and the access closed given that there are other accesses in the location.

Jane to investigate with Rod Keevers and consider options.

*Agenda Item for Next Meeting*

GB2. Acid Sulphate Soil Runoff in Cudgera/Christies Creeks

Peter advised he had been approached by members of the Pottsville Community Association Inc. regarding acid sulphate soil runoff. Peter tabled a copy of correspondence dated 18 October 2014 and photos that had been forwarded to NSW Office of Water. No response has been received to date.

Tom responded advising that Council is aware of the problems at Cudgera Creek and that it had been working with landholders for many years. Works have been identified that should reduce the ASS runoff significantly and staff continue to work with landholders to implement these works.

Eli Szandala is to be invited to address the committee to provide periodic updates.

RECOMMENDATION:

Moved: Rhonda James

Seconded: David Cranwell

That Council requests a staff report on the acid sulphate soils runoff and consequent impact in Cudgera/Christies Creeks.

GB3. Signs in Cudgera Creek

Peter asked if Council would be able to refresh and replace the canoe trail signs in the creek. Tom will investigate.

GB4. Illegal Camping

Peter advised there is a problem in the car park at Cudgera Creek with people staying there for days at a time. Peter has discussed the problem with Nick Tzannes, Council's Team Leader - Compliance.

Stewart advised that Council is looking at the issue of primitive camping throughout the Shire as this type of activity is not isolated to one area.

GB5. Hastings Point Rock Platform

Roger asked for an update and Jane advised she had no new information. Jane said the Committee could look at what the process is for establishing an "aquatic reserve".

Peter will talk to Ted and Rhett Brambleby from the Hastings Point Marine Science Centre to get their support and bring information back to Committee.

It was suggested that Rhett be requested do a presentation to the Committee to get the ball rolling.

**GB6. Easement along Mooball Creek**

David tabled a document that was submitted by a member to a recent Pottsville Community Association meeting regarding the Council land behind the properties along Mooball Creek. Stewart to investigate to check if there is any encroachment.

**GB7. Wild Dogs**

Jane provided an update on the "wild dog" situation in the Cudgen Nature Reserve area and outlined the procedure that had been taken to trap/remove the dogs. Advised that Council has issued letters requesting residents to refrain from feeding wild dogs as it encourages them to come closer to human habitation.

*Rhonda James left the meeting at 2.55pm*

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**Next Meeting:**

The next meeting of the Tweed Coastal Committee will be held Wednesday 10 June 2015.

The meeting closed at 3.45pm.

**EXECUTIVE MANAGEMENT TEAM COMMENTS:**

**GB2. Acid Sulphate Soil Runoff in Cudgera/Christies Creeks**

Nil.

**EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:**

**GB2. Acid Sulphate Soil Runoff in Cudgera/Christies Creeks**

**That Council requests a staff report on the acid sulphate soils runoff and consequent impact in Cudgera/Christies Creeks.**

**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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50 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 15 April 2015

SUBMITTED BY: Natural Resource Management

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## Caring for the Environment

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

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### SUMMARY OF REPORT:

The Minutes of the Tweed River Committee Meeting held Wednesday 15 April 2015 are reproduced in the body of this report for the information of Councillors.

### RECOMMENDATION:

That:

1. The Minutes of the Tweed River Committee Meeting held Wednesday 15 April 2015 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

#### **GB2.Acquisition of Browns Land**

*That Council considers the acquisition of Browns riverbank paddock downstream of Murwillumbah on Tumbulgum Road to develop a foreshore parkland to facilitate rowing and aquatic events or activities.*

## REPORT:

The Minutes of the Tweed River Committee Meeting held Wednesday 15 April 2015 are reproduced as follows for the information of Councillors.

### Venue:

Murwillumbah Auditorium

### Time:

9.10am

### Present:

Rhonda James (Restoration Industry); (Chair); Ben Fitzgibbon (Office of Environment and Heritage); Claire Masters (Tweed Landcare Inc); Scott Petersen (Tweed River Charter Operators); Sam Dawson (Caldera Environment Centre); Eddie Norris (Community Representative); Max Boyd (Community Representative); Bob Modystack (Community Representative); Lindy Smith (Community Representative); Jane Lofthouse, Tom Alletson (Tweed Shire Council).

### Informal:

Cathey Philip (Minutes Secretary); Dr Ken Cowden (Southern Cross University); David Oxenham, Mitchell Alward (Engineering Services).

### Apologies:

Cr Gary Bagnall; Cr Katie Milne; Carl Cormack (Roads and Maritime Services); Robert Quirk (NSW Cane Growers' Association); Pat Dwyer (Department of Primary Industries - Fisheries NSW); Tracey Stinson, Scott Hetherington, Eli Szandala (Tweed Shire Council).

### Minutes of Previous Meeting:

Moved: Max Boyd

Seconded: Sam Dawson

RESOLVED that the Minutes of the Tweed River Committee meeting held Wednesday 11 February 2015 be accepted as a true and accurate record of the proceedings of that meeting.

### Business Arising:

#### BA1. Tilapia Update

Tom provided an update on the Tilapia fish that had been detected in Cudgen Lake. Tom advised that two workshops had recently been conducted by DPI - Fisheries. The advice from DPI Fisheries is that the population would be impossible to remove from the Cudgen Lake sub-catchment.

#### BA2. Jack Evans Boat Harbour

Tom provided a brief update regarding the feasibility assessment of artificial reef construction using reef balls in Jack Evans Boat Harbour and advised that a student intern Jacob Caon, is assisting him with this project. A Council report will be prepared on this project.

BA3. Upper Catchment Water Quality and Riparian Vegetation

Tom provided an update and advised that a contractor will be appointed in the near future to undertake the water quality study.

Tom showed an example of riparian vegetation mapping that has been produced during this study, which is almost complete.

Tom to provide a full presentation at the next meeting.

*Agenda Item for Next Meeting*

*Eddie attended at 9.40am.*

BA4. Boating Infrastructure Projects

Tom provided a brief update and outlined the funding Council has been offered for various projects.

Tom is to have a project description and requested funding prepared for Roads & Maritime Services (RMS) by mid-April.

Scott questioned what was happening with the jetty at Tumbulgum and Tom responded that RMS has indicated it would essentially be a like for like replacement in terms of size and purpose. This would probably involve replacing the small timber jetty with a floating modular pontoon.

BA5. Dredging of Terranora Inlet

Jane advised that dredging will start on Monday 20 April 2105. Jane and other Council staff will be on site to inform locals of what's happening. Jane explained where the sand was being taken from and moved to.

BA6. Stabilisation of River Banks - Cost

Max reiterated his interest is establishing the cost/recent Council expenditure on stabilising riverbanks. Max stressed the importance of this information is raising the profile of the issue and the case for additional funding.

Tom responded that he has been in contact with Engineering Services about this request.

BA7. Environmental Sustainability Strategy

Claire asked for an update and Jane responded that report is going to Council on 16 April 2015 with a recommendation that Council adopts the strategy.

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*David Oxenham and Mitchell Alward attended at 10am*

Agenda Items:

A1. Clarrie Hall Dam - Mangrove Jack Fish Stocking

David Oxenham introduced Dr Ken Cowden, the Aquaculture Operations Manager at Southern Cross University, who has developed a project to release juvenile Mangrove Jack into Clarrie Hall Dam.

Ken provided the Committee with information on his expertise and previous history, and gave an update on the project. Approximately 4000 juvenile mangrove Jack were released into the dam in March. Ongoing monitoring will be undertaken to determine how many of them survive.

A2. National Film and Sound Archive - Tweed River

Claire provided a video of a travelogue of Tweed Heads and surrounding district taken in 1925.

A3. Coastal Zone Management Plan

Tom provided a brief update, advising that Jane and he had both submitted applications for financial assistance, this included an application to the NSW Estuary management Program for the Tweed Estuary Coastal Zone Management Plan. The results of applications are expected in August/September 2015.

A4. Riverbank Erosion Stabilisation - report on Field trip

Tom showed some photos and described sites visited on a field trip he and Matt Bloor recently conducted on mid-north coast in the Nambucca, Bellinger and Orrara Rivers.

A5. Tweed Valley Way Riverbank Erosion

David Oxenham provided an update on a potential funding program to address riverbank erosion along the Tweed Valley Way. The program is run by Roads and Maritime Services and may allow Council to gain sufficient funding to implement a multi-year work program to address high priority sites. Council will be applying for funding when the next funding round opens.

Max asked how much money has been spent on erosion stabilisation over the past several years and where the money came from. David responded that it was almost entirely from disaster relief funding through the NSW Government.

A6. Grant from Environmental Trust

Tom advised that there had been six successful Environmental Trust grant applications in the Tweed in the latest round of funding, three of which were submitted by Tweed Shire Council.

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General Business:

GB1. Classic Boats Regatta

Bob advised that this year's regatta had to be cancelled due to lack of funding and other administrative problems.

Following general discussion on the advantages of having the regatta and what is required to get it re-established for the future, it was agreed that the group should become incorporated.

GB2. Acquisition of Browns Land

Max raised the issue of Council acquiring Browns land, that is, a river bank paddock just downstream of Murwillumbah on Tumbulgum Road. The intent of the purchase would be to allow the creation of parkland and or an aquatic facilities centre, or other services and

amenities that would encourage and support use of the river for rowing and other related activities.

There was further discussion on the merits, or otherwise, of this issue.

**RECOMMENDATION:**

Moved: Max Boyd

Seconded: Bob Modystack

That Council considers the acquisition of Browns riverbank paddock downstream of Murwillumbah on Tumbulgum Road to develop a foreshore parkland to facilitate rowing and aquatic events or activities.

Claire spoke against the motion raising concerns about traffic issues, the land being flood-prone and impacts on the restoration work already started on land.

**Voting:**

6 for the motion

2 against the motion

2 abstained from voting.

The Motion was Carried.

**GB3. Update on ASS - Clothiers Creek**

At Ben's request Tom provided a brief update on this issue, advising that the owner of the land has agreed to allow Council to access the land for the purpose of planning acid sulphate soil remediation works.

**GB4. Update on Condong Riverbank Stabilisation**

Eddie asked for update and Tom advised that Council has been offered financial assistance to undertake the project by RMS. This will substantially increase the chances of a positive outcome.

It was noted that RMS funding included an offer for construction of a public toilet in the area, but that significant investigation and planning would be required before this component of the project could be finalised.

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**Next Meeting:**

The next meeting of the Tweed River Committee will be held Wednesday 10 June 2015.

The meeting closed at 12.30pm.

**EXECUTIVE MANAGEMENT TEAM COMMENTS:**

**GB2. Acquisition of Browns Land**

**Nil.**



**EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:**

**GB2. Acquisition of Browns Land**

*That Council notes the Tweed River Committee's request for the acquisition of Browns riverbank paddock downstream of Murwillumbah on Tumbulgum Road to develop a foreshore parkland to facilitate rowing and aquatic events or activities and notes that during that consideration, there is presently a shortfall of \$9M to fund riverbank restoration between Murwillumbah and Stotts Island which may be a higher priority.*

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice.

Terms of Reference - Adopted by Council 24 January 2013 (ECM2939677)

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

Not applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

Inform - We will keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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51 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held 16 April 2015

SUBMITTED BY: Roads and Stormwater

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## 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 16 April 2015 are reproduced in the body of this report for the information of Councillors.

### RECOMMENDATION:

1. That the Minutes of the Local Traffic Committee Meeting held Thursday 16 April 2015 be received and noted; and.

2. The Executive Management Team's recommendations be adopted as follows:

**A1 [LTC] Queensland Road, Waterloo Street, Bent Street, Murwillumbah**

*That a 2 hour parking limit Monday to Friday and Saturday morning (business hours) be applied to Queensland Road, between Waterloo Street and Murwillumbah Street and also on the on-site parking for the Museum, excluding the existing 'No Stopping' space near Waterloo Street.*

**A2 [LTC] Kennedy Drive, Tweed Heads West**

*That a "No Stopping" zone be installed on Kennedy Drive, Tweed Heads West on the south side of the road from Barrett Street to the signals at Gray Street, (excluding the bus zone).*

**A3. [LTC] Tweed Coast Road, Bogangar**

*That the existing bus zone on the west side of Tweed Coast Road, Bogangar opposite Pandanus Parade be signposted as "Bus Zone Aust. Post Vehicles Excepted".*

**A4. [LTC-LATE] Battle on the Border Cycling Festival 2015**

***That the proposed Battle on the Border Cycling Festival 2015 from Thursday 28 May to Sunday 31 May be supported subject to:***

- 1. NSW Police approval being obtained***
- 2. Endorsement of the event by Bicycle NSW***
- 3. Conformance with a Traffic Management Plan and associated Traffic Control Plans installed and controlled by approved persons***
- 4. Community and affected business consultation***
- 5. The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of six weeks prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints***
- 6. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event***
- 7. Adequate public liability insurance being held by the event organiser***
- 8. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event***
- 9. Consultation with emergency services throughout the Shire***
- 10. Arrangements made for private property access and egress affected by the event.***

**REPORT:**

The Minutes of the Local Traffic Committee Meeting held Thursday 16 April 2015 are reproduced as follows for the information of Councillors.

**VENUE:**

Mt Warning Meeting Room

**TIME:**

Commencing at 10.00am

**PRESENT:**

Committee Members: Cr Barry Longland, Mr Greg Sciffer, Roads and Maritime Services of NSW, Snr Constable Tony Darby, NSW Police, Mr Col Brooks on behalf of Mr Thomas George MP, Member for Lismore, Mr Rod Bates on behalf of Mr Geoff Provest MP, Member for Tweed.

Informal: Mr Ray Clark (Chairman), Mr Steve Sharp, Ms Judith Finch (Minutes Secretary).

**APOLOGIES:**

Mr Geoff Provest MP, Member for Tweed, Mr Thomas George MP, Member for Lismore, Mr Nick Tzannes.

**CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

RESOLVED that the Minutes of the Local Traffic Committee Meeting held 12 March 2015 be adopted as a true and accurate record of proceedings of that meeting.

Mr Col Brooks advised that he was an apology for the meeting held 12 March 2015.

*FOR VOTE - Unanimous*

RESOLVED that the Minutes of the Local Traffic Committee B-Double Meeting held 12 March 2015 be adopted as a true and accurate record of proceedings of that meeting.

*FOR VOTE - Unanimous*

**SCHEDULE OF OUTSTANDING RESOLUTIONS**

SCH1 [LTC] Schedule of Outstanding Resolutions - 16 April 2015

**ORIGIN:**

Roads & Stormwater

FILE NO: Traffic - Committee

SUMMARY OF REPORT:

From Meeting held 25 September 2014

1. [LTC] Tyalgum Road Murwillumbah (B13)

FILE NO: ECM 3282718; Traffic - Committee; Traffic - Speed Zones; Traffic - Safety; Bus - Stops; Bus - Routes; Tyalgum Road

SUMMARY OF REPORT:

*This report has been listed on the Schedule of Outstanding Resolutions since the meeting held 13 February 2014. The item is reproduced below and advice received by RMS is that further data is available and ready for discussion.*

*"Request received for a reduction in the speed limit on Tyalgum Road, Murwillumbah.*

*"...I would like I strongly believe it is a matter of pedestrian and motorists safety. I also asked that this limit be reduced as young children are regularly waiting for their school bus on this road next to an electric fence and waterway having to keep safe from traffic travelling at 100klms per hour and are also having to cross this road. This road directly passes a residential estate and street facing houses. Another concern is the location of a childrens park which is not much more than 100metres away from this road. From this estate there is no path for pedestrians to walk along if wishing to access local shops meaning that pedestrians have to walk along a 100 km per hour road. There is also no public bus that comes through this estate, only bus available is on Tyalgum road. I have spoken to bus company requesting they pick up school children on Sovereign heights estate, they say this is not possible as there is nowhere to turn and the only other road they can exit Sovereign Heights estate is Old Lismore Road which is even more dangerous as not only does it come out onto Tyalgum Road (100klm per hour road) but at this point there is no visibility for the bus to safely pull out. I have spoken to other residents who would also like the road speed reduced from the Old Lismore Road to the Tyalgum/Kyogle road intersection, reasons being for pedestrian safety, their childrens safety, motorists safety. I do not believe that a reduction in speed to a residential area speed should affect motorists speed in which they get to their destination as it is only an area of less than 1klm. On this stretch of road if travelling from Old Lismore road to Tyalgum/Kyogle road intersection you have to slow down towards the intersection so I don't believe it will delay travellers by more than 1 minute, but the safety to me far out ways how fast someone gets to work, home or to the shops. Perhaps drivers should allow 1 extra minute in their daily drive along this road."*

*Sovereign Heights Estate is a comparatively new subdivision where access off Tyalgum Road has been constructed to the appropriate standard for a 100kph road. Sight distance for motorists exiting the estate is approximately 200 metres to the west. It is not unusual for children to wait for a bus on rural roads, however this is a decision for parents and bus operators. Reducing the speed limit on Tyalgum Road in this vicinity is unlikely to result in a change in driver operating speeds unless the reduced speed limit is heavily enforced.*

*A number of driveways directly access Tyalgum Road west of Sovereign Way. Speed surveys should be undertaken in this vicinity and forwarded to the RMS for speed zone reviews.*

**COMMITTEE ADVICE:**

*That the speed limit on Tyalgum Road be considered for a review by the Roads and Maritime Services according to the speed zoning guidelines.*

*From Meeting held 25 September 2014:*

*The RMS Representative tabled proposed changes to the speed limit and based on the Committee's advice will provide direction to Council on speed zone changes for Tyalgum Road, Murwillumbah.*

**COMMITTEE ADVICE:**

*That the speed review of Tyalgum Road, Murwillumbah be placed on the Schedule of Outstanding Resolutions.*

Current Status: *(This item remain on the Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 12 March 2015.*

*(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 13 February 2014 (Item B4)."*

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**BUSINESS ARISING**

Nil.

**A. FORMAL ITEMS SECTION**

**DELEGATIONS FOR REGULATORY DEVICES**

A1 [LTC] Queensland Road, Waterloo Street, Bent Street, Murwillumbah

**ORIGIN:**

Roads & Stormwater

**FILE NO:** ECM 3632131; Traffic - Committee; Traffic - Parking Zones; Museum - Murwillumbah; Queensland Road; Waterloo Street; Bent Street

**SUMMARY OF REPORT:**

Request received for timed 2 hour parking limits in and around the Tweed Regional Museum.

*"Recently members have brought it to our attention though that there is a parking issue around the museum and it has been suggested that we ask Council to investigate the*

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*possibility of implementing timed parking adjacent the museum and in and around Bent and Waterloo Streets. Perhaps a 2 hour limit so it is in keeping with the rest of town."*

COMMITTEE ADVICE:

A parking plan will be submitted to the Committee for comment at the meeting.

RECOMMENDATION TO COUNCIL:

That a 2 hour parking limit Monday to Friday and Saturday morning (business hours) be applied to Queensland Road, between Waterloo Street and Murwillumbah Street and also on the on-site parking for the Museum, excluding the existing 'No Stopping' space near Waterloo Street.

*FOR VOTE - Greg Sciffer, Cr B Longland, Snr Const Tony Darby, Mr Col Brooks on behalf of Mr T George, Member for Lismore*

A2 [LTC] Kennedy Drive, Tweed Heads West

ORIGIN:

Roads & Stormwater

FILE NO: ECM 3625252; Traffic - Committee; Traffic - Signs; Kennedy Drive, Gray Street; Barrett Street

SUMMARY OF REPORT:

To provide consistency with existing signage on Kennedy Drive, "No Stopping" signage is needed heading west on Kennedy Drive, Tweed Heads West (excluding the bus zone), just west of Barrett Street which is currently signposted as "No Parking."

COMMITTEE ADVICE:

That "No Stopping" signage be erected on Kennedy Drive, Tweed Heads West (excluding the bus zone) on the south side of the road from Barrett Street to the signals at Gray Street.

RECOMMENDATION TO COUNCIL:

That a "No Stopping" zone be installed on Kennedy Drive, Tweed Heads West on the south side of the road from Barrett Street to the signals at Gray Street, (excluding the bus zone).

*FOR VOTE - Greg Sciffer, Cr B Longland, Snr Const Tony Darby, Mr Rod Bates on behalf of Mr G Provest, Member for Tweed*

A3 [LTC] Tweed Coast Road, Bogangar

ORIGIN:

Roads & Stormwater

FILE NO: ECM 3610524; 3614574; Traffic - Committee; Traffic - Parking Zones; Traffic - Safety; Tweed Coast Road, Cabarita Beach

SUMMARY OF REPORT:

Request received from Australia Post requesting an Australia Post parking zone at the shops in Cabarita Beach on Tweed Coast Road.

*"We have vans constantly moving product to and from this shop, and parking is very limited. It creates a safety hazard that our staff need to move heavy product long distances and I do not want our staff tempted to double park in dangerous areas."*

Further details received from Australia Post are:

Location	<i>47 Coast Road, Bogangar</i>
Length of Vehicle	<i>Toyota Hiace Van 4m</i>
Frequency of deliveries / pick ups	<i>8am - 9am; 10am - 11am; 2pm and 5pm</i>
Is request in response to increased parking demand	<i>Yes. Increased traffic due to Woolworths</i>
Is there off street parking for your business?	<i>No</i>
How has Australia Post managed this site up to this point in relation to workplace safety?	<i>Double parking with hazards on</i>

COMMITTEE ADVICE:

That photos will be provided to the Committee for consideration.

RECOMMENDATION TO COUNCIL:

That the existing bus zone on the west side of Tweed Coast Road, Bogangar opposite Pandanus Parade be signposted as "Bus Zone Aust. Post Vehicles Excepted".

*FOR VOTE - Greg Sciffer, Cr B Longland, Snr Const Tony Darby, Mr Rod Bates on behalf of Mr G Provest, Member for Tweed*

A4 [LTC-LATE] Battle on the Border Cycling Festival 2015

ORIGIN:  
Roads & Stormwater

ORIGIN:  
Roads & Stormwater

FILE NO: ECM3645920; Traffic - Committee; Traffic - Control; Festivals/Events - Battle on the Border; Bicycles - General



## SUMMARY OF REPORT:

QSM Sports are requesting the use of roads within Tweed to conduct their series of bicycle races similar to events conducted last year. It should be noted that this event will be the sixth Battle on the Border.

The event is proposed from Thursday 28 May to Sunday 31 May 2015. The event consists of a four stage Competitive Tour for seven divisions, four stage Women's National Road Series tour, three Gran Fondo multi distance social rides, a hill climb on Mt Warning and a five stage Men's National Roads Series tour. The Battle on the Border is sanctioned under the State Cycling Body Cycling Queensland for the competitive races and the National Body Cycling Australia for the social rides and National Road Series (NRS).

The total number of participants expected is 600 competitive racers: 120 NRS Men's racers, 60 NRS Women's racers and 150+ social riders, with the event base and vicinity per day as follows:

- Thursday - NRS Men Stage One only - Pt Danger to Mt Warning (road race)
- Friday - Stage One, Stage Two - SALT and district (road race)
- Saturday - Stage Two and Three - Murwillumbah Showground (road race)
- Sunday - Stage Three, Stage Four and Stage 5, and Fondo Social Rides - Murwillumbah Showground (Time Trial & Criterium).

## COMMITTEE ADVICE:

That the proposed Battle on the Border Cycling Festival 2015 from Thursday 28 May to Sunday 31 May be supported subject to:

1. NSW Police approval being obtained
2. Endorsement of the event by Bicycle NSW
3. Conformance with a Traffic Management Plan and associated Traffic Control Plans installed and controlled by approved persons
4. Community and affected business consultation
5. The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of six weeks prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints
6. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event
7. Adequate public liability insurance being held by the event organiser
8. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event
9. Consultation with emergency services throughout the Shire
10. Arrangements made for private property access and egress affected by the event

RECOMMENDATION TO COUNCIL:

That the proposed Battle on the Border Cycling Festival 2015 from Thursday 28 May to Sunday 31 May be supported subject to:

1. NSW Police approval being obtained
2. Endorsement of the event by Bicycle NSW
3. Conformance with a Traffic Management Plan and associated Traffic Control Plans installed and controlled by approved persons
4. Community and affected business consultation
5. The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of six weeks prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints
6. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event
7. Adequate public liability insurance being held by the event organiser
8. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event
9. Consultation with emergency services throughout the Shire
10. Arrangements made for private property access and egress affected by the event

*FOR VOTE - Greg Sciffer, Cr B Longland, Snr Const Tony Darby, Mr Rod Bates on behalf of Mr G Provest, Member for Tweed*

B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE

B1 [LTC] Cooly Rocks On June 2015

ORIGIN:

Roads & Stormwater

FILE NO: ECM 3586171; Traffic - Committee; Traffic - Parking Zones; Festivals/Events; Wharf Street, Tweed Heads

SUMMARY OF REPORT:

Request received for the use of the off-road parking adjacent to the Dolphins Hotel, Wharf Street, Tweed Heads for the display of vehicles associated with the Cooly Rocks On event on Saturday 6 and Sunday 7 June, 2015.

COMMITTEE ADVICE:

Subject to consultation with adjacent businesses the temporary closure of the Wharf Street off street parking adjacent to the Dolphins Hotel be approved for the conduct of the Cooly Rocks on Festival Saturday 6 and Sunday 7 June 2015.

B2 [LTC] Marine Parade, Kingscliff

ORIGIN:  
Roads & Stormwater

FILE NO: ECM 3516376; Traffic - Committee; Parking Zones; Marine Parade, Kingscliff

SUMMARY OF REPORT:

Request received for Council to again consider:

*"Changing the southern section of Marine Parade (along Lion's Park) to be designated 4hr parking on both sides.*

*Rationale:*

*We are aware that the carpark outside the Surf Club is designated parking for the Surf Club.*

*We are also aware that the car parks on the eastern side (along the Lion's Park fence) is on Crown Land and therefore under separate consideration.*

*Many of our members believe that from Monday to Friday the cars parked all day along both sides of the car park are not locals or visitors accessing the beach for the whole day.*

*Many of the cars parked in the carpark along Lion's Park, and opposite, are parked there all day.*

*Our members have suggested that the 4hr parking, Monday to Friday and Saturday morning, (times as for the car parking near the caravan park), will free up the car parks and make the businesses opposite Lion's Park more viable."*

Whilst responses have been received from Kingscliff Ratepayers & Progress Association and verbally from the Kingscliff and District Chamber of Commerce, further comments would be forthcoming once they have discussed the item at their regular meetings. The comments vary from group to group and there is a need to tabulate the advice and provide a summary to the Committee on the advantages and disadvantages of each scenario.

COMMITTEE ADVICE:

That this item be referred back to the Committee for its meeting on 21 May 2015.

B3 [LTC] Major Event Proposal, Boundary Street, Tweed Heads

ORIGIN:  
Roads & Stormwater

FILE NO: ECM 3600277; Traffic - Committee; Road Closures - Temporary; Major Events; Boundary Street, Tweed Heads

SUMMARY OF REPORT:

Request received for Local Traffic Committee to consider the traffic implications of the proposed commercial activity "The City Slider" which requests the temporary closure of Boundary Street, Tweed Heads. Traffic control plans and traffic management plans will be submitted to the meeting for LTC comment.

General discussion identified that this type of event maybe better located to minimise the impact on residents and weekend beach/park users. Whilst it was considered that the traffic control plan allows access to the area this excludes some residents whose only access is to Boundary Street.

The provision for emergency access to residents on Boundary Street was not addressed sufficiently to ensure confidence that they could be carried out in a timely manner.

The Committee identified that there were significant impacts on affected residents for the City Slider event, in particular those residents where their only vehicle access was to Boundary Street.

COMMITTEE ADVICE:

For the Committee to recommend approval of The City Slider event on 16 May 2015 further information would be required from the applicant on how emergency access is provided for residences with access to Boundary Street only.

B4 [LTC] Orient Street, Kingscliff

ORIGIN:  
Roads & Stormwater

FILE NO: ECM 3638139; Traffic - Committee; Schools - Kingscliff Public; Traffic - School Zones; Traffic - Pedestrian Crossings; Orient Street

SUMMARY OF REPORT:

Request received in relation to the Kingscliff Public School Crossing on Orient Street, Kingscliff.

*"This morning, Thursday 2 April 2015, I dropped off my son, in Orient Street, Kingscliff for attendance to Kingscliff Public.*

*As the car was across the road from the school, my son had to use the marked Children's Crossing to cross the road safely.*

*He stood on the side of the road, next to the flag indicating the Children's Crossing, however was still unable to cross owing to Parents continuing to ignore him and continue to drive through the crossing.*

*Upon seeing this, I ran up to him and I walked onto the road to stop traffic on the Children's Crossing, so he could cross the road safely.*

*This incident is quite disconcerting thinking that other Kingscliff Public students are unable to cross at the marked Children's Crossing without feeling safe and parent's continue to drive through, obviously breaking current road rules, when students are trying to cross.*

*Could I please bring this incident to the Tweed Shire Council's attention in the hope that something could be done to ensure all Kingscliff Public students are safe crossing the road, such as:*

*\* The Tweed Council may change the crossing designation from a marked part-time "Children's Crossing" to a permanent "Pedestrian crossings" because of obvious poor visibility; or*

*\* According to the current NSW RMS road rules, numerous rules are being broken, such as:*

*Rule 80 (2)(b) – 'Not stop at children's crossing-pedestrian on crossing (school zone)', is a fine level 7 with a fine \$519 and 4 demerit points.*

*Rule [128A](#) - 'Enter blocked children's/pedestrian/marked foot crossing (school zone)', is a fine level 5 with a fine \$311 and 3 demerit points*

*Rule 80 (1) – 'Approach children's crossing too quickly to stop safely (school zone)', is a fine level 7 with a fine \$519 and 4 demerit points*

*Rule 171 (1) – 'Stop on/near children's crossing (school zone)', is a fine level 6 with a fine \$415 and 2 demerit points*

*Could the Tweed Shire request an inspector to attend to the Children's Crossing on a Sporadic basis? As they do for current parking offences.*

It was observed that the pole flag could be relocated to increase its visibility.

#### COMMITTEE ADVICE:

That:

1. Council's rangers be requested to patrol the streets around Kingscliff Primary school and issue infringements to enforce children's safety.
2. NSW Police be requested to enforce rules in relation to giving way to children at children's crossings particularly at Orient Street, Kingscliff.
3. "School X" be stencilled on Orient Street on the approaches to the children's crossing.
4. Council writes to the School Principal requesting that an article be included in their newsletter in relation to giving way to children at the children's crossing.

B5 [LTC] Fraser Drive, Banora Point

ORIGIN:  
Roads & Stormwater

FILE NO: ECM 3633040; Traffic - Committee; Speed Zones; Safety; Fraser Drive, Banora Point

SUMMARY OF REPORT:

This item is brought forward from the Schedule of Outstanding Resolutions (Item B14). Roads & Maritime Services have advised that the speed zone review is complete and that:

"1. The existing 80km/h speed zone be reduced to 60km/h from 0.60km north of Terranora Road to 2.00km north of Terranora Road. The 60km/h speed limit along Fraser Drive will be 3.11km."

Roads and Maritime recommends that a warning sign T1-270 is installed on both approaches to the site advising motorists of the permanent speed zone change when the speed limit signs are installed and remain for one week after the installation date.

Council is required to provide a detailed sign installation plan detailing sign sizes and locations, including change point and repeater signs. Signs and pavement markings should be installed in accordance with the NSW Speed Zoning Guidelines, Section 3.3 - Signposting of Speed Zones."

"This report has been listed on the Schedule of Outstanding Resolutions since the meeting held 7 November 2013. The item is reproduced below and advice received by RMS is that further data is available and ready for discussion.

"Request received for a reduction in the 80km/h speed zone on Fraser Drive Banora Point/Terranora based on the following:

"The matters to take in consideration are:

1. There are no footpaths to speak of, forcing the many people, including children, having to walk on the road verge because of the rough nature either side of the bitumen. Many bike riders walk their bikes up the steep hill.
2. At night there is no street lighting in the areas of the road that are currently 80km/h particularly in the vicinity of the sporting fields. In a dark rainy night this danger is further advanced especially because of the bends in the road.
3. The volume of traffic that now uses Fraser Drive, to and from Terranora Road, has increased enormously since its completion of The Sexton Hill. Vehicles turning from Terranora Road down the hill accelerate, exceeding the 60km/h prior to reaching 80km/h areas, making exiting driveways hazardous. Many of them are using mobile phones too.
4. In the afternoon traffic sometimes queues 300 metres trying to turn into Terranora Road.
5. Large numbers of bike riders use Fraser Drive.
6. Whether we like it or not young people use the downhill for skateboard riding."

The Committee advice from the meeting on 8 August 2013 in relation to the speed limit on Fraser Drive between Vintage Lakes Drive and south of Acacia Street was to remain at 80 km/h as per the following:

"That the speed limit on Fraser Drive is considered appropriate and no changes are warranted.

*The existing 80km/h speed limit on Fraser Drive extends south of Botanical Circuit to north of Glen Ayr Drive, a length of approximately 1.3km. Accident data shows 2 casualty and 1 injury crash in this area and additional crashes at the intersection of Amaroo and Fraser Drive. No speed surveys are available for the area. There are only 3 houses with direct access to Fraser Drive within the area.*

*Traffic volumes on Fraser Drive south of Terranora Road have reduced from 5556 in 2011 to 5063 in 2013.*

**ADVICE TO COMMITTEE:**

*That the 80 km/h speed limit on Fraser Drive remain.*

**COMMITTEE ADVICE:**

*That:*

- 1. This item be referred to the Roads & Maritime Services for a review of the speed limit on Fraser Drive, Banora Point.*
- 2. The Banora Point Residents Association be advised that a review of the speed limit on Fraser Drive (by the RMS) has been requested."*

*From Meeting held 25 September 2014:*

**COMMITTEE ADVICE:**

*That the speed review of Fraser Drive Banora Point be placed on the Schedule of Outstanding Resolutions.*

*Current Status: (This item remain on the Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 12 March 2015.*

*(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 7 November 2013 (Item B1)."*

**COMMITTEE ADVICE:**

*That the existing 80km/h speed zone on Fraser Drive, Banora Point be reduced to 60km/h from 0.60km north of Terranora Road to 2.00km north of Terranora Road. The 60km/h speed limit along Fraser Drive will be 3.11km.*

**B6 [LTC] Tweed Valley Way, South Murwillumbah**

**ORIGIN:**  
Roads & Stormwater

FILE NO: ECM 3628811; Traffic - Committee; Safety; Linemarking; Roundabouts; Bicycle Matters - General; Tweed Valley Way, Murwillumbah

SUMMARY OF REPORT:

Request received regarding the safety of cyclists on Tweed Valley Way at McDonald's and the IGA exit and on approach to the roundabout at the Railway Station.

*"We have previously written/spoken to Council about this danger zone for cyclists and wish to once again draw your attention to this problem. The area we refer to is the Tweed Valley Way north from the roundabout at the Railway Station to the traffic island before Buchanan Street.*

*Specifically, the key areas of danger area:*

- 1. Heading north there's a very narrow shoulder up against a steel railing. This is made more dangerous by the turning lane which forces vehicles to pass bicycles very closely, especially where the shoulder narrows even more at the northern end point of the steel railing.*
- 2. Heading south, the parallel parking zone and bus stop outside McDonalds & IGA forces cyclists into the line of traffic to avoid opening doors and reverse parking vehicles.*
- 3. Still heading south, there is no provision for safe access to the roundabout for cyclists wishing to turn right into town.*

*The danger has become critical during construction because of tradespeople parking vehicles along the roadside and vehicles exiting McDonald's. People opening car doors without paying due attention to cyclists forces the bike rider out into the fast moving traffic in the centre of the road. This is especially dangerous when wide vehicles like buses or trucks are following the cyclist. We envisage that this DANGER will only increase once the IGA construction is complete.*

*Suggested solutions:*

- 1. Do away with the parking lane altogether, realign lane marking on the road to create safe shoulders going both north and south. These could be designated green painted cycle lanes and signposted as such (as the Council has done in some areas of Kingscliff).*
- 2. Designated green painted cycle lane could continue to the roundabout to provide a safer entry for cyclists turning right and into Murwillumbah.*
- 3. A third but less preferable option would be to make this parking lane a Clearway/No Stopping Zone from the traffic island just south of Buchanan St through to the roundabout at the Railway Station between the hours of 6 to 9am and 3 to 6pm. Note that this does not address the issue of the dangerous narrow shoulder for cyclists heading north.*



COMMITTEE ADVICE:

That the removal of the parking lane on Tweed Valley Way, Murwillumbah and allocation as a bike lane is not supported.

B7 [LTC] Bay Street, Frances Street, Boundary Street and Endeavour Parade, Tweed Heads

ORIGIN:

Roads & Stormwater

FILE NO: ECM 3631772; Traffic - Committee; Signs; Bus Services - Routes; Bus Services - Stops; Bay Street, Frances Street, Boundary Street, Endeavour Parade, Tweed Heads

SUMMARY OF REPORT:

Complaints have been received in relation to buses using Endeavour Parade and performing u-turns in front of the Seascope building on Bay Street.

Surfside Buslines have been contacted and advice sought in relation to these types of events. Surfside have responded that:

*"We are still getting the occasional report that some of our Drivers are accessing Bay Street from Frances Street & Endeavour Parade. When those Drivers are identified we are taking disciplinary action against them. We are also monitoring these streets on a random basis.*

*Therefore, we request that Tweed Shire Council take to their next Traffic Committee meeting the proposal of having signs erected on Frances Street & Endeavour Parade, Tweed Heads that state "No Bus Access at Any Time". Thus making it unlawful for our buses to go beyond these signs. If approved we would still like the buses to be able to access the bus zone adjacent to the Shell service station in Frances Street but not be able to go beyond the first pedestrian crossing. The drivers like to use this stop late at night rather than next to the dimly lit park in Bay Street.*

*Our Drivers that are doing the correct thing and accessing Bay Street from Wharf Street have stated that during the day it can take a few set of light changes before they are able to make the right hand turn into Bay Street from Wharf Street. This takes time and therefore eats into their "break time". So could you please also talk to the Traffic Committee the proposal of having a green right hand turn arrow put into place at this intersection to allow easier access for our buses turning right from Wharf Street into Bay Street.*

*All seems to be well with our NSW buses laying over in Boundary Street."*

Previous applications to the RMS to install a right turn phase at the Bay Street/Wharf Street traffic signals was not supported as the warrants were not met. Installation of further prohibitive signage on Endeavour Parade is not supported as this should be controlled by

Surfside Buslines management and Council has no control over the enforcement of such signage.

The requested signage is not enforceable by Council's rangers, only by NSW Police.

COMMITTEE ADVICE:

That the installation of further prohibitive signage on Endeavour Parade is not supported as this issue should be controlled by Surfside Buslines management.

*Cr B Longland left the meeting at 11.53 AM.*

B8 [LTC] Chinderah Bay Drive, Chinderah

ORIGIN:

Roads & Stormwater

FILE NO: ECM 3614412; Traffic - Committee; Speed Zones; Chinderah Bay Drive

SUMMARY OF REPORT:

Request received in relation to speeding vehicles on Chinderah Bay Drive between Jenners Corner and the Chinderah Tavern.

*"Since moving here, we have come to realise that motorists treat this section of Chinderah Bay Drive like a highway. The average speed is 70-80km per hour, even for trucks and buses. We have even witnessed speeds as high as 90 km per hour. And what we have noticed is that motorists (including ourselves) who do the speed limit are frequently tail-gated.*

*We now realise that it is too dangerous to allow our children who are 8 and 12 years old to cross the road without us or to even play along the river. My partner and I are regular cyclists and have almost been hit on a number of occasions. Over the holiday period we have watched a lot of families with young children come and go along the river. They often set up a picnic along the river with their fishing gear and the children run around freely. It is just a matter of time before a child wanders too far and is hit by a car or truck that can't stop due to the high speed they doing. The longer I am here and witness the speeds that most motorists do and see the potential of what could happen as a result, the more concerned I become.*

*The problem could partly be due to lack of awareness sincere there are no speed signs after the round-a-bout at Jenners Corner. If the speed limit was made more obvious, then some motorists may pay attention and slow down. I have noticed that this strategy has worked further along Chinderah Bay Drive where the fish and chip shop is located. There are a number of speed signs there and the speed limit has also been painted on the road, which I believe has made a difference.*

*Another reason motorists may speed is because it is easy to do so, since it is a long straight road. Many motorists are heading out onto the M1 and are already in highway mode, particular the truck drivers. Furthermore, it is easy to get away with speeding,*

*since there are no speed cameras or regular radars in the area. We have never seen speed radars used along this stretch of road since we have lived here and we have come to learn that it is not considered a hot spot (among the locals) for police to sit.*

*Maybe the problem could be initially addressed by installing some speed signs, having some police presence more often and having a temporary electrical sign reminding motorists of the speed. If these strategies don't prove effective, then other measures could be considered."*

Council's advisory radar has recently been placed in this vicinity for a number of weeks. The 50km/h speed limit sign at the Jenners Corner roundabout has been relocated advising motorists that Chinderah Bay Drive south of the roundabout is posted as 50km/h. Additional speed limit signs are not considered necessary as the speed limit in NSW in built up areas is 50km/h unless otherwise posted.

The Police Rep advised that in the course of normal duties Police will patrol Chinderah Bay Drive, Chinderah.

COMMITTEE ADVICE:

That further Council action on site for Chinderah Bay Drive, Chinderah is not required.

B9 [LTC] Enterprise Avenue, Greenway Drive Tweed Heads South

ORIGIN:  
Roads & Stormwater

FILE NO: ECM 3623722; Traffic - Committee; Parking Zones; Linemarking; Enterprise Avenue; Greenway Drive

SUMMARY OF REPORT:

Request received regarding traffic and parking problems at Lot 116 DP 817783, 62 Greenway Drive and Enterprise Avenue, Tweed Heads South.

*"Our property is a 3106 square metre allotment zoned Business Development. A dance school is built on half of the property and the balance of the property is an unoccupied grassed area.*

*The DHS Call Centre across the road employs a total of three hundred (300) staff, and we understand, some one hundred and fifty (150) staff attend at any one time. That building has car park spaces for eighty (80) cars.*

*Enterprise Avenue street parking is full by 8.30am each weekday. Some staff from the Call Centre along with other business owners in the area, are parking on the grass verge of our vacant allotment. This results in a double row of parked vehicles - one row on the street and one row on the grass verge, which creates a 'blackout' of vision of any traffic approaching from the left of our exit. Also, some five to six cars are parked on the grass verge south of our entry on Greenway Drive.*

*Our main area of concern is for our customers who exit our property in Enterprise Avenue. As vehicles are parked right to our exit driveway, vision to the left is NIL. From around 4pm on weekdays, traffic travelling from our left (usually too quickly) creates a terrifying experience! Ware gravely concerned that an accident is imminent.*

*We observed a semi trailer travelling south on Greenway Drive, slowed and indicated to drive into Enterprise Avenue. Due to vehicles parked much too close to the curved corner of Enterprise Avenue, this vehicle had to abort and continue driving south along Greenway Drive.*

*May we suggest yellow lines on the corners of Greenway Drive/Enterprise Avenue, similar to Greenway Dr/Corporation Circuit intersection, to indicate 'no parking' which would hopefully prevent an accident. Also, we request some yellow 'no parking' lines either side of our exit, which would allow safe exit."*

Council staff attended the site and confirmed that cars parked on the verge did in fact hinder the line of sight for cars trying to exit the carpark, especially to the left. Also viewed cars parking too close to the corner of Greenway Drive. Suggested increased ranger presence and infringement notifications for cars parking on the verge or too close to the corner.

Letters have been provided to adjacent businesses advising that enforcement of parking regulations will be implemented.

COMMITTEE ADVICE:

That Council's Rangers be requested to enforce parking regulations in the vicinity of Enterprise Avenue and Greenway Drive, Tweed Heads.

B10 [LTC] Navigation Lane and Stuart Street, Tweed Heads

ORIGIN:

Roads & Stormwater

FILE NO: ECM 3626636; Traffic - Committee; Parking Zones; Safety; School Zones; Navigation Lane; Stuart Street, Tweed Heads

SUMMARY OF REPORT:

Request received for installation of a "No Standing" or "No Parking" sign at the corner of Navigation Lane and Stuart Street, Tweed Heads.

*"As parking on this corner of Navigation Lane restricts the exit and entry of the main car park at Ultima, proceeding out of the carpark this morning there were two cars 1-4\*4, 1 sedan parked on this corner during school drop offs, (also pick ups), I had to swing wide to get around these cars and was nearly hit head on by a car entering Navigation Lane....."*

COMMITTEE ADVICE:

That Council's Rangers be requested to monitor parking in the vicinity of Navigation Lane near the intersection of Stuart Street, Tweed Heads, particularly during school zone times.

B11 [LTC] Darlington Drive, Sexton Hill Drive Ramp to Motorway

ORIGIN:  
Roads & Stormwater

FILE NO: ECM 3610576; 3616186; Traffic - Committee; Traffic - Speed Zones; Pollution  
- Noise; Pacific Motorway; Darlington Drive; Sexton Hill Drive

SUMMARY OF REPORT:

Request received in relation to the 60km/hr speed limit when accessing the motorway heading north (from the Darlington Drive/Sexton Hill Drive traffic lights in Banora Point).

*"Our members have raised concerns with the 60km speed limit when accessing the M1 freeway heading north from the Darlington Drive/Sexton Hill Drive traffic lights in Banora Point.*

*By keeping to this 60km speed limit, it does not allow the motorist to gain enough speed to enable them to safely join in with the freeway traffic which are travelling at the 100km speed limit.*

*We would like to request that the Traffic Committee considers raising the 60km speed limit to 80km from the point where the 60km sign is."*

Additional correspondence on this topic has been received as follows:

*"It has come to our attention that The Banora Point & District Residents Association is lobbying the Council for an increase in the speed limit (from 60kph to 80kph) between the traffic light controlled intersection on Darlington Drive & the 100kph sign prior to joining the highway.*

*Their reason for this request is that they feel there is insufficient distance to accelerate to merge at 100kph, looking at the 2 other major entrances to the highway going south from Sexton Hill Drive & going south from Kennedy Drive these distances seem to be less than that on the northern outlet with no objections there.*

*The noise on this section of the road (mostly generated by the speed of vehicles) greatly affects the residents in our complex & rather than give any consideration at all to an increase in the speed limit, we would like you to give consideration to having a speed camera or similar device installed to penalize & perhaps deter the speeding drivers."*

COMMITTEE ADVICE:

That this request be forwarded to the RMS for consideration however the Committee considered that the existing signage is adequate for the situation.

NEXT MEETING:

The next meeting of the Local Traffic Committee will be held 21 May 2015 in the Mt Warning Meeting Room commencing at 10.00am.

There being no further business the Meeting terminated at 12.10.

**EXECUTIVE MANAGEMENT TEAM COMMENTS:**

**A1 [LTC] Queensland Road, Waterloo Street, Bent Street, Murwillumbah**

*Nil.*

**A2 [LTC] Kennedy Drive, Tweed Heads West**

*Nil.*

**A3. [LTC] Tweed Coast Road, Bogangar**

*Nil.*

**A4. [LTC-LATE] Battle on the Border Cycling Festival 2015**

*Nil.*

**EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:**

**A1 [LTC] Queensland Road, Waterloo Street, Bent Street, Murwillumbah**

*That a 2 hour parking limit Monday to Friday and Saturday morning (business hours) be applied to Queensland Road, between Waterloo Street and Murwillumbah Street and also on the on-site parking for the Museum, excluding the existing 'No Stopping' space near Waterloo Street.*

**A2 [LTC] Kennedy Drive, Tweed Heads West**

*That a "No Stopping" zone be installed on Kennedy Drive, Tweed Heads West on the south side of the road from Barrett Street to the signals at Gray Street, (excluding the bus zone).*

**A3 [LTC] Tweed Coast Road, Bogangar**

**That the existing bus zone on the west side of Tweed Coast Road, Bogangar opposite Pandanus Parade be signposted as "Bus Zone Aust. Post Vehicles Excepted".**

**A4 [LTC-LATE] Battle on the Border Cycling Festival 2015**

***That the proposed Battle on the Border Cycling Festival 2015 from Thursday 28 May to Sunday 31 May be supported subject to:***

- 1. NSW Police approval being obtained***
- 2. Endorsement of the event by Bicycle NSW***
- 3. Conformance with a Traffic Management Plan and associated Traffic Control Plans installed and controlled by approved persons***
- 4. Community and affected business consultation***
- 5. The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of six weeks prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints***
- 6. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event***
- 7. Adequate public liability insurance being held by the event organiser***
- 8. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event***
- 9. Consultation with emergency services throughout the Shire***
- 10. Arrangements made for private property access and egress affected by the event***

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice.

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

Not Applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## CONFIDENTIAL ITEMS FOR CONSIDERATION

### REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

### REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

- C1 [PR-CM] Class 1 Appeal Development Application DA13/0654 for a Two Lot Subdivision, Remove Existing Dwelling and Construct Two Single Dwellings - Staged Development at Lot 7011 DP 1065741 Marine Parade, Fingal Head; Lot 367 DP 755740 No. 40 Queen Street,**

#### REASON FOR CONFIDENTIALITY:

This report has been made confidential because it contains privileged information from Council's Solicitors' in relation to the Class 1 appeal.

#### Local Government Act

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

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Valid



## Civic Leadership

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

- 1 Civic Leadership
  - 1.2 Improve decision making by engaging stakeholders and taking into account community input
  - 1.2.1 Council will be underpinned by good governance and transparency in its decision making process
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## REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

### C2 [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

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## Supporting Community Life

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

- 2 Supporting Community Life
  - 2.3 Provide well serviced neighbourhoods
  - 2.3.2 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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