



**TWEED**  
SHIRE COUNCIL

**Mayor:** Cr K Milne

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

# Agenda

## **Ordinary Council Meeting Thursday 17 March 2016**

held at Murwillumbah Cultural and Civic Centre  
commencing at 5.00pm

## COUNCIL'S CHARTER

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

Tweed Shire Council has the following charter:

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

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## CONFIRMATION OF MINUTES

- 1 [CONMIN-CM] Confirmation of Minutes of the Ordinary Council Meeting held Thursday 18 February 2016

**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 18 February 2016 are attached for information and adoption by Council.

### RECOMMENDATION:

**That the Minutes of the Ordinary Council Meeting held Thursday 18 February 2016 be adopted as a true and accurate record of proceedings of that meeting.**

**REPORT:**

As per Summary.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice Version 2.5.

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

Not applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](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 18 February 2016 (ECM3952660).

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**2 [CONMIN-CM] Confirmation of the Minutes of the Ordinary Council Meeting held Thursday 3 March 2016**

**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 3 March 2016 are attached for information and adoption by Council.

### **RECOMMENDATION:**

**That the Minutes of the Ordinary Council Meeting held Thursday 3 March 2016 be adopted as a true and accurate record of proceedings of that meeting.**

**REPORT:**

As per Summary.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice Version 2.5.

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

Not applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](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 3  
March 2016 (ECM 3979119).

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## SCHEDULE OF OUTSTANDING RESOLUTIONS

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

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## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### CODE OF MEETING PRACTICE:

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

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

**19 SEPTEMBER 2013**

### ORDERS OF THE DAY

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

### NOTICE OF MOTION:

**532**

**Cr B Longland  
Cr K Milne**

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

**Current Status:** The Reconciliation Action Plan (RAP) is currently in draft form and the Director Corporate Services and Director Community and Natural Resources are championing the process internally to provide input into the RAP, including establishing a specific internal working group.

The Reconciliation Action Plan (RAP) is an operational commitment and as such there will be a range of operational projects, including the employment strategy implemented as part of the RAP.

Terms of Reference for the internal workshop group are currently being developed.

Reconciliation Australia will be requested to assist with workshops with staff early in 2016 to explain the purpose of the Reconciliation Action Plan (RAP) and how staff can become involved. The RAP will be finalised through the Executive Management Team and reported to Council for information by the end June 2016

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**21 MAY 2015**

**ORDERS OF THE DAY**

**41 [NOM] Holiday Letting/Tourist Accommodation**

**291**

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that:

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

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

The Department of Planning and Environment has approved a Gateway request made by Council to advance a Planning Proposal for new LEP controls. The Planning Proposal has been placed on public exhibition until 5 February 2016 and will be reported back to Council at its April meeting.

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**18 JUNE 2015**

**ORDERS OF THE DAY**

**33 [NOM] 2016 Local Government Aboriginal Network Conference**

**349**

**Cr G Bagnall  
Cr K Milne**

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

**Current Status:** Aboriginal Advisory Committee has made recommendation from their 5 February 2016 meeting.

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**16 JULY 2015**

**ORDERS OF THE DAY**

**31 [NOM] Parking Requirements for Small Businesses**

**408**

**Cr K Milne  
Cr P Youngblutt**

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

- a) Council's current requirements and the justification for these requirements,
- b) The potential for these requirements to act as a disincentive for new or expanding small businesses,
- c) Comparison of Council's requirements with other similar growth Councils requirements,
- d) Options to alleviate the impost on small businesses such as eliminating, reducing or providing deferred payments,
- e) Options to address the implications for Council or the community from the above.

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

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## REPORT FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

### C3 [CNR-CM] Tweed Heads Cultural Precinct

418

Cr W Polglase  
Cr P Youngblutt

**RESOLVED** that Council:

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

**Current Status:** Work is currently in progress implementing the resolution of Council and a report is to be prepared for consideration at a future Council meeting.

Following the receipt of a grant of \$200,000 this project can now be advanced.

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**17 SEPTEMBER 2015**

### 38 [NOM] Improving Community Consultation

519

Cr K Milne  
Cr G Bagnall

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

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

**Current Status:** Motion to be resubmitted to a future Council meeting, following discussions with the Mayor regarding the intent of this Motion

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**10 DECEMBER 2015**

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

**12 [CNR-CM] Council Aquatic Facilities**

**683**

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

**RESOLVED** that:

1. Council notes the options presented in this report and endorses their inclusion in the development of an Aquatic Facilities Business Plan in 2016.
2. The Aquatic Facilities Business Plan 2016 be prepared for a future Council meeting.

**Current Status:** Aquatic Facilities Business Plan to be prepared for consideration at a future Council meeting.

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**13 [CNR-CM] Concept Plans and Estimates - South Murwillumbah**

**686**

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

**RESOLVED** that:

1. Council receives and notes this report on the Concept Plans and Estimates - South Murwillumbah.
2. The stakeholders affected by the three options contained within this report to be consulted through the community engagement process for "Tweed - the Future is Ours".
3. A further report be prepared on the outcome of the consultation process.

**Current Status:** Community Engagement to be scheduled and a report to be prepared for consideration at a future Council meeting, but this project is currently unfunded and sits behind the renewed priority of Kingscliff Foreshore.

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## ORDERS OF THE DAY

### 33 [NOM] Dual Reticulation

664

Cr C Byrne

Cr P Youngblutt

**RESOLVED** that Council brings a report to a future Council meeting with respect to dual reticulation schemes and other recycle water schemes currently in operation throughout Australia. The report is to give consideration, but not limited to, the success or otherwise of these operations and where possible a cost benefit analysis of the schemes and other matters relevant to recycling schemes.

**Current Status:** Report to be prepared to April 2016 Council meeting.

---

### 35 [NOM] Murwillumbah Mural and Graffiti Walk and Riverbank Restoration

711

Cr G Bagnall

Cr K Milne

**RESOLVED** that Council:

1. Approaches key stakeholder groups that may be interested in advancing the restoration of the remaining degraded vegetation of western riverbank from the Coolamon Centre south to the Commercial Road, Murwillumbah boat ramp, to provide a key visitor experience for Murwillumbah and enhance the entrance to the town as well as showcase the magnificent mural and graffiti walk.
2. Advises the result of those discussions to a future meeting.

**Current Status:** Report to be prepared following stakeholder discussions.

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21 JANUARY 2016

## ORDERS OF THE DAY

### 24 [NOM] Water Augmentation and Review

29

Cr B Longland

Cr W Polglase

**RESOLVED** that Council staff brings a report to a future Council meeting with recommendations for the establishment of a community reference group to participate in the



development and monitoring of Council's demand management and water efficiency initiatives and provide input to Council decisions concerning water security for the Shire.

**Current Status:** Report to be prepared for March 2016 Council meeting.

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**25 [NOM] Black Rocks Sports Field**

**30**

**Cr B Longland  
Cr P Youngblutt**

**RESOLVED** that Council officers bring a brief report to a future Council Meeting providing:

1. Details of the various options for public access to the Black Rocks Sports Field.
2. An assessment of the effectiveness and reliability of solar powered gate at Council's Eviron Cemetery facility to be installed in the near future.
3. A recommendation on the suitability of the different options for the entrance to Pottsville's Black Rocks Sports Fields in terms of the maintenance of public access for users of the facility, as well as its capacity to enhance wildlife protection.

**Current Status:** Report to be prepared for the March 2016 Council meeting.

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**18 FEBRUARY 2016**

**ORDERS OF THE DAY**

**28 [NOM] Tweed Valley Women's Services**

**53**

**Cr B Longland  
Cr C Byrne**

**RESOLVED** that:

1. This matter be deferred to a Council workshop to evaluate submissions from the Tweed Valley Women's Service, On Track Community Programs and the NSW Department of Family and Community Services and develop a more considered position to put to the Council.
  2. The Mayor immediately writes to the Minister for Family and Community Services seeking an explanation of the sudden removal of funding to the Tweed Valley Women's Services and also seeking assurance that funding for domestic and family violence services in the Tweed be maintained at the number and variety of services of that provided by the Tweed Valley Women's Services.
-

**Current Status:** Workshop to be scheduled for 31 March 2016.

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## REPORTS FROM THE GENERAL MANAGER

### 6 [GM-CM] Public Artwork Entry Statements at Murwillumbah and Kingscliff

59

**Cr W Polglase**

**Cr G Bagnall**

**RESOLVED** this matter be deferred to allow Council officers to hold community consultation with key stakeholders (including Destination Tweed) to be undertaken to provide a more informed approach to this project.

**Current Status:** Consultation with key stakeholders to be undertaken and a report to be prepared for Council.

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## MAYORAL MINUTE

### 4 [MM-CM] Mayoral Minute for February 2016

SUBMITTED BY: Cr K Milne, Mayor

Valid



## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

## Councillors

### COMMITTEE MEETINGS

#### Attended by the Mayor

- 12 February Arts Northern Rivers Board Meeting – Arts Northern Rivers, 2/2 High Street, Alstonville.
  - 16 February Destination Tweed Board Meeting – Mantra Twin Towns, Corner Griffith and Wharf Streets, Tweed Heads.
  - 22 February Far North Coast Weeds Committee – Rous Water, 218-232 Molesworth Street, Lismore.
  - 26 February Richmond Tweed Regional Library Committee – Murwillumbah Civic Centre, Tumbulgum Road, Murwillumbah.
- 

### INVITATIONS / MAYORAL REPRESENTATION:

#### Attended by the Mayor

- 11 February Hundred Hills House Inspection – 46 Oakbank Terrace, Murwillumbah. Crs Byrne and Longland also attended.
  - 14 February Official Opening Joan Nicoll Tennis Centre – Henry Lawson Drive, Terranora.
  - 16 February Greenhills Lodge Seniors Visit – 437 Tweed Valley Way, Murwillumbah.
-

- 24 February Life Education Ceremony – Tweed Regional Gallery, Mistral Road, Murwillumbah. Cr Longland also attended.
- 24 February Media Launch – Hundred Hills Development, 46 Oakbank Terrace, Murwillumbah.
- 24 February Tweed Shire Youth Council Inaugural Meeting – Murwillumbah Civic Centre, Tumbulgum Road, Murwillumbah. Cr Longland also attended.
- 25 February Rural Villages Strategy Reference Panel Luncheon – Canvas and Kettle, Tumbulgum Road, Murwillumbah. Crs Longland and Youngblutt also attended.

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

- 5 February Families Against Violence Community Event – Jack Evans Boat Harbour, Coral Street, Tweed Heads. Cr Byrne attended.
- 7 February Refugee Welcome Zone – Screening of 'Mary meets Mohammed' – Regent Cinema, Brisbane Street, Murwillumbah. Cr Longland attended.
- 8 February Launch of Guyahyn (Possum) Playgroup – Possums Community Preschool, 20 McLeod Street, Condong. Cr Longland attended.

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

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

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**REQUESTS FOR WORKSHOPS:**

Councillors did not request any additional workshops during February 2016.

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**CONFERENCES:**

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

Councillors did not attend any conferences during February 2016.

**Information on Conferences to be held**

- 17-18 May Future of Local Government National Summit – Rydges Melbourne, 186 Exhibition Street, Melbourne Vic  
  
The Summit features an amazing array of Australian and international speakers providing thought leadership for those who want to design a better future for local government.

Registration \$583, two flights, two night's accommodation  
[www.mav.asn/qu/events](http://www.mav.asn/qu/events)

- 19-22 June National General Assembly of Local Government – National Convention Centre, 31 Constitution Avenue, Canberra ACT

This program will be focused on debating and discussing the role that local government plays in boosting productivity and showcasing innovation and best-practice. The NGA brings our sector together providing a platform for thought provoking discussion and serious consideration of the development of policies on issues of national significance. Local Government is a pragmatic and hands-on level of government. Our focus is the provision of services, infrastructure, planning and coordination at the local level.

Early bird registration \$929, two flights, three to four night's accommodation. [www.alga.asn.au/](http://www.alga.asn.au/)

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

- 12 February Request document – Road Closure Application – Hillcrest Avenue Tweed Heads South
  - 12 February Request document – Road Closure Application – Piggabeen Road Tweed Heads West
- 

#### **COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice Version 2.5.

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

Appropriate expenditure is allowed for attendance by Councillors at nominated conferences, training sessions and workshops.

**c. Legal:**

Not applicable.

**d. Communication/Engagement:**

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

#### **RECOMMENDATION:**

**That:**

1. The Mayoral Minute for the month of February be received and noted.
-

2. The attendance of Councillors at nominated Conferences be authorised.

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**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## RECEIPT OF PETITIONS

### 5 [ROP-CM] 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] Destination Tweed Quarterly Report October to December 2015

**SUBMITTED BY: General Manager**

Valid



## Strengthening the Economy

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### SUMMARY OF REPORT:

As required by the current funding and performance agreement with Destination Tweed, a quarterly performance report and summary financial statement are to be provided for Council's review. This report provides Destination Tweed's quarterly reports for the quarter 1 October to 31 December 2015.

### RECOMMENDATION:

**That Council:**

1. **Receives and notes the Destination Tweed's Quarterly report for the quarter October to December 2015.**
2. **Endorses payment of the quarterly contract instalment in accordance with contract AC2010-073 Provision of Services for Economic Development Tourism Promotion.**
3. **ATTACHMENTS 2 and 3 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
  - (c) **information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.**

## REPORT:

As required by the current funding and performance agreement with Destination Tweed, a quarterly performance report and summary financial statement are to be provided for Council's review. This report provides Destination Tweed's quarterly reports for the quarter 1 October to 31 December 2015. This report is titled 'Destination Tweed Quarterly Report October-December 2015' and forms an attachment to this Council report due to size restrictions.

## OPTIONS:

This report to Council presents the quarterly report from Destination Tweed which is required as part of their contract.

1. **Receive and note this Quarterly Report** – In receiving Destination Tweed's Quarterly Report Council acknowledges the work performed by Destination Tweed and agree to process payment of the contract instalment in accordance with AC2010-073 Provision of Services for Economic Development Tourism Promotion contract; or
2. **Do not receive and note this Quarterly Report** - If Council is not satisfied with the progress Destination Tweed has made in achieving the milestones identified in their funding contract and the agreed Business Attraction Marketing Strategy and the Tourism Marketing Strategy then it would be prudent to postpone the endorsement and commence discussions with the Board of Destination Tweed regarding the project.

## CONCLUSION:

It is recommended that Council receives and notes the quarterly report from Destination Tweed for the quarter October to December 2015.

## COUNCIL IMPLICATIONS:

### a. Policy:

Corporate Policy Not Applicable

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

This report is submitted by Destination Tweed along with their quarterly invoice for payment under the current funding agreement.

### c. Legal:

Not Applicable.

### d. Communication/Engagement:

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Destination Tweed Quarterly Report October-December 2015  
(ECM 3975718)

*(Confidential)* Attachment 2. Destination Tweed Balance Sheet as at 31 December 2015  
(ECM 3972809)

*(Confidential)* Attachment 3. Destination Tweed Quarterly Profit and Loss Statement for  
period October to December 2015 (ECM 3972810)

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## REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

### 7 [CNR-CM] Draft Kingscliff - Dreamtime Coastal Zone Management Plan for Public Exhibition

**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
- 

#### SUMMARY OF REPORT:

Following years of studies and detailed consideration of management options, the *Draft Kingscliff - Dreamtime Coastal Zone Management Plan* is considered ready for public exhibition. Placing the Draft CZMP on exhibition at this time coincides with the Kingscliff Matters shopfront allowing for a more thorough community consultation process.

It should be noted that while the formal exhibition period of the document is the minimum 28 days, consultation on the management intent and management actions contained in the Draft CZMP have already formed part of the Kingscliff Matters shopfront display since 7 March 2016.

#### RECOMMENDATION:

That Council formally places the *Draft Kingscliff – Dreamtime Coastal Zone Management Plan* on public exhibition for a period of 28 days and seeks public submissions for a period of 42 days from the date of exhibition.

## REPORT:

Council has been developing hazard management options for Kingscliff Beach foreshore since at least 2001. A range of studies and strategies have been developed to identify the risk from coastal erosion hazards and develop appropriate management responses.

The timeline and associated activities for coastal zone management at Kingscliff to date have included:

- 2001 - Coastal hazard definition study identified major public assets at Kingscliff under **Immediate** risk of coastal erosion and also identified the 2050 and 2100 hazard zones.
- 2005 May- Council adopted the *Tweed Shire Coastline Hazard Study and Coastline Management Plan* and a protection strategy for the Cudgen Headland Surf Club and Kingscliff Beach Holiday Park consisting of rock revetment and sand nourishment.
- 2006 December - Council adopted an amended strategy of foreshore protection comprising a limited seawall in front of the Cudgen Headland Surf Lifesaving Club (constructed August 2010) and sand nourishment only between this and the existing boulder wall at the Beach Club (limited nourishment undertaken in 2012).
- 2010-2013 - persistent and severe erosion of the Kingscliff Beach foreshore.
- 2011 - NSW Minister for the Environment requests Council, in light of the erosion event, to update the Coastal Zone Management Plan for Kingscliff and to reconsider Planned Retreat and groynes as options for the assets at risk.
- 2012 - Preparation of a feasibility study and Draft Environmental Impact Study for sand extraction from the Tweed River (Area 5 downstream of Barneys Point Bridge) and delivery by pipeline to Kingscliff Beach for the purposes of providing a source of sand for future beach nourishment.
- 2012 - Investigations into seawall options and their characteristics.
- 2013 - Investigation into a groyne field option.
- 2013 November - Resolution of Council:

**RESOLVED** that Council endorses proceeding with the development of a Coastal Zone Management Plan for Kingscliff - Dreamtime Beach based on further investigation of the two preferred options of:

- a) terminal protection through seawall, sand nourishment and land use planning.
- b) planned retreat.

- 2014 February - Updated coastal hazards assessment adopted by Council which confirms the Immediate (current), 2050 and 2100 Hazard Zones and incorporates updated knowledge on coastal processes and most up to date Sea Level Rise projections.
- 2015 July - Resolution of Council following completion of the Kingscliff Coastal Risk Management Study:

**RESOLVED** that Council:

1. *Adopts the recommendations of the Kingscliff Coastal Risk Management Study June 2015 as the preferred option for management of coastal risk hazard for the Kingscliff Beach foreshore.*
2. *Develops the comprehensive Kingscliff - Dreamtime Beach Coastal Zone Management Plan in accordance with this adopted strategy.*

The Draft Kingscliff - Dreamtime Coastal Zone Management Plan (CZMP) has now been prepared by Council's Consultants and is considered ready for public exhibition. Placing the Draft CZMP on exhibition at this time coincides with the Kingscliff Matters shopfront and this provides for a more thorough of community consultation process.

The substantive Management Intent and Management Actions that make up the Draft CZMP have been subject to public consultation through the Kingscliff Matters shopfront since Monday 7 March.

The Consultant for the project will be conducting an information and feedback session for the general public at the Kingscliff matters shopfront on Wednesday 30 March from 3pm to 6pm.

**OPTIONS:**

1. That Council places the *Draft Kingscliff - Dreamtime Coastal Zone Management Plan* on public exhibition for a period of 28 days with submissions able to be received over a 42 day period.
2. That Council does not place the *Draft Kingscliff - Dreamtime Coastal Zone Management Plan* on public exhibition.

**CONCLUSION:**

There have been extensive studies, management planning and consultation undertaken over a 16 year period on coastal erosion hazard and other coastline management issues at Kingscliff. The Draft *Kingscliff - Dreamtime Coastal Zone Management Plan* is well researched and reflects the values and issues for this section of Tweed's coastline to a high level. Due to the proposed changes to the *Coastal Protection Act 1979*, which guides the development and implementation of Coastal Zone Management Plans, it is in Council's interests to complete the CZMP and seek certification from the Minister as soon as possible.

The Kingscliff Foreshore Revitalisation Project forms a major component of this Plan and the actions proposed within the Plan further guide management and minimisation of the impacts from a project of this size and scale in the coastal zone.

Given the NSW Government's coastal reforms, the existence of the Kingscliff Matters shop front until 1 April, and the imminent commencement of the Kingscliff Foreshore Revitalisation Project, exhibition of the Draft Kingscliff - Dreamtime CZMP is timely.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

The development of the Kingscliff - Dreamtime Beach Coastal Zone Management Plan has been funded 50% through the NSW Government's Coastal Management Program and 50% from Council's Coastal Program. The plan cost is \$100,000.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Empower-**We will give the community greater opportunity to participate in a transparent flow of information and feedback to Councillors who have been empowered as the Community representatives to make decisions in accordance with the Local Government Act 1993.

The substantive Management Intent and Management Actions that make up the Draft CZMP have been subject to public consultation through the Kingscliff Matters shopfront since Monday 7 March.

The Consultant for the project will be conducting an information and feedback session at the Kingscliff Matters shopfront on Wednesday 30 March from 3pm to 6pm.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Draft Kingscliff - Dreamtime Coastal Zone Management Plan - Report (ECM 3979556)

Attachment 2. Draft Kingscliff - Dreamtime Coastal Zone Management Plan - Appendices (ECM 3979574)

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## 8 [CNR-CM] Submission to the NSW Coastal Management Reforms

**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
- 

#### **SUMMARY OF REPORT:**

A submission was forwarded to the NSW Government's Coastal Management Reforms following consideration by Council staff across the organisation and legal advice provided by Local Government NSW.

The Coastal Management Reforms are, in general, supported as a positive move from 'coastal protection' to coastal land use planning and management. The proposed changes include a requirement for Councils to develop a Coastal Management Program to be given effect within the Integrated Planning and Reporting framework.

The submission deals in most detail on the proposed new Coastal Management State Environmental Planning Policy (SEPP). It should be noted that the Office of Environment and Heritage has now advised that the full Coastal Management SEPP, including the Coastal Management Area mapping, will be publicly exhibited later this year following additional consultation with individual Councils on mapping data.

#### **RECOMMENDATION:**

**That Council notes the submission forwarded on 29 February 2016 to the NSW Government's Coastal Management Reforms Stage 2.**



## REPORT:

The NSW Government is undertaking a major reform of coastal management and planning legislation. A package of information was released for public exhibition in December 2015 with submissions due 29 February 2016. The reforms include:

- Coastal Management Bill 2015.
- Coastal Management State Environmental Planning Policy.
- Coastal Management Manual.

The intent is for a new *Coastal Management Act* to replace the current *Coastal Protection Act 1979* and the *Coastal Protection Regulation 2011*.

The Draft Bill aims to promote integrated and co-ordinated coastal planning, management and reporting. The change of nomenclature for coastal planning documents from 'Coastal Zone Management Plans' to 'Coastal Management Programs' (CMP) reflects the emphasis on **implementation**. Similarly, the Draft Bill also requires the integration of any CMP into the Integrated Planning and Reporting Framework of a Council to ensure budgeting of the CMPs is considered in Delivery Programs and Operational Plans.

In order to effectively integrate coastal considerations into land-use planning, the new *Coastal Management Act* will be supported by a redesigned package of land-use planning instruments, including the following:

- A new Coastal Management State Environmental Planning Policy (SEPP).
- A Coastal Management s.117 Planning Direction relating to plan making.
- Non-statutory planning instruments, such as regional growth, infrastructure plans and Coastal Design Guidelines.

The reforms move away from managing the coast as a single homogenous zone. Instead, the new *Coastal Management Act* will divide the coastal zone into four coastal management areas. These four areas will be mapped and defined by the unique features of different local areas.

These four areas are:

- Coastal wetlands and littoral rainforests area - where coastal wetlands and littoral rainforests have been identified.
- Coastal vulnerability area - covers land exposed to coastal hazards such as beach erosion, tidal inundation and cliff instability.
- Coastal environment area - includes key features of the coast such as lagoons, estuaries and coastal lakes and critical areas of land adjacent to these features.
- Coastal use area – contains land with important coastal values.

The proposed Coastal Management SEPP will form part of the broader land-use planning framework in NSW which is being developed as part of the NSW Governments Stage 2 Coastal Reform program. The legislation will establish clear, outcome-orientated management objectives for each coastal zone to ensure councils apply appropriate management tools and development controls.

One of the aims of the proposed Coastal Management SEPP will be to maintain and enhance the relevant provisions that currently apply in the three key State Environmental Planning Policies which relate specifically to coastal matters. These SEPPs are to be repealed being:

- *State Environmental Planning Policy No 14 - Coastal Wetlands* (SEPP 14) (published 1985).
- *State Environmental Planning Policy No 26 - Littoral Rainforests* (SEPP 26) (published 1988).
- *State Environmental Planning Policy No 71 - Coastal Protection* (SEPP 71) (published 2002).

The *Coastal Management Manual* will provide clear instruction and guidance to assist councils to meet the requirements of the draft Coastal Management Bill 2015 in developing *Coastal Management Programs*.

**OPTIONS:**

This report notes the submission forwarded to the NSW Government's coastal management reforms.

**CONCLUSION:**

Overall, the Draft Bill and Planning Policy provide an improvement to the legislative and planning framework around coastal zone management in New South Wales.

The Office of Environment and Heritage recently advised that, in response to concerns by Council's, there will be further consultation around the mapping of the Coastal Management Areas and the Coastal Management SEPP will be subject to public exhibition later in the year.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

The submission was produced with existing Council staff resources. The implementation of the proposed amended coastal management legislation has similar budgetary implications as that required under the current legislation.

**c. Legal:**

Yes, legal advice has been received.

Local Government NSW forwarded legal advice on the Coastal Management Reforms package from HWL Ebsworth Lawyers provided to the Sydney Coastal Councils Group. This advice was considered in the formulation of Council's submission.

**d. Communication/Engagement:**

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

Advice on the exhibition of the coastal management reforms was forwarded to relevant staff with several staff attending information sessions provided by the Office of Environment and

Heritage and Department of Planning. Further input into this submission was provided by members of Council's Corporate Management Team.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Tweed Shire Council submission to the *Coastal Management Bill 2015* and the proposed Coastal Management State Environmental Planning Policy (ECM 3972838)

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## 9 [CNR-CM] Draft Sustainable Agriculture Strategy

**SUBMITTED BY:** Natural Resource Management

Valid



### Caring for the Environment

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

4	Caring for the Environment
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:**

A Draft Tweed Sustainable Agriculture Strategy has been prepared to provide a vision and roadmap for a sustainable future for agriculture in the Tweed. The draft Strategy highlights key issues affecting farm sustainability and identifies practical steps to overcome existing and perceived future challenges over the next five years.

The draft represents the culmination of ideas and shared understanding amongst key stakeholders of what is required to build a stronger, more resilient and sustainable agricultural sector in the Tweed. The draft Strategy aims to achieve four outcomes:

- Preserve prime agricultural land for sustainable primary production and prevent and manage land-use conflicts.
- Maintain and enhance agricultural landscapes and the natural resource base on farms.
- Farmers are well informed and equipped with the skills, knowledge and networks required to farm sustainably.
- Local sustainable agricultural production is valued, recognised and promoted by the community with widespread consumption of local products.

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

#### **RECOMMENDATION:**

**That Council places the Draft Tweed Sustainable Agriculture Strategy on public exhibition for a period of 28 days and seeks public submissions for a period of 42 days from the date of exhibition.**

## **REPORT:**

### **Background**

Tweed River Committee initially identified the need for a sustainable agriculture strategy at a meeting on 14 October 2009. The committee allocated resources to develop a sustainable agriculture strategy. The former Northern Rivers Food Links project, funded by the NSW Environmental Trust, also contributed funding to enable development of the strategy.

In 2011 a Discussion paper and draft strategy were prepared by John Mongard Landscape Architects Pty Ltd. The current draft builds on this earlier work incorporating more recent issues analysis and consultation.

Sustainable agriculture is farming within the lands capability to conserve natural resources such as soil, water and biodiversity, enabling the efficient and profitable production of agricultural commodities.

Over 50% of land in the Tweed is used for agriculture (Australian Natural Resources Atlas website 2001), generating over 800 jobs and \$58m in production value in 2010/11 (ABS 2011 Census data). The agricultural sector faces a number of challenges to remain viable including pressure from development, high costs of inputs and variable returns, lack of capital for investment, an ageing farming population and a range of environmental challenges. The strategy highlights a number of opportunities to enhance farm viability including:

- Reducing land use conflict, and educating landholders about the capability and suitability of their land for particular uses;
- Improving soil and ecosystem health to improve productivity and environmental outcomes;
- Providing farmers and other landholders with the information they need to farm sustainably and profitably; and
- Strengthening the local food economy to create jobs and generate better returns for producers.

The Community Strategic Plan identifies the need to foster a viable farming community and improve the environmental capacity of Tweed farmland. The strategy aims to achieve four outcomes over the next five years in response to the identified challenges and opportunities:

- Prime agricultural land is preserved for sustainable primary production and land-use conflicts are avoided or managed
- Agricultural landscapes are farmed to maintain and enhance the natural resource base with minimal impacts on the environment
- Farmers are well informed and equipped with the skills, knowledge and networks required to farm sustainably
- Local sustainable agricultural production is valued, recognised and promoted by the community with widespread consumption of local products

The strategy includes a series of key objectives and 74 practical actions to realise these outcomes. Council has an important role to play as a supporter, partner and promoter of sustainable agriculture and will lead implementation of the strategy in collaboration with industry, farmers, researchers and food consumers.

## **Consultation**

The draft Tweed Sustainable Agriculture Strategy is the culmination of several years of engagement with the farming community through existing council programs and targeted engagement activities. This on-going engagement has enabled council to establish close working relationships with industry and individual community members with an interest in agriculture.

Various consultations have taken place since 2011 to develop the draft Tweed Sustainable Agriculture Strategy including:

- Shopfront consultation and community forums held in Murwillumbah in November 2011 in conjunction with release of a Discussion Paper;
- Targeted stakeholder workshops with representatives of the sugarcane and horticultural industries in February 2014;
- Meetings and discussions with representatives from other agencies (ie. NSW DPI and LLS), individual landholders and producers;
- Discussions with relevant work areas within Council;
- Workshop with councillors on 10 September 2015; and
- Workshop with key industry leaders representing sugar cane, dairy, beef, organic vegetables and bananas on 2 November 2015.

During November and December 2015 the Sustainable Agriculture Program with support from Tweed Shire Council's Community Engagement Network engaged with the community at events such as the Murwillumbah Agricultural Society Show, Tweed River Festival and Murwillumbah Farmer's Market to seek feedback on key issues and priorities for agriculture.

Throughout November and December 2015 a survey about sustainable agriculture was made available on the Your Say Tweed platform and in Council's Tweed and Murwillumbah offices. The survey generated 107 responses from farmers and others in the community. Commercial farmer's suggestions for improving sustainable agriculture in the Tweed included improved government support and incentives, reduced rates and policy changes to enable diversification of uses and value-adding opportunities on the farm. Farmers expressed an interest in affordable sources of quality compost, education and networking opportunities and better marketing of local produce. An overwhelming majority of survey respondents, particularly those in urban areas, indicated they would be more willing to buy local products if they were more readily available (98%) or locally branded (88%).

## **OPTIONS:**

1. That Council places the draft Tweed Sustainable Agriculture Strategy on public exhibition for a period of 28 days and seeks public submissions for a period of 42 days from the date of exhibition.
2. That Council does not place the Tweed Sustainable Agriculture Strategy on public exhibition, and requests changes to the draft.

## **CONCLUSION:**

A draft Tweed Sustainable Agriculture Strategy has been developed based on extensive stakeholder engagement since 2011. The strategy identifies the key issues affecting the agricultural sector and identifies a series of actions that will help strengthen the sustainability

and viability of agriculture in the Tweed. The draft strategy is now ready for broader public consultation.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

Budget implications depend on the timing of implementation and type of action being delivered. It is anticipated that a combination of general funds, grants and in-kind contributions from relevant stakeholders will be required to implement the various actions. Budget implications will be clearly articulated in the Sustainable Agriculture Action Plan to be developed and submitted as part of the annual budget process as well as reviews, evaluation and adaptive management.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

There have been numerous community and Councillor workshops held on this subject since 2011 as described in the main body of this report as follows:

- Shopfront consultation and community forums held in Murwillumbah in November 2011 in conjunction with release of a Discussion Paper;
- Targeted stakeholder workshops with representatives of the sugarcane and horticultural industries in February 2014;
- Meetings and discussions with representatives from other agencies (ie. NSW DPI and LLS), individual landholders and producers;
- Discussions with relevant work areas within Council;
- Workshop with councillors on 10 September 2015; and
- Workshop with key industry leaders representing sugar cane, dairy, beef, organic vegetables and bananas on 2 November 2015.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Draft Tweed Sustainable Agriculture Strategy (ECM 3978600)

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10 [CNR-CM] Foysters Jetty Emergency Vessel Repairs Policy

SUBMITTED BY: Natural Resource Management

Valid



## Caring for the Environment

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Caring for the Environment
  - 4.4 Manage the Tweed coastline to ensure a balance between utilisation and conservation
  - 4.4.3 Provide for appropriate public access and use
- 

### SUMMARY OF REPORT:

Foysters Jetty is located on Minjungbal Drive, Tweed Heads. It is frequently used by vessel owners for short term berthing, and occasionally for longer term stays, to undertake emergency repairs. This report presents a policy relating to the management of Foysters Jetty, in particular, the conditions relating to approval for berthing for emergency repairs. The policy has previously been exhibited from 16 October to 19 December 2014 and it is now recommended that Council adopts the policy.

### RECOMMENDATION:

**That Council adopts the Foysters Jetty Emergency Vessel Repairs Policy Version 1.0.**



## REPORT:

Foysters Jetty is located on Minjungbal Drive, Tweed Heads, approximately 100m south of the Boyd's Bay Bridge.



The jetty consists of a timber wharf with two floating pontoons attached. One pontoon provides facilities for vessel sewage pump out and the other facility is used frequently by owners of vessels moored nearby for loading and unloading passengers and equipment/supplies.

Use of the facility by vessels is restricted to a four hour limit, with no overnight berthing.

On occasion, Council responds to complaints of vessels being moored on the jetty for extended periods without permission. Such use can obstruct other users. Council's Waterways Program responds to such complaints and works with Regulatory Services to advise users to comply with berthing time limits.

Council is occasionally asked to give permission to vessel owners for use of Foysters Jetty for the purpose of making emergency repairs. Council grants such requests where they are legitimate, subject to a number of conditions, as outlined in this policy.

### Policy

1. Council will grant permission for overnight berthing at Foysters Jetty for the purpose of undertaking emergency repairs to vessels.

Emergency repairs are defined as:

- Actions to be undertaken immediately to prevent a vessel sinking or causing pollution of the environment.
- Repairs to a vessel hull, propulsion system (engine or rigging), fuel system, or electrical systems.

2. Permission will not be given for vessel maintenance, including activities such as painting, engine servicing etc.
3. Permission will be granted for a period of up to five days maximum.
4. Vessels will be required to leave the jetty when emergency repairs are complete.
5. Vessel owners will be required to ensure that all environmental safeguards are observed when completing repairs, and that no litter or any other waste product remains at the jetty, or enters the water as a result of repairs being undertaken.
6. The safety of all persons working on the vessel will be the responsibility of the vessel owner.
7. Council will only grant permission for extended berthing to insured vessels, and reserves the right to request presentation of evidence of current insurance, prior to granting permission to berth.
8. Council will grant permission for extended berthing for emergency repairs, subject to demonstration that legitimate emergency repairs are required, and if requested, production of evidence that repairs have been arranged to be undertaken.
9. A bond of \$30.00 will be required when Council staff issue the key for the gated portion of the jetty.
10. Requests for extended berthing for emergency repairs must be made by telephone or via email to the following staff:
  - Waterways Program Leader
  - Coordinator Natural Resource Management Unit
  - Director Community and Natural Resources

### **Exhibition**

This policy was exhibited from 16 October to 19 December 2014. Notice to the public was through an advertisement in the Tweed Link and additional consultation was undertaken with local Roads and Maritime Services staff. No submissions were received on the policy.

Unfortunately this was not followed through and report back to Council at the time the public exhibition period expired. A new tracking system has now been implemented to ensure this does not happen in future.

### **OPTIONS:**

1. Adopt the policy.
2. Request amendments to the policy and re-exhibit it.

### **CONCLUSION:**

Increasing demand for use of the Foysters Jetty, coupled with increasing levels of non-compliance with existing regulations, make it imperative that a clear policy governing it's

operation be confirmed. Adoption of this policy will provide increased certainty over the use of the facility for members of the public, and the Council staff who administer this use.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

As per the draft policy attached to this report proposed for adoption.

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

Not Applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

This policy was exhibited from 16 October to 19 December 2014. Notice to the public was through an advertisement in the Tweed Link and additional consultation was undertaken with local Roads and Maritime Services staff. No submissions were received on the policy.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Draft Policy - Use of Foysters Jetty for Emergency Vessel Repairs - Version1.0 (ECM 3479465).

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## 11 [CNR-CM] Black Rocks Sports Field Entrance Options

**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:

A lockable koala and dog proof gate was installed at the entrance to the Black Rocks Sports Field in September 2014. In response to public access, amenity and wildlife protection issues, Council resolved to consider a number of options for modification of the current entry arrangements.

The installation of the solar powered automatic gates at the Eviron cemetery was completed in February 2016. While the installation has only been in place for three weeks, it is proving successful at this stage.

It is considered that upgrading the existing gate at Black Rocks Sports Field to a solar powered electronic system, along with landscaping and rationalisation of signage will suitably address public access, visual amenity and wildlife protection issues.

#### RECOMMENDATION:

**That Council upgrades the gate at the entrance to the Black Rocks Sports Field to provide a solar-powered electronic, automated vehicle gate. The upgrade will include remodelling of pedestrian access arrangements, landscaping and rationalisation of signage.**

## REPORT:

### History:

The following information is a brief history of the planning process for the Black Rocks Sports Fields.

The Black Rocks subdivision plan was approved around 1993 with around 370 lots equating to 890 people.

The concept included approximately four hectares sports fields.

A Legal Agreement (1994) between Council and the developer established the sports fields in an easterly location within the subdivision.

Rezoning under LEP Amendment No. 8 'Black Rocks Estate' in 2003 allowed for development of last stages of Black Rocks. This amendment established area for urban development, sports fields and koala habitat. It relocated sports fields to the current western position to minimise impacts on existing flora and wildlife habitat in the western portion of the site.

A legal agreement (2003) between Council and the developer confirmed dedication of koala habitat and sports fields.

The amendment was based on recommendations from a Local Environment Study undertaken by GeoLink in 2002. This amendment established the area for urban development, sports fields and koala habitat. It relocated sports fields to current western position.

A legal agreement (2003) between Council and the developer confirmed the dedication of 102 hectares of koala habitat and four hectares of sports fields.

Negotiation between the developer and Council leading to this agreement resulted in Council accepting a significantly lower level of embellishment for the sports fields than required under subdivision guidelines in lieu of the dedication of a large area of koala habitat land.

The sports fields were constructed in current location in 2007.

### Background

At Council's 12 December 2013 meeting, the option to install a lockable koala-proof gate at the entrance to the Black Rocks Sports Field access road was referred to Council's Koala Advisory Group for consideration. Advice of the Koala Advisory Group resulted in the following Executive Management Team recommendation being adopted by Council on 10 April 2014.

"1. *That:*

- a) *Council installs a lockable koala and dog-proof gate and additional fencing, in order to form a continuous exclusion zone, at the entrance to the sports field in accord with the Notice of Motion and previously recommended conditions of consent for the Tennis Court Part V Application.*
- b) *the lockable gate will be closed at dusk daily.*

c) *the lockable gate will be funded from the Koala Management Plan budget."*

A lockable koala and dog proof gate, along with self-closing pedestrian gates and associated signage, was installed in September 2014.

Council resolved at its 22 January 2015 meeting to remove the lockable koala-proof gate and install a koala grid in its place:

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. 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.*
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."*

At the Council meeting of 21 January 2016, the following was resolved:

*"that Council officers bring a brief report to a future Council Meeting providing:*

1. *Details of the various options for public access to the Black Rocks Sports Field.*
2. *An assessment of the effectiveness and reliability of solar powered gate at Council's Eviron Cemetery facility to be installed in the near future.*
3. *A recommendation on the suitability of the different options for the entrance to Pottsville's Black Rocks Sports Fields in terms of the maintenance of public access for users of the facility, as well as its capacity to enhance wildlife protection."*

### **Options for public access and wildlife protection at Black Rocks Sports Field**

Black Rocks Sports Field currently provides dedicated open space for organised sport and informal recreational use. The area is surrounded by significant remnant and regenerating vegetation that provides habitat for threatened species including koala, osprey and bush stone-curlew.

As directed by the 2004 Koala Plan of Management for the area, fauna exclusion fencing was installed on the interface of the urban area and regenerating bushland during the estate's development.

Public access is via a 350m road and pedestrian footpath. Since site establishment, vehicle access has included periods of unrestricted access, vehicle exclusion and day time access only. Pedestrian access has remained unrestricted at all times.

This report discusses three options for public access to the Black Rocks Sports Field. A brief description of each option is provided below, followed by a summary table outlining the

suitability of each option for addressing the main public access and wildlife protection issues.



**Figure 1 - Black Rocks estate and sports field with red line showing location of fauna exclusion fencing**

*Option 1: Retain existing gates (current situation)*

Currently, a lockable koala and dog-proof gate is located across the vehicle access road. A system of dual, non-lockable, self-closing koala and dog-proof gates are provided across the pedestrian footpath. The vehicle and pedestrian gates are constructed from galvanised steel and chain mesh, in the style of the existing koala exclusion fencing, with solid sheeting along the base.

The pedestrian gates provide 24-hour pedestrian access and the vehicle gates are opened at 7.30am and closed at 5.30pm daily by Council staff, with unrestricted vehicle access available during these hours.

When gates are closed, the system forms an effective barrier to koala, other wildlife and roaming dog movement into and out of the sports field area.

Issues of concern that have been noted with the current situation include visual amenity, the potential impact to koalas of unrestricted day time vehicle access and some instances of users' vehicles not being able to exit the site.



**Figure 2 - Existing vehicle entrance gate with pedestrian access to the left**

*Option 2: Remove existing gate and replace with a koala grid*

A koala-proof grid is based on the design of a basic cattle grid, with the modification of the grid surface to consist of steel pipes of circular cross section, rather than the square cross section used in standard cattle grids. The grid would be recessed into the pavement surface in the current vehicle gate location and span the pavement width of approximately six metres. The existing vehicle gates would be removed.

A koala grid will provide unlimited vehicle access to the sports field at all hours, and a self-closing pedestrian gate will allow 24-hour pedestrian access. A grid is a potentially hazardous crossing for pedestrians and bicycle riders, should they choose to use the road rather than the footpath to access the sports field. Existing koala exclusion fencing would require some modification to adjoin the grid on both sides and create an effective exclusion zone.

Koala grids have been demonstrated to be effective at restricting koala movement, however are known to be traversable by dogs and are likely to be traversable by other wildlife. The primary application of koala grids has been on high-speed rural roads and private driveways.





Figure 3 - Koala grid at rural driveway entrance

*Option 3: Upgrade existing gates*

Upgrade of the existing vehicle gate would include the following:

- installation of a solar powered electronic swing-arm and in-ground sensor (pressure-plate) mechanism for automated opening and closing
- replacement of existing chain mesh with black, plastic-coated mesh and repainting of supporting posts and metal sheeting to improve visual amenity

These upgrades will facilitate vehicle-activated gate opening on entry during daylight hours and exit at all hours via in ground sensor loop and light beam. The opening mechanism is programmable such that opening times are able to be adjusted seasonally (eg. for extended opening hours during daylight savings) and in response to operational requirements. This will remove the requirement and associated cost for staff to open and close the gate each day.

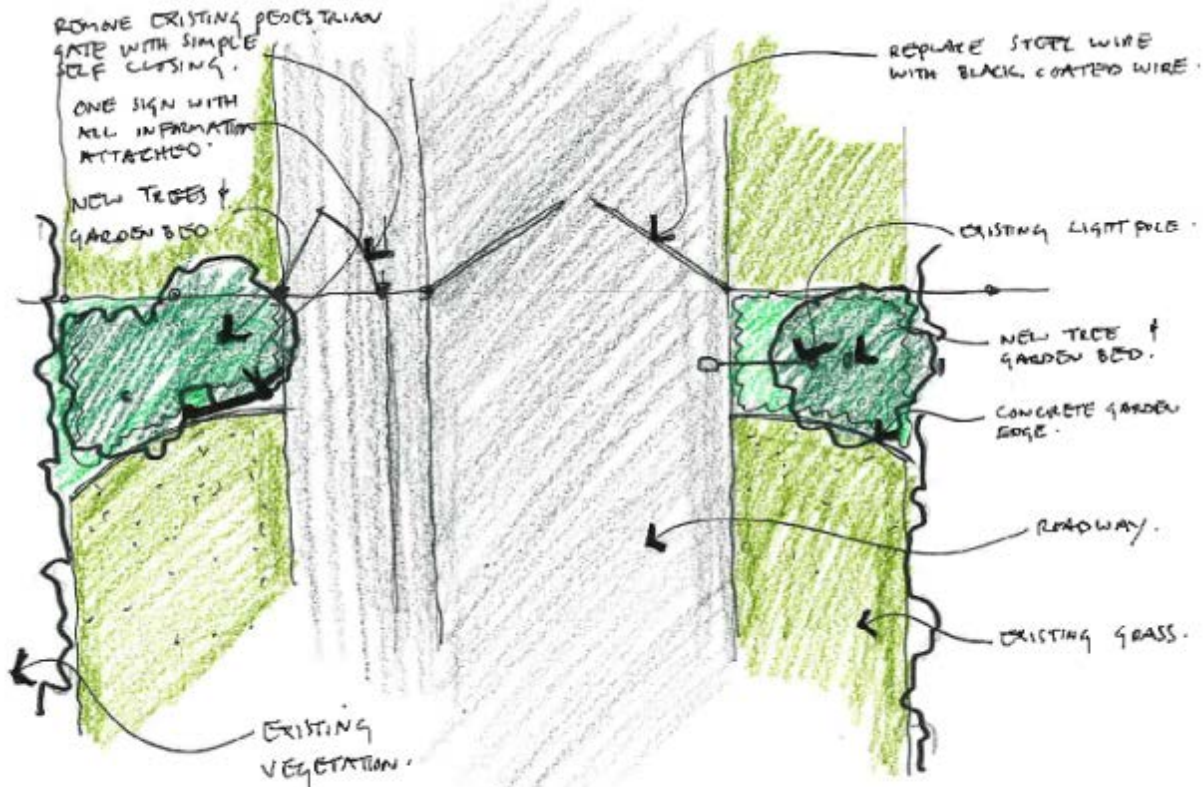
Variations on this approach were investigated including construction of a new gate and installation of a sliding vehicle gate. These options would provide further amenity value but due to the significant additional cost, suitability for the site and maintenance requirements, have not been included in this analysis.

Upgrading the existing gate addresses relevant public access and wildlife protection issues and offers the additional benefit of the opportunity to reuse existing materials.

This option would also include removal and redesign of the existing dual pedestrian gate structure, in order to improve the function of the self-closing mechanism, improve ease of

use by pedestrians, and improve visual amenity. A single, self-closing gate would be installed in-line with fencing, creating a more streamlined look to the entrance.

This option also includes rationalising of the current entry signage and plantings on the either side of the gate entry to screen the fence



**BLACK ROCKS UPGRADED ENTRY**

1100EA4.

Figure 4 - Concept plan for option 3

	<b>Option 1 Retain existing gates</b>	<b>Option 2 Remove existing gates, replace with grid</b>	<b>Option 3 Upgrade existing gates</b>
<b>Cost</b>			
Initial cost	\$5,000 – installation of existing gate	\$10,500 – supply and install grid	\$9,000 – supply and install solar powered gate closing mechanism \$2,000 – replace chain wire and double gate entry
Maintenance cost (annual)	\$1,100 – operational (opening and closing) Minimal ongoing maintenance	\$800	\$800

<b>Wildlife protection issues</b>			
Koalas entering urban area	Issue not addressed during daylight hours. Issue addressed during night time hours.	Issue addressed.	Issue addressed.
Dog attack due to roaming domestic dogs	Roaming dog access prevented at night.	Issue not addressed.	Issue addressed. Roaming dog access prevented day and night.
Vehicle strike due to night time access	Issue addressed. Night time vehicle access prevented.	Issue not addressed.	Issue addressed. Night time vehicle access prevented.
Vehicle access for sports field users (day time)	Available during day time hours.	Available during day time hours	Available during day time hours. Programmable to respond to daylight saving.
<b>Public access issues</b>			
Pedestrian access	Available 24/7 via gated footpath.	Available 24/7 via footpath. Potential for pedestrian injury if they choose to cross the grid on foot or bicycle.	Available 24/7 via gated footpath.
Safety (risk of locking vehicles in)	Minor issues subject to effective management of gate opening.	Issue addressed.	Issue addressed - no restriction on exit.
Visual amenity	Some issues with amenity of the existing gate have been noted to date.	Some improvement to visual amenity anticipated.	Significant improvement to visual amenity anticipated.
<b>Overall assessment</b>			
Issues addressed	3	3	7
Issues partially addressed	3	2	0
Issues not addressed	1	2	0

### Other issues

A number of other issues have been raised in association with the entrance to the sports field and its use, and are not considered in the above analysis. These include:

- potential risk to wildlife due to unmanaged (off-leash) dog walking
- disturbance to koalas and other wildlife due to a range of activities on sports field
- risk of dog attack to koalas and wildlife from wild dogs
- risk of vehicle strike to koalas and other wildlife during the day
- the requirement for adequately-resourced compliance to assist in managing restricted activities on the sports field.

These issues are not able to be addressed through modification of the sports field entry arrangements whilst maintaining the current level of public access. Operational planning and compliance is the appropriate mechanism for management of the above issues.

### **Eviron Cemetery Gate**

The installation of the solar powered automatic gates at the Eviron cemetery was completed in February 2016. While the installation has only been in place for three weeks, it is proving successful at this stage.





Figure 5 - solar powered self-opening gates installed at the Eviron cemetery

**OPTION ANALYSIS:**

It is considered that Option 3 presented in this report will most effectively address the range of public access and wildlife management requirements associated with the sports field entry. This option involves upgrade of the existing vehicle gate to a solar powered,

electronically-controlled system and replacement of the existing pedestrian gates with a single gate. Associated landscaping and rationalisation of signage will create a functional and aesthetically-suitable entrance area.

This will result in unrestricted entry during operational hours and all-hours exit from the site, with the ability to modify opening hours to suit operational requirements whilst providing the most effective protection for wildlife, including koalas. The associated landscaping and signage will create a feature of the sports field entrance, and inform users of the regulatory and interpretive information required to safely and enjoyably use the site.

Options 1 and 2 do not fully address the range of public access and wildlife protection issues that have been identified to date. The current approach is considered to negatively impact the visual amenity of the site, requires daily opening and closing of the gate and does not prevent roaming domestic dogs from accessing the site during the day. Installation of a grid similarly increases the likelihood of dogs accessing the site at all hours, increases the risk to koalas from vehicles at night and presents a potential hazard to pedestrians and cyclists.

**CONCLUSION:**

Council resolved to consider options for addressing public access and wildlife protection issues associated with the entrance to the Black Rocks sports field. Three options were examined for their relative ability to address issues of wildlife protection and public access to the sports field: 1 - retain existing arrangements, 2 - remove the existing vehicle gate and replace it with a koala grid, and 3 - upgrade the existing vehicle gate to an electronically-controlled system.

It is recommended that Option 3 presented in this report, upgrading of the vehicle and pedestrian gates to a solar powered, electronically-controlled system, along with associated rationalisation of signage and landscaping, is the most effective option to manage both wildlife protection and public access issues associated with the sports field entrance.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Not Applicable.

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

The recommended option has an estimated cost of \$11,000. This work is not included in the Koala Plan of Management works program.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

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

By improving the existing regulatory and interpretive signage, users of the site will be more effectively informed as to the values and acceptable uses.

It is recommended that a media release and article in the Tweed Link are published to inform the community of the outcome of consideration of this report. A fact sheet will be

prepared for distribution via letterbox drop to the local area to explain the decision and rationale. This will include clarification of any option chosen, the expected benefits and how it affects use of the site. The consideration of this report responds to community interest expressed in reconciling the public access and wildlife protection issues at this site.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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12 [CNR-CM] RFO2015176 Riverbank Stabilisation at Clarrie Purnell Park Condong

SUBMITTED BY: Natural Resource Management

Valid



## Caring for the Environment

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Caring for the Environment
  - 4.3 Maintain and enhance Tweed's waterways and its catchments
  - 4.3.2 Improve urban stormwater discharge through water sensitive urban design
- 

### SUMMARY OF REPORT:

Offer RFO2015176 was called for the purpose of engaging a suitably qualified and experienced provider to construct a combination of rock and geotextile sand container retaining walls along the Tweed River at Condong Reach.

The Offer was officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. The Offer was advertised on Tuesday 22 December 2015 in the Sydney Morning Herald. The Offer was also advertised in the Brisbane Courier Mail and Gold Coast Bulletin issued Saturday 19 December 2015.

Recommendations have been formulated based on the Selection Criteria which is contained in the Offer 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 RFO2015176 Riverbank Stabilisation at Clarrie Purnell Park Condong:

1. Council awards the contract to Marine Civil Contractors Pty Ltd ABN 38 088 695 854 for the amount of \$193,201.73 (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, 2 and 3 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:**

### **Offer Background**

The Offer RFO2015176 was called for the purpose of engaging a suitably qualified and experienced provider to construct a combination of rock and geotextile sand container retaining walls along the Tweed River at Condong reach.

This project forms part of a larger series of Works under the Boating Now (2015) Program administered by Roads and Maritime Services with the funding deed being signed by Shire and State Government Officers on 23rd September, 2015. This specific project will receive grant funding to the value of \$200,000 with the remaining funds to be provided by Tweed Shire Council, both through financial and in-kind contributions.

### **Offer Advertising**

The Offer was officially invited in accordance with the provisions of the *Local Government Act 1993* and the NSW Local Government (General) Regulation 2005. The Offer was advertised on Tuesday 22 December 2015 in The Sydney Morning Herald. The Offer was also advertised in The Brisbane Courier Mail and Gold Coast Bulletin issued Saturday, 19 December 2015.

### **Offer Addendums**

There were two Notice to Bidders issued before the close of Offer.

Addendum No. 01 was issued to advise Bidders of an extension in the offer period to close on 27 January (original advertised close date was 20 January 2016).

Addendum No. 02 was issued to advise Bidders of clarifications to the Control of Erosion & Sediment details in the Technical Specifications.

### **Offer Submissions**

As per the requirements of the Local Government Regulation 2005, Offer submissions closed at 4.00pm (local time) on 27 January 2016 in the Tender box located in the foyer of the Tweed Shire Council Civic and Cultural Centre, Murwillumbah.

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

Offerer	ABN	Offered Amount (incl GST)
A & N Earthworx	49 774 194 492	Confidential Information
Auzcon Pty Ltd	43 144 886 359	
Bonelli Constructions Pty Ltd	39 168 287 689	
Michael Reid Family Trust ATF Crosana Pty Ltd	45 943 696 462	
Elite Retaining Systems Pty Ltd T/A Australian Marine & Civil	66 601 876 680	
Entracon Civil Pty Ltd	35 118 370 077	
Marine Civil Contractors Pty Ltd	38 088 695 854	
Nviroscope Pty Ltd	13 063 779 251	

### Offer Evaluation

Offers were evaluated based on the criteria noted in the table below which were also listed in the Conditions of Offering. The details of the price and non-price evaluation are shown on the attached Offer Evaluation Report.

Criterion	Document Reference	Weighting (%)
Value for Money (Normalised Tender Price) (Mandatory but Chairperson sets weighting)	Schedule 2 & 3	45
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	5
Project Management (Key Personnel)	Schedule 5	5
Methodology and Work Program (Time)	Schedule 6	5
WHS and Risk Management	Schedule 7	10
Environmental Management	Schedule 7	10
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/Industry) (Mandatory 10% assessment as per Policy)	Schedule 11	10
Innovation	All Schedules	

Criterion	Document Reference	Weighting (%)
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

The Offer Evaluation Panel consisting of Contract Engineer and Technical Officer Coastal conducted the Offer assessment.

A copy of the Offer 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 Bidder in relation to the Offer price and the evaluation of the products offered by the Bidder. If disclosed, the information would be likely to prejudice the commercial position of the Bidder 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 Offer.

**OPTIONS:**

1. Council endorses the recommendations of this report.
2. Council does not endorse the recommendations of this report.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Procurement Policy v1.6

In accordance with Local Government (General) Regulations 2005.

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

This project forms part of a larger series of Works under the Boating Now (2015) Program administered by Roads and Maritime Services with the funding deed being signed by Shire and State Government Officers on 23rd September, 2015. This specific project will receive grant funding to the value of \$200,000 with the remaining funds to be provided by Tweed Shire Council, both through financial and in-kind contributions.

Overall funding is provided by the following:

- Boating Now (2015) Program (RMS) \$200,000
- Tweed Shire Council Waterways Program \$157,000

All grant works are to be completed by December 2017.

**c. Legal:**

Not Applicable.

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*(Confidential)* Attachment 1. Offer Evaluation Report (ECM 3975697)

*(Confidential)* Attachment 2. Offer Evaluation Scoring Sheet (ECM 3975716)

*(Confidential)* Attachment 3. Offer Evaluation Non-Price Worksheet (ECM 3975732)

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**13 [CNR-CM] Offer Assessment for RFO2015122 Supply and Application of Water Sealing Membrane on the Tweed Heads Civic Centre Roof**

**SUBMITTED BY: Community and Cultural Services**

Valid



**Civic Leadership**



**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:**

Offer RFO2015122 Request for the Providers of Supply and Application of Water Sealing Membrane on the Tweed Heads Civic Centre Roof was called to engage a suitably qualified and experienced contractor to undertake the following works:

- Remove and dispose of the existing waterproofing membrane.
- Lifting and/or temporarily relocating existing services.
- Prepare the existing roof surface to accept a new water proofing layer.
- Supply and application of a new waterproofing layer to the building.
- Refixing all service conduits and mechanical equipment prior to completion of the works.
- Clean up and demobilisation.

Offers were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Offer submissions closed at 4.00pm (local time) on 20 January 2016 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah.

Recommendations have been formulated based on the Selection Criteria which is contained in the Offer 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 Request for Offer RFO2015122 Supply and Application of Water sealing Membrane on the Tweed Heads Civic Centre Roof:**

- 1. Council awards the contract to Duraguard Pty Ltd (ABN 81 163 376 378) for the amount of \$245,454.55 (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 they contain:**
  - (c) **information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.**

## REPORT:

### Offer Background

Offer RFO2015122 Supply and Application of Water Sealing Membrane on the Tweed Heads Civic Centre Roof was called to engage a suitably qualified and experienced Contractor to provide all plant, labour and materials to carry out the following scope of works:

- Remove and dispose of the existing waterproofing membrane.
- Lifting and/or temporarily relocating existing services.
- Prepare the existing roof surface to accept a new water proofing layer.
- Supply and application of a new waterproofing layer to the building.
- Refixing all service conduits and mechanical equipment prior to completion of the works.
- Clean up and demobilisation.

Offers were officially invited in accordance with the provisions of the *Local Government Act 1993* and the *NSW Local Government (General) Regulation 2005*. Offer submissions closed at 4.00pm (local time) on 20 January 2016 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah.

### Offer Advertising

As per the requirements of the Local Government Regulation 2005, offers were officially advertised for RFO2015122 Supply and Application of Water Sealing Membrane on the Tweed Heads Civic Centre Roof on Tuesday 15 December 2015 in Sydney Morning Herald and Tweed Link and on Saturday 12 December 2015 in the Brisbane Courier Mail and Gold Coast Bulletin.

### Offer Evaluation Panel

Council's Offer Evaluation Panel was made up as follows:

Position
Senior Engineer Contracts
Coordinator Community Options

### Offer Submissions

As per the requirements of the Local Government Regulation 2005, Offer submissions closed at 4.00pm (local time) on 20 January 2016 in the Tender box located in the foyer of the Tweed Shire Council Civic and Cultural Centre, Murwillumbah.

At the close of Offers five submissions were recorded at the Tender Box opening and their details are as follows:

Bidder	ABN
Cambridge Waterproofing	37 152 845 317
Duraguard	81 163 376 378
Satintouch	29 698 719 029
ROB CARR	38 007 198 843
Concrete Seal Waterproofing	39 083 213 601



### Evaluation Criteria

Offers were evaluated based on the Criterion noted in the table below.

Note that specific criteria and weightings were not detailed to potential Bidders during the tender period.

Criterion	Document Reference	Weighting (%)
Value for Money (Normalised Offer Price)	Schedule 3	45
Relevant Experience and proposed team	Schedule 4	10
Methodology, Programming, subcontractors and Warranty	Schedule 6	20
Management Systems	Schedule 7	5
Schedule of Sustainable Procurement	Schedule 8	10
Local content	Schedule 11	10
	<b>Total</b>	<b>100</b>

### Evaluation Summary

Details of the price and non-price evaluation scoring are shown on the attached Offer Evaluation Scoresheet.

The total score and verification of Offer conformity are shown in the table below:

Bidder	Evaluation Score	Offer Conformity Notes
Duraguard	100.00	Refer to post Tender correspondence
Satintouch	97.97	Refer to post Tender correspondence
Cambridge Waterproofing	96.34	Refer to post Tender correspondence
ROB CARR	95.66	Refer to post Tender correspondence
Concrete Seal Waterproofing	73.27	Refer to post Tender correspondence

### Reference Checks

On 25 February the Senior Engineer Contracts made contact with two referees nominated by Duraguard. These reference checks were required to establish that Duraguard was a competent contractor who established on time, completed scope in a timely and professional manner, had all the necessary SWMS and insurances in place for the Works being undertaken. The referees were Aquatec Maxcon and Diona and the contacts were Trevor Brew and Michael McCaffery respectively.

The offer submissions vary in value however this does not reflect the quality of the materials offered or the stated warranties.

As per the directive from the Corporate Management Team meeting of 25 March 2015, a check of their ABN and ACN numbers was carried out and has proved to be still current and active.

**OPTIONS:**

1. Council accepts the recommendations made in this Report.
2. Council does not accept the recommendations made in this Report.

**CONCLUSION:**

As per the Offer Evaluation Panel recommendation, it is recommended that Council awards the Contract to Duraguard (ABN 81 163 376 378) for the amount of \$245,454.55 (exclusive of GST).

Duraguard Pty Ltd achieved the highest overall assessment score and is therefore deemed as the most advantageous option for Council.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Procurement Policy v1.6.

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

\$300,000 has been set aside to in this financial year's budget to cover the costs of repairing the roof of this asset.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

Not Applicable.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*(Confidential)* Attachment 1. Offer Evaluation Report (ECM 3975956)

*(Confidential)* Attachment 2. Offer Evaluation Score Sheet (ECM 3976025)

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**14 [CNR-CM] Recommendation to Extend the Contract for the Management of Stotts Creek Landfill**

**SUBMITTED BY: Waste Management**

Valid



**Supporting Community Life**

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

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

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**SUMMARY OF REPORT:**

Following a procurement process undertaken to engage a suitably qualified tenderer for the Management of the Stotts Creek Resource Recovery Centre and the submission of a single tender in September 2013, a report was put to Council recommending that Council decline to accept the tender of Solo Resource Recovery as per Section 178(1)(b) of the Local Government (General) Regulation 2005. Council would then seek to negotiate with Solo for the provision of the service as per Section 178(2)(e) of the Regulation.

Following successful negotiations a new agreement was reached with Solo. Council resolved that the General Manager was approved to enter into a contract with Solo Resource Recovery for the management of the Stotts Creek Resource Recovery Centre with a value of up to 2 million dollars with approved variations of up to \$150,000.

The contract includes provision to extend the term of the contract by a further 12 months. This report seeks the approval of Council to extend the current contract (EC2013-139) to 31 December 2016 on the basis of the terms and conditions as contained in the original contract, including those variations that have been adopted by the parties in the first two years of operation of the contract.

**RECOMMENDATION:**

**That:**

- 1. Council delegates authority to the General Manager to enter into an agreement to extend the contract (EC2013-139) for the Management of Stotts Creek Resource Recovery Centre for a further 12 months as per the provisions in the contract with an upper value of one million dollars.**

- 2. The General Manager is given delegated authority to approve variations up to \$150,000.**

## REPORT:

Following a procurement process undertaken to engage a suitably qualified tenderer for the Management of the Stotts Creek Resource Recovery Centre and the submission of a single tender in September 2013 a report was put to Council recommending that Council decline to accept the tender of Solo Resource Recovery as per Section 178 (1)(b) of the Local Government (General) Regulation 2005. Council would then seek to negotiate with Solo for the provision of the service as per Section 178 (2)(e) of the Regulation.

Council officers successfully negotiated with Solo Resource Recovery to undertake the Management of the Stotts Creek Resource Recovery Centre, and a further report was put to the December 2013 Council meeting where Council resolved that:

- "1. Council accepts the alternate proposal for EC2013-139 Management of the Stotts Creek Resource Recovery Centre as submitted by Solo Resource Recovery and awards a contract for the lump sum amount of \$833,674 (GST exclusive) for the management of the Bulk Haul and landfill operations, and schedule of rates amounts for the transport and disposal of leachate, and processing of green waste with a total value of the contract based on an upper fee limit of \$2,000,000 and prepares contract documentation for signature with a duration of one year with a possible extension of a further one year at Council's discretion.*
- 2. The General Manager be given delegated authority to approve variations up to 10% of the initial contract sum to a maximum of \$150,000 and those variations be reported to Council."*

Contract Number EC2013-139 was entered into in January 2014 with an initial term of two years, and the possibility to extend for a further 12 months at Council's election.

This report is seeking Council's endorsement to extend the Contract on the terms and conditions of the current contract. This will have no impact on the budget as provision is made in both the 2015/16 and 2016/17 budgets to cover the cost of the contract.

During the 2013 procurement process Council received only one tender submission. Whilst a number of other organisations expressed an interest in the tender, the substantial cost of plant and equipment proved a significant disincentive to entering a contract with such a relatively short term.

It is in Council's interest to extend the current arrangement for the management of the site to allow the completion of master planning that is currently being undertaken at the site. This will allow Council to complete the master planning process and initiate a suitable longer term arrangement at the site which would likely engage a wider field of applicants.

## OPTIONS:

1. Council has the option to accept the recommendation to extend Contract EC2013-139 to 31 December 2016.
2. Council may alternatively choose to not extend the current contract, which would mean we would need to go to the market to seek an alternative provider.

**CONCLUSION:**

The current contract for the Management of the Stotts Creek Resource Recovery Centre includes provision to allow Council to extend the arrangement until 31 December 2016. It is in Councils interest to extend the Contract EC2013-139 until that time to allow completion of master planning at the site as this will provide better scope and an increase in options for the ongoing management of the Stotts Creek Facility.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

The cost of operations has been provided for in the 2015/16 and 2016/17 budgets. This recommendation is in line with the approved budget.

The cost of this Contract for the 12 month extension period is estimated at \$919,000.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

Not Applicable.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## REPORTS FROM THE DIRECTOR ENGINEERING

### 15 [E-CM] Engagement of Consultant for Concept Design of the Raising of Clarrie Hall Dam

**SUBMITTED BY:** Water and Wastewater

Valid



## Supporting Community Life

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

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### SUMMARY OF REPORT:

Council has resolved to progress the planning of the raising of Clarrie Hall Dam. The activities to be undertaken include:

- Flora and Fauna studies
- Cultural Heritage studies
- Environmental Flow studies
- Survey
- Seismic studies
- Hydrological studies
- Geological studies
- Concept Design
- Risk Assessments and Costings

The bundling of the last five (5) items is considered the most efficient way to have those activities undertaken.

In considering options for the procurement of this bundle of work, it is considered the engagement of the Crown, that is NSW Public Works, is the most cost effective manner to procure these items. Further, because of NSW Public Work's previous involvement with Clarrie Hall Dam, it is considered their engagement for this bundle of works will provide the best outcomes for Council.

At the request of Council NSW Public Works has submitted a proposal for the bundle of works. The proposal is for \$750,860 as compared to estimates for the work being from \$715,000 to \$855,000 is considered good value.

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**RECOMMENDATION:**

**That:**

- 1. Council accepts the proposal, Clarrie Hall Dam Raising Concept Design, from NSW Public Works in the amount of \$750,860 including GST.**
- 2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.**



## REPORT:

On 10 December 2015 Council resolved that:

*Based on the information currently available, Council adopts the raising of the wall of the Clarrie Hall Dam as the preferred option for future water security and proceeds with the planning approval and land acquisitions phase for the project.*

To progress the planning of the raising of the dam a number of separate activities need to be completed. They include:

- Flora and Fauna studies to inform the environmental assessment of the project
- Cultural Heritage studies to inform the environmental assessment of the project
- Environmental Flow studies to inform the environmental assessment of the project
- Survey to inform the concept design
- Seismic studies to inform the concept design
- Hydrological studies to inform the concept design
- Geological studies to inform the concept design
- Concept design to inform the environmental assessment of the project
- Risk assessments and costings

To procure the flora and fauna studies it is intended to use Council's environmental scientists. This will provide opportunities for the greatest Council involvement in the project as well as the retention of any intellectual capital gained. It is also envisaged that this involvement will provide continuity on flora and fauna issues throughout the project.

Cultural Heritage and Environmental Flow studies will be undertaken by consultants engaged by Council under the provisions of s55 of the Local Government Act. This is because the studies will cost in excess of \$150,000 and Council does not have the expertise to undertake the studies.

It is intended to use Council's survey section for the survey. This will provide opportunities for the greatest Council involvement in the project as well as the retention of any intellectual capital gained. It is also envisaged that this involvement will provide continuity on survey throughout the project and provide broad experience to Council's surveyors.

The seismic studies, hydrological studies, geological studies, concept design and risk analysis (including costs) are beyond the expertise of Council. Further, the studies and the concept design have to be coordinated as the outcomes of one study may impact on another. For example, the outcomes of the seismic studies will impact on the geological studies and visa versa.

To manage the required coordination it is proposed that the seismic studies, hydrological studies, geological studies, concept design and risk analysis are undertaken by one entity. The costs of these studies were estimated, within Council, at:

- Seismic studies .....\$ 25,000 to \$ 30,000
- Hydrological studies .....\$ 40,000 to \$ 50,000
- Geotechnical studies .....\$150,000 to \$200,000
- Concept Design .....\$450,000 to \$500,000
- Risk analysis and costings .....\$ 50,000 to \$ 75,000
  
- Total .....\$715,000 to \$855,000

**OPTIONS:**

The options to procure the studies and concept designs are determined by s55 of the Local Government Act. They are:

- Call tenders, or
- Engage the Crown (NSW Public Works)

If Council were to call tenders for the work the risk relating to the specification of the work would rest with Council. To address this risk a detailed brief would be required which would in turn require the engagement of further consultants to assist in scoping and development of the brief. Further, any consultant tendering for the work would have to investigate all available information to become conversant with the dam before a proposal could be prepared. The cost to undertake such investigation would need to be recovered from Council through the contract amount.

Council would incur the cost of tendering which in this case may be in the order of tens of thousands of dollars for tender preparation, advertising, tender briefings, tender assessment and probity advise.

In the alternate, under s55 of the Local Government Act Council, Council can enter into a contract with the Crown for the works; in this case the Crown being NSW Public Works. This option has the advantages of:

- NSW Public Works understanding of the dam as they were the original designers of the dam and constructed the dam. It is also worth noting that NSW Public Works designed the dam to be raised.
- NSW Public Works previous geological, hydrological and seismic studies, risk assessments can be drawn on to reduce the cost of studies for the dam raising.
- NSW Public works knowledge of the spillway as they undertook the design and project managed the upgrade of the spillway.
- NSW Public Works previous cost estimation for the dam which included consideration of construction methodology and risks

Based on the above items it was considered the most cost effective method to procure the studies and concept design was through the engagement of NSW Public Works. Further, due to their knowledge and previous work on the dam, the engagement of NSW Public Works would provide Council with the best considered concept design for the raising of the dam.

**NSW PUBLIC WORKS PROPOSAL:**

In January 2016 Council requested NSW Public Works to provide a detailed proposal for the studies and concept design. NSW Public Works have responded providing a detailed proposal for the:

- Seismic studies
- Hydrological studies
- Geological studies
- Concept design
- Spillway modelling
- Construction Methodology and risks

The proposal is for the amount of \$750,860 inclusive of GST and contains a provision amount of \$75,000 in the event that a geological drilling rig needs to be air lifted into place to undertake drilling for the geological investigations.

As compared to the original estimates of \$715,000 to \$855,000 the proposal of NSW Public Works is considered good value.

**CONCLUSION:**

Council has resolved to progress the planning of the raising of Clarrie Hall Dam. The activities to be undertaken include:

- Flora and Fauna studies
- Cultural Heritage studies
- Environmental Flow studies
- Survey
- Seismic studies
- Hydrological studies
- Geological studies
- Concept Design
- Risk Assessments and Costings

The bundling of the last five (5) items is considered the most efficient way to have those activities undertaken.

In considering options for the procurement of this bundle of work it is considered the engagement of the Crown, that is NSW Public Works, is the most cost effective manner to procure the bundle of work. Further, because of NSW Public Work's previous involvement with Clarrie Hall Dam it is considered their engagement for this bundle of works will provide the best outcomes for Council.

At the request of Council NSW Public Works has submitted a proposal for the bundle of works. The proposal is for \$750,860 as compared to estimates for the work being from \$715,000 to \$855,000 is considered good value.

As compared to the original estimates of \$715,000 to \$855,000 the proposal of NSW Public Works is considered good value.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable

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

The planning for the raising of Clarrie Hall Dam and the raising of Clarrie Hall Dam have been included in Council's long term financial plans.

**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. NSW Public Works Clarrie Hall Dam Raising Concept Design,  
Proposal for Professional Services (ECM 3970393)

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**16 [E-CM] Proposed Stormwater Upgrade between Elanora Avenue and Cudgera Creek, Pottsville**

**SUBMITTED BY: Design**

Valid



## Supporting Community Life

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### SUMMARY OF REPORT:

Tweed Shire Council intends to undertake stormwater drainage upgrade works between Elanora Avenue and Cudgera Creek, Pottsville. The land on which the works are proposed includes Lot 13 DP 253910, being 28A Tweed Coast Road Pottsville, and Lot 3 DP 1178291, being 27 Tweed Coast Road, Pottsville. Council's tenure mapping identifies Lot 13 as Community Land owned by Council, whilst Lot 3 is identified as Operational Land owned by Council but managed by the Tweed Coast Holiday Parks Reserve Trust as part of Pottsville North Holiday Park.

The proposed works will increase the capacity of the stormwater drainage network in this location and alleviate localised flooding issues at the site. This will be achieved by augmenting the existing drainage system to achieve a 1 in 100 year storm capacity. The proposed project forms the second and final stage of a program of works to improve stormwater drainage within the north Pottsville area. Stage One of this program was completed in 2010 and addressed similar stormwater drainage issues to the north of the site.

Works for the proposed stormwater upgrade are scheduled to commence in April 2016 and would extend for a duration of approximately eight weeks. These works would be undertaken by Council day labour staff.

A management plan exists for the Community Land parcel, Lot 13, however, this plan does not include the undertaking of infrastructure works as a permitted use. As such, approval is required by Council to authorise the proposed works on the subject land. Section 46(1)(a) of the Local Government Act provides that a licence may be granted for the provision of public utilities and works associated with or ancillary to public utilities.

It is recommended that Council approves the granting of consent as landowner for the application of works within Lot 13 DP 253910. Additionally, it is also recommended that

Council approves issuing a licence for temporary access onto the land to undertake the approved works.

**RECOMMENDATION:**

**That Council:**

- 1. Provides landowner's consent for the making of a Part V application for the proposed stormwater works on Lot 13 DP 253910.**
- 2. Issues a licence for temporary access onto the subject land to undertake the approved works.**

**REPORT:**

Tweed Shire Council intends to undertake stormwater drainage upgrade works between Elanora Avenue and Cudgera Creek, Pottsville. The land on which the works are proposed includes Lot 3 DP 253910, being 28A Tweed Coast Road Pottsville, and Lot 3 DP 1178291, being 27 Tweed Coast Road, Pottsville. Council's tenure mapping identifies Lot 13 as Community Land owned by Council, whilst Lot 3 is identified as Operational Land owned by Council but managed by the Tweed Coast Holiday Parks Reserve Trust (refer to Figure 1).

The proposed works are required to increase the capacity of the stormwater drainage network in this location and alleviate localised flooding issues at the site. This will be achieved by augmenting the existing drainage system to achieve a 1 in 100 year storm capacity. The proposed project forms the second and final stage of a program of works to improve stormwater drainage within the north Pottsville area. Stage One of this program was completed in 2010 and addressed similar stormwater drainage issues to the north of the site.

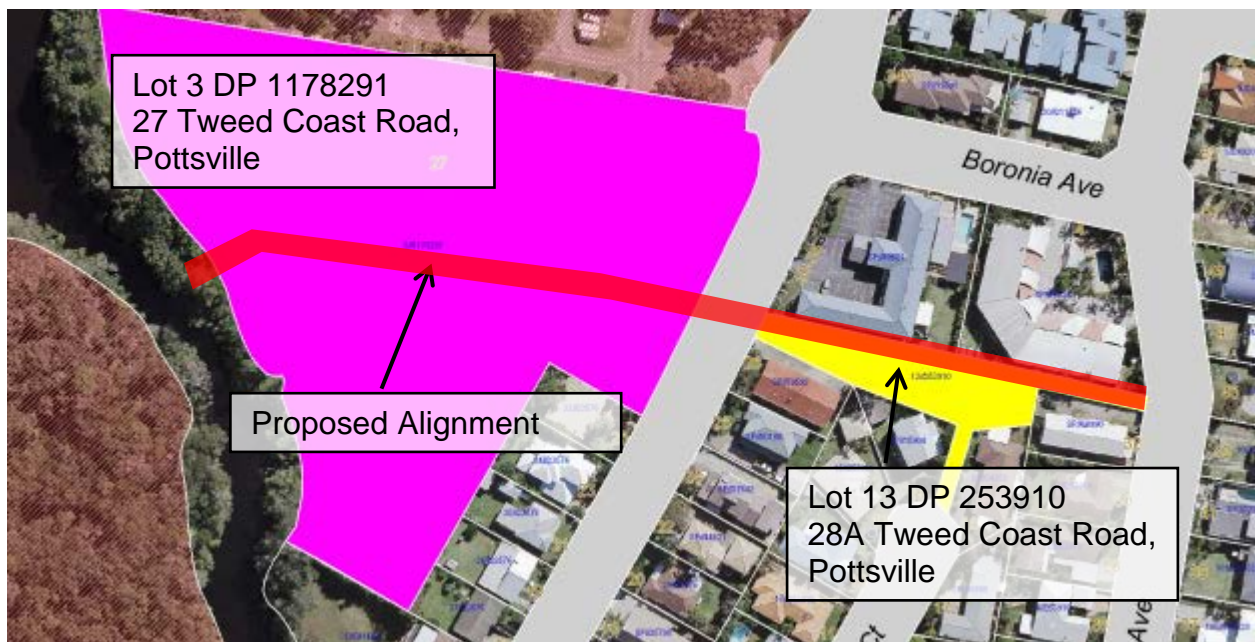


Figure 1: Aerial photograph identifying proposed works alignment and subject site.

Works for the proposed stormwater upgrade are scheduled to commence in April 2016 and would extend for a duration of approximately eight weeks. These works would be undertaken by Council day labour staff.

The proposed works are permissible without consent under Part 3, Division 20 (Stormwater Management Systems), Clause 111 of the State Environmental Planning Policy (Infrastructure) 2007. Clause 111(1) states that "*Development for the purpose of stormwater management systems may be carried out by or on behalf of a public authority without consent on any land*". Under Clause 111(2), a reference to development for the purposes of stormwater management systems includes a reference to development for the purposes of "*construction works*" if the development is in connection with a stormwater management system.

A management plan exists for the Community Land on Lot 13, however, this plan does not include the undertaking of infrastructure works as a permitted use. As such, approval is required by Council to authorise the proposed works on the subject land. Section 46(1)(a) of the Local Government Act provides that a licence may be granted for the provision of public utilities and works associated with or ancillary to public utilities.

The proposed works are being assessed under Part 5 of the EP&A Act and a Review of Environmental Factors has been prepared by Council's Design Unit Environmental Scientists. The alignment of the proposed stormwater upgrade, particularly the outlet into Cudgera Creek, has been selected to minimise vegetation disturbance and potential impacts to the environment.

In conjunction with this report, another report has also been prepared to the Tweed Coast Holiday Parks Reserve Trust to provide approval as the operator and manager of Lot 3 DP 1178291 to issue a licence for temporary access onto this land to undertake the proposed works.

As land owner, it is recommended that Council approves the granting of consent for the application of works within Lot 13 DP 253910. Additionally, it is also recommended that Council approves the issuing of a licence for temporary access onto the land to undertake the approved works.

#### **OPTIONS:**

The options for consideration of Council are:

1. Provide landowner's consent to make a Part V application for works on Lot 13 DP253910 and issue a licence for temporary access onto the land to undertake the approved works.
2. Request additional information.
3. Refuse Tweed Shire Council's request to provide endorsement of the works.

#### **CONCLUSION:**

This report provides an outline of a proposed project by Tweed Shire Council requiring an approval for works to be undertaken on Community Land. It is recommended that Council provides landowners consent to make an application for works on Community Land and that Council issue a licence for temporary access onto the subject land to undertake the approved works.

#### **COUNCIL IMPLICATIONS:**

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

Council's Operational and Delivery Plan - the proposed works form part of the adopted Delivery Plan.



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

Not Applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

Council will undertake letter drops to the adjoining and surrounding residents that are likely to be impacted by the proposal. Council has also consulted with the North Pottsville Holiday Park management with regards to the proposal and will hold a public meeting for park residents.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## 17 [E-CM] Review of Demand Management and Water Efficiency

**SUBMITTED BY:** Water and Wastewater

Valid



### Supporting Community Life

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

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

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#### **SUMMARY OF REPORT:**

On 21 January 2016 Council resolved:

*"that Council staff brings a report to a future Council meeting with recommendations for the establishment of a community reference group to participate in the development and monitoring of Council's demand management and water efficiency initiatives and provide input to Council decisions concerning water security for the Shire."*

There has been a significant reduction in demand due to the implementation of demand management measures and BASIX.

To address Council's resolution it is proposed Council:

1. Review the present Demand Management Strategy and Implementation Plan in the context of the demand reduction achieved to determine the efficacy of the Strategy and Implementation Plan (what has been done, what worked - what did not work and at what cost).
  2. Review the present Demand Forecasts to determine the assumptions made about the reduction in demand (what has been assumed in the continued reduction in demand and is it realistic).
  3. Establish a Community Reference Group to review the assessment of the Demand Management Strategy and Implementation Plan.
  4. Through the Community Reference Group, identify additional demand management measures to be considered in updating/revising the Demand Management Strategy and Implementation Plan.
  5. Analyse proposed demand management measures in terms of cost and achievability and provide the analysis to the Community Reference Group.
-

6. Through the Community Reference Group's consideration of the analysis, identify additional demand management and water efficiency measures to be recommended to Council.
7. Through the Community Reference Group, identify criteria by which the efficacy of the demand management measures can be assessed.
8. Undertake regular reporting on performance against the criteria.

There are a range of options for the formation of the Community Reference Group.

A draft Terms of Reference for the Community Reference Group has been prepared and is attached.

#### **RECOMMENDATION:**

**That:**

- 1. A Community Reference Group of up to 10 members be formed to:**
  - a) Review the assessment of the existing Demand Management Strategy and Implementation Plan.**
  - b) Identify additional demand management measures.**
  - c) Consider the analysis of those measures.**
  - d) Make recommendations to Council on demand management and water efficiency.**
  - e) Provide criteria on which the efficacy of adopted measures can be assessed.**
- 2. The Community Reference Group be formed through seeking nominations by public advertisement.**
- 3. After assessment of nominations, Council selects the members of the Community Reference Group.**
- 4. Council resolves to accept the draft Terms of Reference for the Community Reference Group.**

**REPORT:**

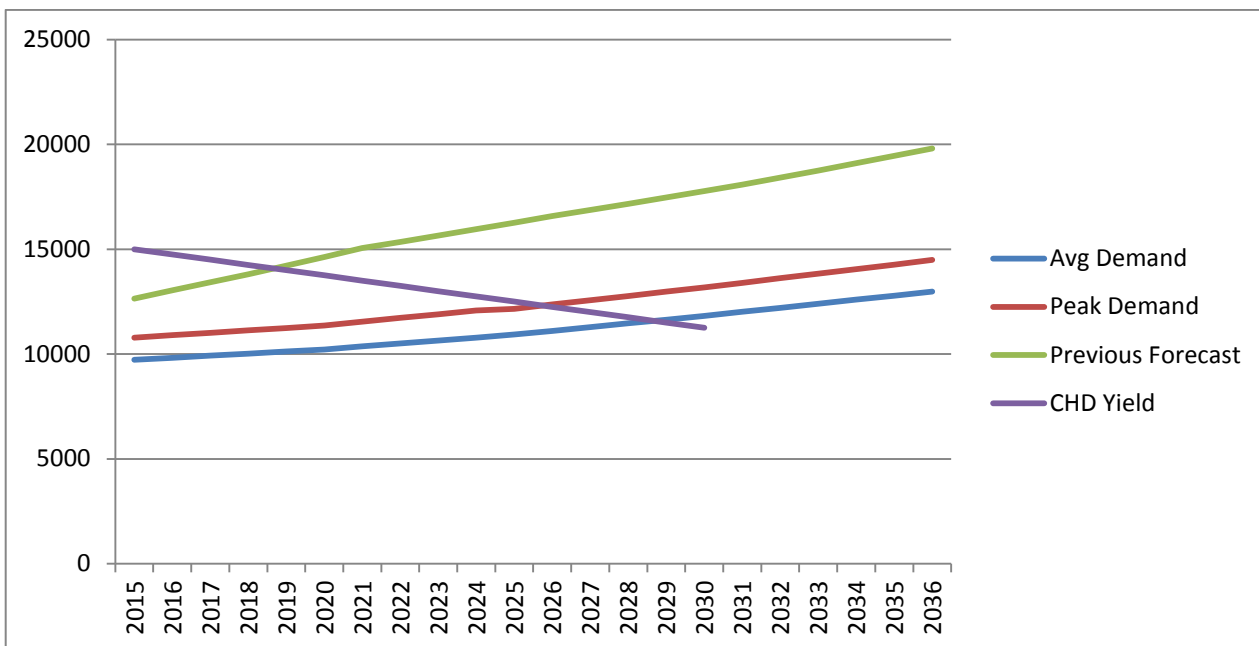
**BACKGROUND**

On 21 January 2016 Council resolved:

*"that Council staff brings a report to a future Council meeting with recommendations for the establishment of a community reference group to participate in the development and monitoring of Council's demand management and water efficiency initiatives and provide input to Council decisions concerning water security for the Shire."*

The current Demand Management Strategy was prepared and was subsequently adopted by Council on 19 October 2010. Following the adoption of the Demand Management Strategy an Implementation Plan was prepared and adopted by Council on 15 March 2011.

Since progressing the Implementation Plan and in parallel with the State Government's BASIX initiatives demand has been reduced. The overall result in 2015 was a 23% reduction in demand from that forecast in October 2010. The reduction is shown graphically below.



These activities, as well as having reduced demand, have created a situation termed "demand hardening" where it becomes more difficult and or costly to achieve further demand reductions. To address this, prior to any further development of demand management and water efficiency initiatives, a review of the efficacy of the Implementation Plan and the impact of BASIX as well as consideration of the now projected demand is required to identify opportunities for further demand reduction.

To allow proper consideration of any opportunities identified they need to be assessed in terms of cost and requirements to modify peoples' behaviour to determine their viability.

## **PROPOSAL**

To address Council's resolution it is proposed Council:

1. Review the present Demand Management Strategy and Implementation Plan in the context of the demand reduction achieved to determine the efficacy of the Strategy and Implementation Plan (what has been done, what worked - what did not work and at what cost).
2. Review the present Demand Forecasts to determine the assumptions made about the reduction in demand (what has been assumed in the continued reduction in demand and is it realistic).
3. Establish a Community Reference Group to review the assessment of the Demand Management Strategy and Implementation Plan
4. Through the Community Reference Group, identify additional demand management measures to be considered in updating/revising the Demand Management Strategy and Implementation Plan.
5. Analyse proposed demand management measures in terms of cost and achievability and provide the analysis to the Community Reference Group.
6. Through the Community Reference Group's consideration of the analysis, identify additional demand management and water efficiency measures to be recommended to Council.
7. Through the Community Reference Group, identify criteria by which the efficacy of the demand management measures can be assessed.
8. Undertake regular reporting on performance against the criteria.

## **OPTIONS:**

Options for the Community Reference Group: A range of options are available for the establishment of a Community Reference Group. Each is briefly discussed below:

### **Selection of individuals known to have an interest**

Establishing a Community Reference Group by selecting persons with a known interest in water matters has the advantage that members of the group will most likely be well informed on demand management measures so can quickly be informed. The disadvantage is that a group established in this manner may not represent the broader views of the community and provide recommendations to Council inconsistent with community views.

### **Seeking nominations from various groups on The Community Directory.**

Seeking nominations for the Community Reference Group by approaching groups on the Community Directory may result in seeking nominations from those who are not interested

in water issues. The group may not be able to provide a considered opinion to Council for consideration.

### **Seeking nominations by public advertisement**

Seeking nominations for the Community Reference Group by public advertisement has the advantage of seeking nominations from the broadest audience and will solicit those with an active interest in water matters. It still may be an outcome that a group established in this manner may not represent the broader views of the community, however, the broader selection process will provide scope for a better cross section of community views. The other main issue that may arise is the nomination of more people than are manageable in a Community Reference Group. That may be managed by limiting the size of the group and requiring nominees to demonstrate their interest and have selection criteria to ensure broad representation.

However, previous Community Reference Groups and working groups have successfully been established in this manner.

A draft Terms of Reference for a Community Reference Groups is attached.

### **Chair of the Community Reference Group**

It is proposed a Council officer chair the Community Reference Group.

### **CONCLUSION:**

On 21 January 2016 Council resolved

*"that Council staff brings a report to a future Council meeting with recommendations for the establishment of a community reference group to participate in the development and monitoring of Council's demand management and water efficiency initiatives and provide input to Council decisions concerning water security for the Shire."*

To provide context to the resolution it is proposed the Community Reference Group:

Review the assessment of the existing Demand Management Strategy and Implementation Plan

Identify additional demand management measures

Consider the analysis of those measures

Make recommendations to Council on demand management and water efficiency

Provide criteria on which the efficacy of adopted measures can be assessed

A draft Terms of Reference for a Community Reference Groups is attached.

### **COUNCIL IMPLICATIONS:**

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

Recommendations made by the Community Reference Group may cause Council to amend its Demand Management Strategy Implementation Plan.

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

The extent of the analysis of demand management and water efficiency options cannot be identified at this time. Notwithstanding it is estimated that the review demand management measures, demand forecasts and analysis of further option will cost approximately \$75,000.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.

Tweed Shire Demand Management and Water Efficiency  
Review Community Reference Group *Draft Terms of  
Reference* (ECM 3975881)

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**18 [E-CM] Offer RFO2016001 Oyster Point Road Banora Point East - Road Upgrade Wilson Park to Anderson Street**

**SUBMITTED BY: Infrastructure Delivery**

Valid



## Supporting Community Life

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

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### SUMMARY OF REPORT:

Offer RFO2016001 Oyster Point Road Banora Point East - Road Upgrade Wilson Park to Anderson Street was called to engage a suitably qualified and experienced Civil Contractor to provide all plant, labour and materials to carry out concrete kerb installation and associated Asphalt works.

Offers were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Offer submissions closed at 4.00pm (local time) on 17 February 2016 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 Offer 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 RFO2016001 Oyster Point Road Banora Point East Road Upgrade Wilson Park to Anderson Street:**

- 1. Council awards the contract to East Coast Asphalt & Concrete Edging Pty Ltd (ABN 51 755 877 285) for the amount of \$142,387.18 (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:

### Offer Background

Offer RFO2016001 Oyster Point Road Banora Point East - Road Upgrade Wilson Park to Anderson Street was called to engage a suitably qualified and experienced Civil Contractor to provide all plant, labour and materials to carry out concrete kerb installation and associated Asphalt works as part of the 2014/2015 Delivery Program.

Offers were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Offer submissions closed at 4.00pm (local time) on 17 February 2016 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

### Offer Advertising

As per the requirements of the Local Government Regulation 2005, Offers were officially advertised for RFO2016001 Oyster Point Road Banora Point East - Road Upgrade Wilson Park to Anderson Street on Tuesday 26 January 2016 in Sydney Morning Herald. The Offer was also advertised in the Tweed Link and Brisbane Courier Mail.

### Offer Submissions

As per the requirements of the Local Government Regulation 2005, Offer submissions closed at 4.00pm (local time) on 17 February 2016 in the Tender box located in the foyer of the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484. Two (2) Offers were recorded at the Tender Box opening and their details are as follows:

<b>Bidder</b>	<b>ABN</b>
East Coast Asphalt & Concrete Edging Pty Ltd	51 755 877 285
Entracon Civil Pty Ltd	35 118 370 077

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

<b>Criterion</b>	<b>Document Reference</b>	<b>Weighting (%)</b>
Value for Money (Normalised Offer Price)	Schedule 3	40
Experience & Capability	Schedule 4	15
Methodology & Programming	Schedule 6	15
WHS, Quality & Environmental Management	Schedule 7	15
Subcontractors	Schedule 8	5
Local content	Schedule 11	10
	<b>Total</b>	<b>100</b>

An Offer Assessment was based on the premise that competitive Offers were to be received and scored against specific selection criteria in order to select the best value Offer.

The Offer Evaluation Panel consisting of Assets Engineer and a Contract Engineer conducted the Offer assessment.

A copy of the Offer 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 Bidder in relation to the Offer price and the evaluation of the products offered by the Bidder. If disclosed, the information would be likely to prejudice the commercial position of the Bidder 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 Offer.

**OPTIONS:**

- 1 Council accepts the recommendations made in this Council Report.
- 2 Council does not accept the recommendations made in this Council Report.

**CONCLUSION:**

As per the Offer Evaluation Panel recommendation, it is recommended that Council awards the Contract to East Coast Asphalt & Concrete Edging Pty Ltd (ABN 51 755 877 285) for the amount of \$142,387.18 (exclusive of GST).

East Coast Asphalt & Concrete Edging Pty Ltd achieved the highest overall assessment score and is therefore deemed as the most advantageous option for Council.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Procurement Policy v1.6.

In accordance with Local Government (General) Regulations 2005.

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

2014/2015 Delivery Program item CP2.4.3.19.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

Not Applicable.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*(Confidential)* Attachment 1. Offer Evaluation Report (ECM 3975777).

*(Confidential)* Attachment 2. Offer Evaluation Scoring Sheet (ECM 3975894).

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**19 [E-CM] Acquisition of Land for Road Widening Purposes - Kyogle Road, Kunghur**

**SUBMITTED BY: Design**

Valid



## **Civic Leadership**

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

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

### **SUMMARY OF REPORT:**

Funds have been allocated to proceed with the next section of the Kyogle Road reconstruction at Kunghur. An initial survey of the road was conducted which identified a small encroachment on Lot 4 in DP868372. As part of the upgrade process Council will be required to rectify the encroachment to bring the road formation within the road reserve. To enable Council to complete the works it is necessary to acquire by road widening approximately 2223m<sup>2</sup>.

Negotiations have commenced with the landowner, based upon a pro rata rate of the current land valuation figures supplied by the State Valuation Office.

It is recommended that Council approves the acquisition of approximately 2223m<sup>2</sup> from Lot 4 in DP868372 and the amount of compensation payable to the land owner, as noted in the body of the report, to enable the completion of this matter.

### **RECOMMENDATION:**

#### **That Council:**

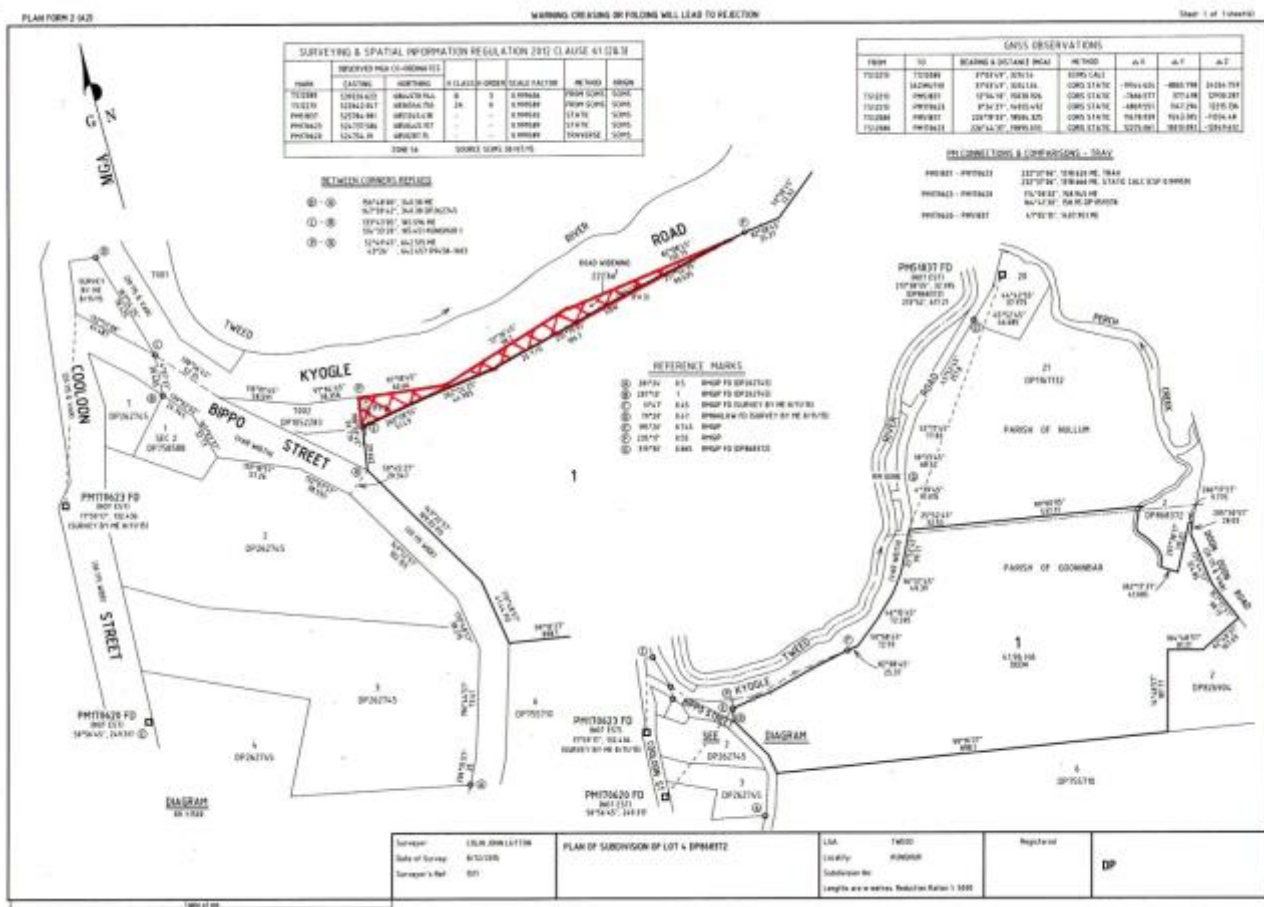
- 1. Approves the acquisition of approximately 2223m<sup>2</sup> from Lot 4 in DP868372 for public road, and**
  - 2. Approves the amount of compensation payable of \$5,000 to the landowner as shown in the body of the report, and**
  - 3. Dedicates the subject land as road following gazettal of the acquisition, and**
  - 4. Executes all necessary documentation under the Common Seal of Council.**
-

**REPORT:**

Funds have been allocated to proceed with the next section of the Kyogle Road reconstruction at Kunghur. An initial survey of the road was conducted which identified a small encroachment on Lot 4 in DP868372. As part of the upgrade process Council will be required to rectify the encroachment to bring the road formation within the road reserve. To enable Council to complete the works it is necessary to acquire by road widening approximately 2223m<sup>2</sup>, please refer to Diagram 1.

Negotiations have commenced with the landowners based upon a pro rata rate of the current land valuation figures supplied by the State Valuation Office. The land owners have agreed to accept the amount of \$5000 as full compensation for the acquisition.

**Diagram 1** - plan showing the area proposed to be acquired from Lot 4 DP 868372 for road widening purposes.



**OPTIONS:**

As the encroachment is part of the formed public road onto Lot 4 DP868372 Council is obliged to either remove the encroachment or acquire the area for road widening purposes and dedicated it as public road reserve.

**CONCLUSION:**

It is recommended that Council approves the acquisition of approximately 2223m<sup>2</sup> from Lot 4 in DP868372 and the amount of compensation payable to the land owner, as noted in the body of the report, to enable the completion of this matter.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

Kyogle Road Repair Program 2015/16 – Segment 170 (Kunghur).

**c. Legal:**

Land acquisition by agreement for road widening.

**d. Communication/Engagement:**

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

Verbal negotiations were conducted with the landowners and a formal written acceptance, subject to Council approval, was provided in October 2015.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## 20 [E-CM] Access from Curtawilla Street, Banora Point

**SUBMITTED BY:** Design

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:**

Lot 28 in DP 250909 is a vacant parcel of land owned by Council, located at the end of Curtawilla Street, Banora Point. The parcel is a public reserve, however, in December 1998 it was re-classified from community land to operational land for the purpose of enabling a road to be constructed through the public reserve to access a parcel of land for a proposed subdivision.

In 1997 Council approved an application from Middleharbour Constructions Pty Ltd to develop Lot 7 in DP 788000, and it was conceded by Council at that time, that Lot 28 needed to be reclassified to operational land to allow the approved development to proceed.

The 1997 subdivision created 5 parcels from that part of Lot 7 north of the public reserve, the southern part of Lot 7 was not subdivided, as envisaged by the approval which prompted the reclassification of Lot 28. The southern part of Lot 7 became Lot 12 when this subdivision was registered as DP 1003644.

In 2009 Council received another application for the subdivision of Lot 12, by a subsequent owner. It was resolved in December 2009 to approve the subdivision of Lot 12 and to allow the subdivision of Lot 28 for the dedication of a road to service the new subdivision.

This latter subdivision did not proceed, and the property is currently for sale.

A request has been received from Accommodation Network Pty Ltd trading as ACCnet21, seeking the creation of a Right of Carriageway over Lot 28 for the benefit of Lot 12 in DP 1003644 (formerly Lot 7). ACCnet21 intend to construct purpose built disability housing for up to 9 participants with high physical disabilities spread over two buildings.

ACCnet21 intend to purchase the property, as part of their due diligence inquiries, have been advised that it is unlikely that approval would be granted for access to the property from Terranora Road, and that physical access can only be achieved through Lot 28.



As Council has approved, on two occasions, the creation of access for previous proposals, as well as re-classifying Lot 28 to operational land, it is recommended that Council provide approval to the registration of a Right of Carriageway over Lot 28 in favour of Lot 12 DP 1003644, subject to the ACCnet21 obtaining development consent for its proposed development over Lot 12.

**RECOMMENDATION:**

**That**

- 1. Council approves the registration of a Right of Carriageway over Lot 28 DP 250909 for the benefit of Lot 12 DP 1003644 subject to development consent for the development of Lot 12 in DP 1003644 being granted.**
- 2 Council approves the provision of landowner's consent to the development application over Lot 12 in DP 1003644 for the development of social housing.**
- 3. All necessary documentation be executed under the Common Seal of Council.**

**REPORT:**

Lot 28 in DP 250909 is a vacant parcel of land owned by Council, located at the end of Curtawilla Street, Banora Point. The parcel is a public reserve, however, in December 1998 it was re-classified from community land to operational land for the purpose of enabling a road to be constructed through the public reserve to access a parcel of land for a proposed subdivision.

In 1997 Council approved the application to develop Lot 7 in DP 788000, and it was conceded by Council at that time, that Lot 28 needed to be re-classified to allow a road to be constructed within the parcel.

The 1997 subdivision created 5 parcels from that part of Lot 7 north of the public reserve, the southern part of Lot 7 was not subdivided, as envisaged by the approval which prompted the reclassification of Lot 28. The southern part of Lot 7 became Lot 12 when this subdivision was registered as DP 1003644.

In 2009 Council received another application for the subdivision of Lot 12, by a subsequent owner. It was resolved in December 2009 to approve the subdivision of Lot 12 and to allow the subdivision of Lot 28 for the dedication of a road to service the new subdivision.

Previous reports provide the background history of the above, Figure 1 below shows the parcels the subject of this report:

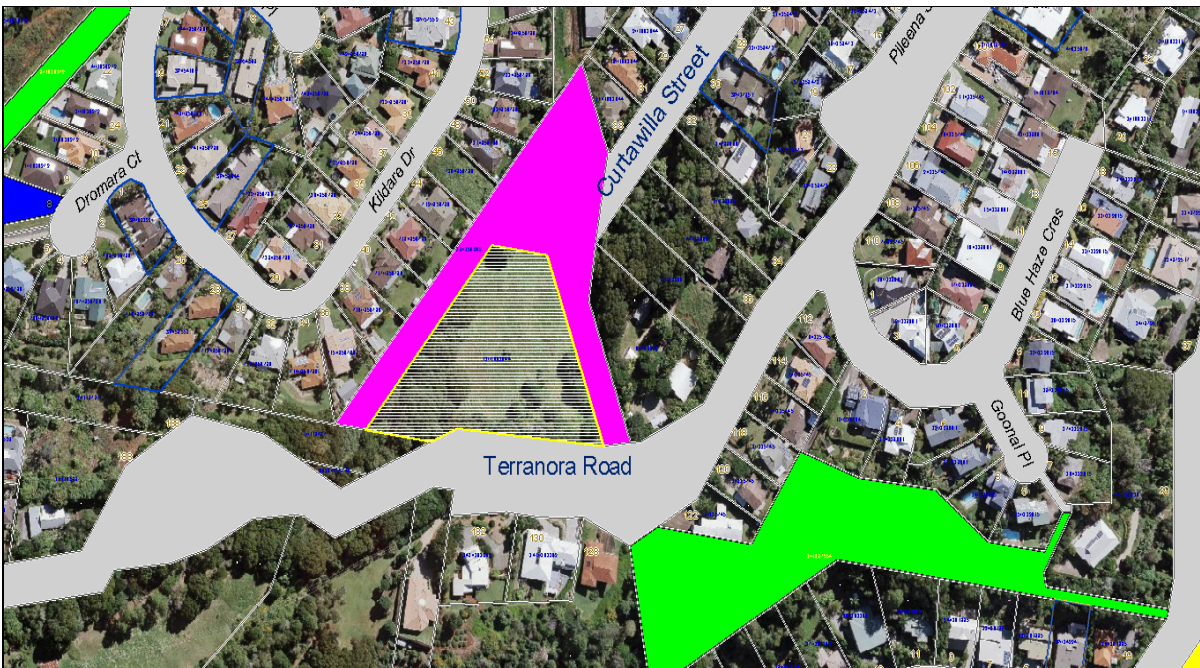


Figure 1

The pink parcel is Lot 28, Council owned land and classified as operational, Lot 12 is the hatched area, sitting within two arms of Lot 28 meeting Terranora Road.

The 2009 subdivision did not proceed, and the property is now currently for sale.

A request has been received from Accommodation Network Pty Ltd trading as ACCnet21, seeking the creation of a Right of Carriageway over Lot 28 for the benefit of Lot 12 in DP

1003644 (formerly Lot 7). ACCnet 21 intend to construct purpose built disability housing for up to 9 participants with high physical disabilities spread over two buildings.

ACCnet21 intend to purchase the property. As part of their due diligence inquiries, ACCnet 21 have been advised that it is unlikely that approval would be granted for access to the property from Terranora Road, and that physical access can only be achieved through Lot 28.

Lot 28 is a parcel that slopes down from Terranora Road north and contains an overland stormwater channel, from a 375mm concrete pipe and a channel which flow north to a 1200mm stormwater pipe, see Figure 2 below showing the contours and infrastructure:

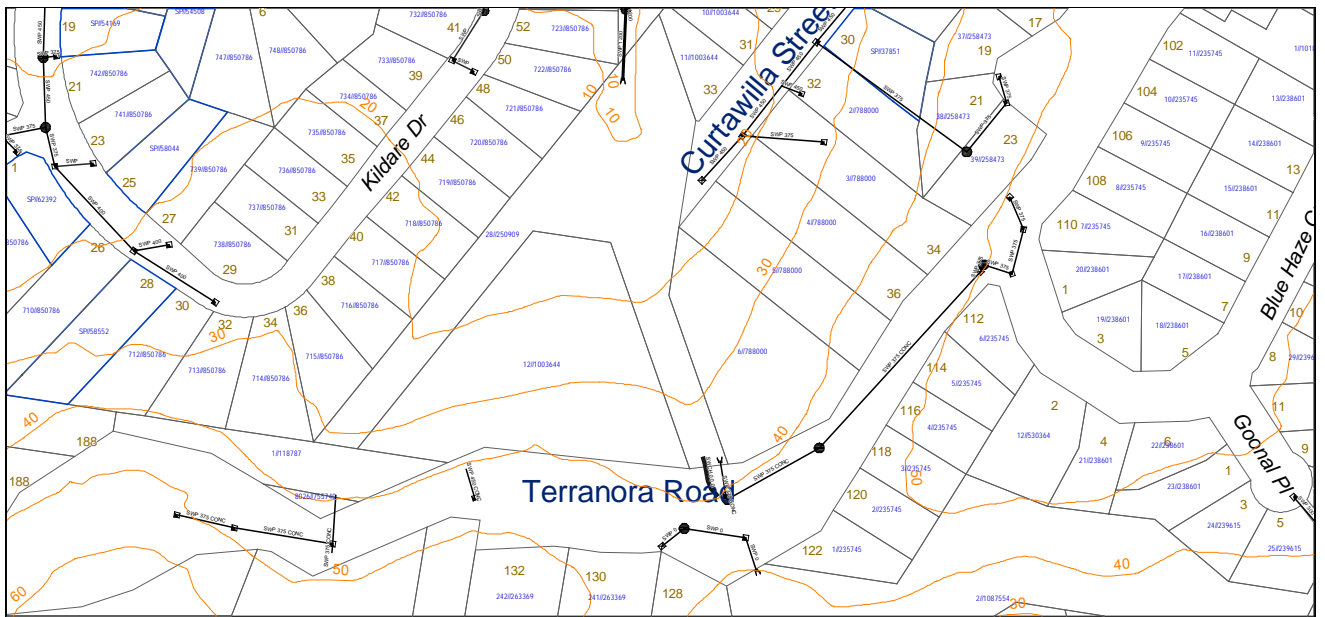


Figure 2

The construction of the access road to Lot 12 will need to incorporate provision for the stormwater corridor.

As Council has approved, on two occasions, the creation of access for previous proposals, as well as re-classifying Lot 28 to operational land, it is recommended that Council provide approval to the registration of a Right of Carriageway over Lot 28 in favour of Lot 12 DP 1003644, subject to the ACCnet21 obtaining development consent for its proposed development over Lot 12.

The benefit of the Right of Carriageway, if approved by Council, shall be valued and ACCnet21 acknowledge that compensation would be payable to Council.

**OPTIONS:**

1. That Council approves the registration of a Right of Carriageway burdening Lot 28 DP 250909 and benefiting Lot 12 DP 1003644 at the cost of the developer.
2. To not approve the registration of a Right of Carriageway over Council owned land for the benefit of Lot 12 DP 1003644.

**CONCLUSION:**

The actions taken by Council in response to previous requests provide sound justification to approve the formalisation of access over Lot 28. The proponent acknowledges that compensation will be payable and that the formation of the access road will be at its cost.

It is recommended that Council approves the registration of a Right of Carriageway subject to the development consent for the development of Lot 12 in DP 1003644. Further, that Council approves giving landowners consent for the lodgement of a development application that includes the formation of an access over Lot 28.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

The proponent shall pay Council for the benefit of the Right of Carriageway as valued by a registered valuer.

**c. Legal:**

Encumbers Council's property Lot 28 DP 250909 with a Right of Carriageway benefitting Lot 12 DP 1003644.

**d. Communication/Engagement:**

The proposed development shall be publicly advertised as part of its assessment.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Council minutes dated 17 December 1997 and 7 October 1998. Council report and resolution dated 15 December 2009. (ECM 3977085).

Attachment 2. Letter from ACCnet21 dated 2 March 2016 (ECM 3977086).

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## REPORTS FROM THE DIRECTOR CORPORATE SERVICES

### 21 [CS-CM] Councillors - Payment of Expenses - Disputed Claims

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 "Councillors – Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy" Version 1.9 prescribes the following processes in relation to reimbursement and reconciliation of expenses and what occurs should a dispute arise regarding an expense claim:

**4.1.7 Approval and dispute resolution processes**

*This policy sets out in various areas the approval arrangements for all expenses. In particular, the attendance at seminars and conferences, training and educational courses, dinners and other non – council functions.*

*Should a dispute arise about the provision of expenses and facilities, or when an expense claim is not approved by the Mayor and General Manager or nominee for Councillors, or the Deputy Mayor and General Manager or nominee for the Mayor, then the disputed decision should be reviewed by the Chair of the Audit Committee, with a report to the full Council meeting."*

**4.1.8 Reimbursement and reconciliation of expenses**

*Reimbursement of expenses shall only be made upon the production of appropriate receipts and tax invoices and the completion of the required claim forms.*

*Reimbursement of claimable expenses are authorised and approved in the following manner:*

- *Mayor by the Deputy Mayor and Public Officer;*
- *Councillors by the Mayor and Public Officer.*

*All expenses being reimbursed must be in accordance with the provisions of this policy. A Councillor seeking reimbursement of expenses must lodge a claim within three months of the expense being incurred."*

---

Travel claims contained within the December/January claim submitted for reimbursement by Councillor Byrne have been referred under the terms of this Policy to the Chair of the Audit Committee for review. The review has been completed and the final conclusion on the disputed claims has been determined and is included within the body of the report.

**RECOMMENDATION:**

**That the review of the disputed Councillor Expense Claims by the Chair of the Audit Committee be received and noted and the disputed claims be reimbursed in accordance with past practice.**

## REPORT:

The "Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy" Version 1.9 prescribes the following processes in relation to reimbursement and reconciliation of expenses and what occurs should a dispute arise regarding an expense claim:

*"4.1.7 Approval and dispute resolution processes*

*This policy sets out in various areas the approval arrangements for all expenses. In particular, the attendance at seminars and conferences, training and educational courses, dinners and other non – council functions.*

*Should a dispute arise about the provision of expenses and facilities, or when an expense claim is not approved by the Mayor and General Manager or nominee for Councillors, or the Deputy Mayor and General Manager or nominee for the Mayor, then the disputed decision should be reviewed by the Chair of the Audit Committee, with a report to the full Council meeting."*

*4.1.8 Reimbursement and reconciliation of expenses*

*Reimbursement of expenses shall only be made upon the production of appropriate receipts and tax invoices and the completion of the required claim forms.*

*Reimbursement of claimable expenses are authorised and approved in the following manner:*

- *Mayor by the Deputy Mayor and Public Officer;*
- *Councillors by the Mayor and Public Officer.*

*All expenses being reimbursed must be in accordance with the provisions of this policy. A Councillor seeking reimbursement of expenses must lodge a claim within three months of the expense being incurred."*

Travel claims contained within the December/January claim submitted for reimbursement by Councillor Byrne have been referred under the terms of this Policy to the Chair of the Audit Committee for review. The review has been completed with the following conclusion:

### **Final conclusions on the disputed decisions**

1. *Having concluded that the information provided to support the claims is inadequate, I therefore consider whether the information provided is consistent with past claims of Councillor Byrne which have been reimbursed. If I conclude that the information is consistent, I will continue to recommend that the claims be reimbursed pending adoption of a revised policy.]*
2. *I reviewed previous expense claims by Councillor Byrne as follows*
  - *June 2015*
  - *July 2015*
  - *October 2015*
  - *November 2015*

*The first two months were approved by then Mayor, Councillor Bagnall. The final two months were approved by Mayor Milne.*

3. *The amount of detail on the claim forms for the four months above is consistent with the amount of detail on the current disputed decisions. Accordingly, I continue to recommend that the claims be reimbursed notwithstanding the obvious deficiencies in the detail provided.*

**OPTIONS:**

1. To adopt the final conclusion of the independent review of the disputed claims undertaken by the Chair of the Audit Committee.
2. To adopt an alternate strategy to reconciling the disputed claims.

**CONCLUSION:**

That the review of the disputed Councillor Expense Claims by the Chair of the Audit Committee be received and noted and the disputed claims be reimbursed in accordance with past practice.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors v1.9.

The Draft Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors v2.0 is on public exhibition.

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

Allowance for the payment of councillor expenses is allowed for within the budget.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

The disputed claims were referred to the Chair of the Audit Committee for review and the outcome of that review is the basis of this report.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Report on review of certain expense claims by Councillors – prepared by Chair of Audit Committee - Colin Wight (ECM 3959991)

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22 [CS-CM] Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy - Version 2.0

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 draft Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy v2.0 was considered by council on 21 January 2016 and the resultant amended Draft Policy was placed on public exhibition until 23 February 2016, with submissions being accepted until 8 March 2016 (which is after the preparation of this report).

At the time of preparing this report, one submission has been received with reference to the use of the word "Associations" and if there are any further submissions received they will be provided as late submissions to this report.

This report recommends the adoption of the draft policy with the inclusion of the wording highlighted to Clause 2 – Definitions, which clarifies the role of Associations within the Shire, as follows:

- *Meetings with Community Groups, Associations (including Incorporated Associations) and other special interest groups concerning issues likely to be the subject of Council consideration.*

### RECOMMENDATION:

**That the Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy v2.0 be adopted with the amendment to Clause 2 as follows:**

- **Meetings with Community Groups, Associations (including Incorporated Associations) and other special interest groups concerning issues likely to be the subject of Council consideration.**

## REPORT:

The draft Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy v2.0 was considered by council on 21 January 2016 and the resultant amended Draft Policy was placed on public exhibition until 23 February 2016, with submissions being accepted until 8 March 2016 (which is after the preparation of this report).

At the time of preparing this report, one submission has been received with reference to the use of the word "Associations" and if there are any further submissions received they will be provided as late submissions to this report.

This report recommends the adoption of the draft policy with the inclusion of the wording highlighted to Clause 2 – Definitions, which clarifies the role of Associations within the Shire, as follows:

- *Meetings with Community Groups, Associations **(including Incorporated Associations)** and other special interest groups concerning issues likely to be the subject of Council consideration.*

The adoption of this Policy will satisfy the requirement of having the Policy reviewed annually by council.

## OPTIONS:

That the Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy v2.0 be adopted with the amendment to Clause 2 as highlighted.

## CONCLUSION:

This report recommends the adoption of the draft policy with the inclusion of the wording highlighted to Clause 2 – Definitions, as follows:

- *Meetings with Community Groups, Associations **(including Incorporated Associations)** and other special interest groups concerning issues likely to be the subject of Council consideration.*

## COUNCIL IMPLICATIONS:

### a. Policy:

Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors v2.0.

Reference also to the Guidelines prepared by the Office of Local Government for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW - October 2009.

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

Expenditure incurred through the application of this Policy is allowed within the Civic Business area of the Budget.

**c. Legal:**

Yes, legal advice has been received from Prevention Partners NSW who undertook an initial review into the Policy, which was considered in conjunction with the consideration of the report on 21 January 2016.

**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.

Exhibition copy of Draft Policy – Councillors – Payment of Expenses and Provision of Facilities for Mayor and Councillors – Version 2.0 (ECM 3931709)

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**23 [CS-CM] Community Sponsorship Policy, Version 1.0**

**SUBMITTED BY: Director**

Valid



**Civic Leadership**



**Supporting Community Life**

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

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

At Council's meeting on 21 January 2016, it was determined to place the Draft Sponsorship Policy Version 1.0 on public exhibition for 28 days, with submissions being invited until Thursday 3 March 2016.

The purpose of this Policy is to establish Tweed Shire Council's position in relation to the provision of financial assistance by way of a sponsorship agreement to local community groups and organisations that deliver enhancements to the identity and character, environment, health, well-being and connectedness of Tweed Shire Council residents.

**RECOMMENDATION:**

**That Council:**

- 1. Adopts the Community Sponsorship Policy, Version 1.0.**
- 2. Removes all reference to the Donations (Financial Assistance) Policy Version 1.2.**
- 3. Opens applications for financial assistance under the Community Sponsorship Policy from Monday 21 March to Friday 22 April 2016.**

## REPORT:

### Background

Council provides a range of support and resources both financial and in-kind, to a number of community organisations who deliver a variety of services and projects to residents of The Tweed Shire.

Whilst this support and resources have traditionally been provided via both formal and informal mechanisms, there has been an annual grants program that was conducted under the Donations (Financial Assistance) Policy. It is proposed that the Donations (Financial Assistance) Policy Version 1.2 will be replaced by the adoption of this Policy.

The Community Sponsorship Policy continues to offer assistance to local community organisations ensuring priority is given to the objectives identified by the community through the development of the Community Strategic Plan (2013-2023).

The most relevant objectives within the Community Strategic Plan in relation to the Community Sponsorship Program are:

- 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.*
- 2.1.3 *Provide opportunities for residents to enjoy access to the arts, festivals, sporting activities, recreation, community and cultural facilities.*
- 2.1.6 *Provide social, economic and cultural initiatives which enhance access, equity and community well-being.*

The Guiding Principles of this policy are:

- Transparency
- Access & Equity
- Fairness
- Capacity to deliver
- Partnerships and Collaboration
- Integrity
- Accountability

### Public Exhibition Period

At Council's meeting on 21 January 2016, it was determined to place the Draft Sponsorship Policy, Version 1.0 on public exhibition for 28 days, with submissions being invited until Thursday 3 March 2016.

No submissions were received during this period.

## **Community Sponsorship Application Process**

Subject to the adoption of the Community Sponsorship Policy, Version 1.0 applications for financial assistance will open Monday 21 March and close on Friday 22 April 2016.

All applications will be assessed against eligibility by relevant Council officers and all eligible applications will then be presented to Councillors at a Councillor Workshop scheduled for Thursday 28 April 2016 for discussion and consideration. The results of the Councillor Workshop will be documented in a report to the Council meeting of 19 May 2016 for determination of the recommended applications.

Full or Partial or No funding for the applications may be recommended by Council and all applicants will be advised of the outcome of their application within one (1) week of the Council decision.

Further information regarding Eligibility and Selection Criteria are in the Policy (Attachment 1) and Application Form (Attachment 2).

### **OPTIONS:**

That:

1. The Community Sponsorship Policy, Version 1.0 be adopted as recommended.
2. Council does not adopt the Community Sponsorship Policy, Version 1.0.

### **CONCLUSION:**

Tweed Shire Council recognises the importance of assisting local community groups and organisations that deliver enhancements to the identity and character, environment, health & well-being and connectedness of Tweed Shire Council residents. The Community Sponsorship Policy ensures this objective is met in an equitable and transparent manner, and outcomes are linked to the Tweed Shire Council Community Strategic Plan 2013/2023.

### **COUNCIL IMPLICATIONS:**

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

Donations (Financial Assistance) Policy Version 1.2 to be replaced by Community Sponsorship Policy, Version 1.0 if adopted at the Council meeting of 17 March 2016.

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

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

#### **c. Legal:**

Not Applicable.

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

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

A Councillor Workshop was held on 15 October 2015 regarding the Grants Review. Following this Workshop, a draft Sponsorship Policy was developed and tabled for consideration at Council's meeting on 21 January 2016.

In accordance with Council's resolution of 21 January 2016, the draft Policy was placed on public exhibition for 28 days, with submissions being invited until Thursday 3 March 2016. No submissions were received during this period.

The exhibition material was available from Council's website and at Council's Customer Service Offices in Murwillumbah and Tweed Heads.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.                      Community Sponsorship Policy, Version 1.0 (ECM 3915997)

Attachment 2.                      Community Sponsorship Application Form (ECM 3976749)

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24 [CS-CM] Tweed Valley Country Roots Festival - 1-2 October 2016

**SUBMITTED BY:** Acting Events and Festivals Officer

Valid



**Supporting Community Life**



**Strengthening the Economy**

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

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

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**SUMMARY OF REPORT:**

In 2015 Council received an Event Management Plan from a private company Grassroots Event Management Pty Ltd to hold an annual music festival known as the Murwillumbah Country Roots Fest (MCF) at the Murwillumbah Showground over the October long weekend.

Since the conduct of the last festival, circumstances have changed and the rights to what was formerly known as the Murwillumbah Country Roots Fest have been purchased by the Tweed Valley Country Roots Fest Pty Ltd (Chambers Family/Essence Group and three Tweed Shire families/investors). The central festival activities will be held at the Murwillumbah Showground, with ancillary activities such as street busking and promotional musical performances being held at various premises in Murwillumbah in the lead up to the event, and during the festival.

The Event Management Plan prepared for Essence Group Entertainment Pty Ltd for the 2016 Music Festival to be held from 1 – 2 October addresses the activities proposed at the Murwillumbah Showground and is a confidential attachment to this report.

Tickets are not currently on sale and it is difficult to estimate attendance, however the organisers advise that there would be a maximum of 3,000 attendees per day. The Showground Trust has provided its owner's consent for the event to take place.

A development application is not required for this event as Council at its meeting held 20 November 2014 resolved that Council recognises that the Murwillumbah Showgrounds has continuing use rights for shows and events, and may be used without development



consent for festivals and events that are consistent with the purpose of the showground. However, the Event Management Plan details impacts on the public domain which will be assessed by relevant Council officers for compliance, concurrence and/or conditioning as required.

**RECOMMENDATION:**

**That:**

- 1. Council receives the Event Management Plan for the Tweed Valley Country Roots Fest to be held at the Murwillumbah Showground from 1 to 2 October 2016 and notes that any impacts will be assessed by relevant Council officers for compliance, concurrence and/or conditioning as required.**
  
- 2. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain:-**
  - (d) *commercial information of a confidential nature that would, if disclosed:***
    - (i) *prejudice the commercial position of the person who supplied it, or***
    - (ii) *confer a commercial advantage on a competitor of the council, or***
    - (iii) *reveal a trade secret***

## **REPORT:**

In 2015 Council received an Event Management Plan from a private company Grassroots Event Management Pty Ltd to hold an annual music festival known as the Murwillumbah Country Roots Fest (MCF) at the Murwillumbah Showground over the October long weekend. A copy of the Murwillumbah Country Roots Festival debrief document is attached for Councillors information (refer confidential attachment 1).

Since the conduct of the last festival, circumstances have changed and the rights to what was formerly known as the Murwillumbah Country Roots Fest have been purchased by the Tweed Valley Country Roots Fest Pty Ltd (Chambers Family/Essence Group and three Tweed Shire families/investors). The central festival activities will be held at the Murwillumbah Showground, with ancillary activities such as street busking and promotional musical performances being held at various premises in Murwillumbah in the lead up to the event, and during the festival.

The Event Management Plan (refer confidential attachment 2) prepared for Essence Group Entertainment Pty Ltd for the 2016 Music Festival to be held from 1 – 2 October addresses the activities that are proposed at the Murwillumbah Showground and details the site, along with event management operational details such as staff and volunteers, public communications, noise management, complaint handling and ticketing. Safety and Security and Traffic Management are also included. Public Health matters relating to first aid, food and market stalls, alcohol and glass management, toilet facilities and waste management are also detailed.

The Appendices to the Event Management Plan that are outstanding at the time of preparing this report are:

- Appendix E – Insurance Certificate
- Appendix F – Approval for Temporary Structures, eg. stage
- Appendices O & P – Register for Food and Market Traders (provided prior to the event, when traders have been finalised).

## **OPTIONS:**

Council receives the Event Management Plan for the Tweed Valley Country Roots Fest to be held at the Murwillumbah Showground from 1 to 2 October 2016 and notes that any impacts will be assessed by relevant Council officers for compliance, concurrence and/or conditioning as required.

## **CONCLUSION:**

Council has requested the Event Management Plan so that sufficient detail is available to Council regarding this major event for the Murwillumbah Showground over the October long weekend. The concept is not a first with a similar event being held over the October weekend in 2015. However, in reviewing the Event Management Plan prepared for the Essence Group Entertainment Pty Ltd, it has taken a new direction and covers the event for four years.

The Tweed Valley Country Roots Fest links strongly with the music theme identified in the 2016-2020 Tweed Shire Events Strategy and could provide an opportunity for the Shire with event development and growth.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

2016-2020 Tweed Shire Events Strategy

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

Any costs relating to compliance inspections will be on a user pays basis and in accordance with Council's adopted fees and charges.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

A consultation meeting with Council officers and Essence Group Entertainment was held on Friday 12 February 2016.

Veronica Chambers from Essence Group Entertainment will be addressing Councillors at the Community Access session on Thursday 17 March 2016.

To date internal communication and input to the proposed event has involved the following Council officers:

- Acting Events and Festivals Officer
- Manager Development Assessment and Compliance
- Manager Building and Environmental Health
- Manager Roads & Stormwater

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*(Confidential)* Attachment 1. Murwillumbah Country Roots Festival debrief document (ECM 3939263)

*(Confidential)* Attachment 2. Tweed Valley Country Roots Fest Event Management Plan (ECM 3976156)

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25 [CS-CM] Support Renewal - Battle of the Border

SUBMITTED BY: Acting Events and Festivals Officer

Valid



Supporting Community Life



Strengthening the Economy

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

- 2 Supporting Community Life
- 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
- 2.1.3 Provide opportunities for residents to enjoy access to the arts, festivals, sporting activities, recreation, community and cultural facilities
- 3 Strengthening the Economy
- 3.1 Expand employment, tourism and education opportunities
- 3.1.2 Attract major events to the Tweed

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**SUMMARY OF REPORT:**

QSM Sports, Event Managers of the annual Battle of the Border Cycling Festival is seeking to establish a new three year financial arrangement with Tweed Shire Council for the purpose of underwriting the associated traffic management and policing costs for the event. This competitive and social cycling festival has been held for the past seven years and attracts a national profile due to the growing number of participants and levels of competitiveness.

The vision for the Battle of the Border is to be *“the leading cycling festival offering activities to competitive and social participants from across the nation and South East Asia; that maximises tourism in the unique Caldera communities, where those communities become essential strategic partners to the successful delivery of this major event.”*

A copy of the Support Renewal Proposal and the 2015 Post Event Evaluation are confidential attachments.

**RECOMMENDATION:**

**That:**

1. Council agrees to establish a new three year financial arrangement with QSM Sports for the Battle of the Border Cycling Festival, on an in-kind basis and on a sliding financial scale, in keeping with the newly adopted Tweed Shire Events Strategy 2016-2020:

2016	2017	2018
\$10,000	\$7,500	\$5,000

2. Any funding provided to QSM Sports for the Battle of the Border cycling events is conditional upon QSM Sports providing Council with a report detailing the return on investment arising out of each year's event.
  
3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain:-
  - (d) *commercial information of a confidential nature that would, if disclosed:*
    - (i) *prejudice the commercial position of the person who supplied it, or*
    - (ii) *confer a commercial advantage on a competitor of the council, or*
    - (iii) *reveal a trade secret*

**REPORT:**

QSM Sports, Event Managers of the annual Battle of the Border Cycling Festival is seeking to establish a new three year financial arrangement with Tweed Shire Council for the purpose of underwriting the associated traffic management and policing costs for the event. This competitive and social cycling festival has been held for the past seven years and attracts a national profile due to the growing number of participants and levels of competitiveness.

The request for funding towards the event is to provide certainty to the event organisers to enable them to continue to develop the event. The proposed renewal terms are for three years, with two one year options:

2016	2017	2018	Extension
\$20,000	\$19,000	\$18,000	\$15,000

A copy of the Support Renewal Proposal is attached for Councillors information (refer confidential attachment 1).

The previous three year funding terms were as follows:

2013	2014	2015
\$20,000	\$17,500	\$15,000

Two of the key priorities for delivering the Tweed Shire Events Strategy 2016-2020 are support, and develop and optimise. As the Battle of the Border has been provided both financial and in-kind support for a period in excess of three years, and in keeping with the newly adopted Events Strategy, the development period for this event to continue to be provided within financial resources has ceased. Therefore, the consideration of any ongoing support to the event should be on a sliding financial scale and time limited, as below:

2016	2017	2018
\$10,000	\$7,500	\$5,000

The funding previously provided by Council has been used primarily on traffic management related expenses to ensure the event meets the NSW Department of Road and Maritime Services road racing standards for a class one major cycling event. The extra costs associated with producing a class one major cycling event relate to road closures, race course design and community consultation.

**OPTIONS:**

That Council:

1. Provides QSM Sports with financial assistance for the Battle of the Border event from 2016 to 2018 as detailed in the support renewal proposal and that any funding provided is conditional upon QSM Sports providing Council with a report detailing the return on investment arising out of each year's event.

2. Gives consideration to ongoing support to QSM Sports on an in-kind basis and on a sliding financial scale, in keeping with the newly adopted Tweed Shire Events Strategy 2016-2020.
3. Does not enter into a new three year financial arrangement with QSM Sports for the Battle of the Border event.

### **CONCLUSION:**

QSM Sports has successfully held the Battle of the Border for seven years. Road closures associated with the event are an inconvenience but necessary to safely conduct the races. The support requested is for essential traffic control and communication with the Tweed community. If Council were to continue supporting this event, this report recommends QSM Sports provides a report to Council detailing return on investment, including number of participants and estimated revenue generated in the Tweed.

The Battle of the Border links strongly with the sport theme identified in the 2016-2020 Tweed Shire Events Strategy and both sport participation and spectator sport participation is expected to grow in 2015-2016 in Australia.

### **COUNCIL IMPLICATIONS:**

**a. Policy:**

2016-2020 Tweed Shire Events Strategy

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

The 2015/2016 budget allocation for Festivals and Events has \$2,648 remaining. The proposed 2016/2017 budget allocation for Festivals and Events is \$68,647.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

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

*(Confidential)* Attachment 1. Support Renewal Proposal – Battle of the Border (ECM 3981550)

*(Confidential)* Attachment 2. 2015 Battle on the Border Post Event Evaluation (ECM 3980229)

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**26 [CS-CM] Tender AC2014-015 Provision of Legal Services - Extension Option**

**SUBMITTED BY: Corporate Governance**

Valid



## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

---

### SUMMARY OF REPORT:

At its meeting held on 10 April 2014 Council resolved to appoint a panel of legal service providers for a period of two years with an option for a further two years for:

Category 1	Planning and Environmental Law (litigation and advice)
Category 2	Local Government Law (litigation and advice)
Category 3	Commercial/Property Law
Category 4	District and Local Court

The initial two year period is due to conclude on 31 March 2016 and a review of the provision of services by legal panel members has been conducted. The review has concluded that Council should enact the option for those providers listed under Category 1, 2 and 3 to expire on 31 March 2018. However, due to the limited number of legal providers appointed to manage District and Local Courts matters, Council does not take up the option to extend legal providers appointed within Category 4 – District and Local Court, but seek an Expression of Interest from legal providers for appointment to a new panel for Category 4 – District and Local Court matters to expire on 31 March 2018.

The District and Local Court matters can be generally dog and other penalty infringement notice appeals and due to the relatively small amount of the penalty infringement notice being challenged, the financial benefits could be outweighed by the cost of appointing one of the current panel members to manage a District or Local Court matter. For the current legal services panel, only one (1) instruction to act has been issued.

### RECOMMENDATION:

**That Council, in accordance with Tender AC2014-015 Provision of Legal Services:**

- 1. Enacts the option to appoint for a further two years to 31 March 2018, the panel providers listed as follows:**



**Category 1: Planning and Environmental Law (litigation and advice)**

Wilshire Webb Staunton Beattie  
Marsdens  
Sparke Helmore  
Maddocks  
Lindsay Taylor Lawyers  
HWL Ebsworth  
DLA Piper

**Category 2: Local Government Law (litigation and advice)**

Marsdens  
Maddocks  
Lindsay Taylor Lawyers  
Prevention Partners NSW  
Local Government Legal  
DLA Piper

**Category 3: Commercial/Property Law**

Wilshire Webb Staunton Beattie  
Marsdens  
Sparke Helmore  
Maddocks  
HWL Ebsworth  
Stacks the Law Firm, Tweed Heads  
Local Government Legal

2. Does not enact the option to appoint for a further two years, the panel of Solicitors listed as follows:

**Category 4: District and Local Court**

Marsdens  
Stacks the Law Firm, Tweed Heads  
DLA Piper

3. Seeks an Expression of Interest from legal providers for appointment to a new panel for Category 4 – District and Local Court matters to expire on 31 March 2018.

## REPORT:

At its meeting held on 10 April 2014 Council appointed a panel of legal service providers for a period of two years with an option for a further two years for:

Category 1	Planning and Environmental Law (litigation and advice)
Category 2	Local Government Law (litigation and advice)
Category 3	Commercial/Property Law
Category 4	District and Local Court

The initial two year period is due to conclude on 31 March 2016 and a review of the provision of services by legal panel members has been conducted. The review has concluded that Council should enact the option for those providers listed under Category 1, 2 and 3 to expire on 31 March 2018. However, due to the limited number of legal providers appointed to manage District and Local Courts matters, Council does not take up the option to extend legal providers appointed within Category 4 - District and Local Court, but seek an Expression of Interest from legal providers for appointment to a new panel for Category 4 - District and Local Court matters to expire on 31 March 2018

The District and Local Court matters can be generally dog and other penalty infringement notice appeals and due to the relatively small amount of the penalty infringement notice being challenged, the financial benefits could be outweighed by the cost of appointing one of the current panel members to manage a District or Local Court matter. For the current legal services panel, only one (1) instruction to act has been issued.

## OPTIONS:

1. That Council enacts the option to extend legal service providers to a panel for Categories 1, 2, 3 and 4 to expire on 31 March 2018.
2. That Council enacts the option to extend legal service providers to a panel for Category 1, 2 and 3 (with the exclusion of Category 4) to expire on 31 March 2018.
3. That Council seeks Expressions of Interest for appointment of legal providers to a new panel for Category 4 - District and Local Court matters to expire on 31 March 2018.

## CONCLUSION:

It is recommended that Council enacts the option to extend legal service providers to a panel for Category 1, 2 and 3 (with the exclusion of Category 4) to expire on 31 March 2018, and that Council to seek Expressions of Interest for appointment of legal providers to a new panel for Category 4 – District and Local Court matters to expire on 31 March 2018.

## COUNCIL IMPLICATIONS:

### a. Policy:

Procurement Policy v1.6

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

No financial or budgetary implications arise from this report, excepting those arising from the engagement of the legal service providers as they occur, with appropriate expenditures allocated for legal expenses within the budget.

**c. Legal:**

The Legal Services Contract provides a basis of engagement in accordance with the tenders received from the successful tenderers.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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27 [CS-CM] RFO2016006 Provision of Employee Assistance Program (EAP) Services

SUBMITTED BY: Human Resources

Valid



## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

---

### SUMMARY OF REPORT:

At the Council meeting of 21 January 2016 Council resolved to endorse the:

1. *Adoption of a selected tender process for the Provision of Employee Assistance Program Services under Clause 166 of the Local Government (General) Regulation 2005;*
2. *Selective tender process to seek further submissions from the shortlisted tenderers from the preceding quotation process, being:*
  - *Brain Mind and Memory Centre ABN 67664403107*
  - *MyEAP Pty Ltd ABN 21725428241*
  - *Artius Health Pty Ltd ABN 27164619443; and that*
3. *Variation to the previous Request for Quotation requirements to allow for the appointment of either a panel of providers or a sole provider and to invite submission of different fee models in addition to a schedule of rates under Clause 170(2) of the Local Government (General) Regulation 2005.*

Two submissions were received to the selective tender process that were considered and not recommended by the Offer Evaluation Panel.

### RECOMMENDATION:

That:

1. **Council declines to accept any of the submitted Offers for RFO2016006 Provision of Employee Assistance Program (EAP) Services due to non-conformance of the Request for Offer requirements and the absence in the breadth of service provision.**

2. Council enters into direct negotiations, in accordance with Local Government (General) Regulation 2005 Clause 178(3)(e) and (4) and the Independent Commission against Corruption (ICAC) Guidelines, with Artius Health Pty Ltd which can provide the breadth of services required within budgetary requirements.
  
3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret

## REPORT:

### Tender Background

RFO2016006 Provision of Employee Assistance Program (EAP) Services was called as a selected tender following the Council meeting of 21 January 2016 that resolved to endorse the:

1. *Adoption of a selected tender process for the Provision of Employee Assistance Program Services under Clause 166 of the Local Government (General) Regulation 2005;*
2. *Selective tender process to seek further submissions from the shortlisted tenderers from the preceding quotation process, being:*
  - *Brain Mind and Memory Centre ABN 67664403107*
  - *MyEAP Pty Ltd ABN 21725428241*
  - *Artius Health Pty Ltd ABN 27164619443; and that*
3. *Variation to the previous Request for Quotation requirements to allow for the appointment of either a panel of providers or a sole provider and to invite submission of different fee models in addition to a schedule of rates under Clause 170(2) of the Local Government (General) Regulation 2005.*

Applicants were free to quote for the full range or any portion of the requested services.

### Offer Advertising

The selected Bidders were invited to respond to RFO2016006 by Wednesday 17 February 2016 at 4:00 pm after a 21 day advertising period as required by regulations.

### Offer Submissions

As per the requirements of the Local Government (General) Regulation 2005, Offer submissions closed at 4:00PM (local time) on Wednesday 17 February 2016 in the Tender Box located in the foyer of the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484 and on-line via Council's E-tender site. RFO2016006 Offer submission details are as follows:

<b>Selected Bidder</b>	<b>ABN</b>	<b>Offered Amount - 5 year contract</b>
Brain Mind & Memory Centre	67664403107	<ul style="list-style-type: none"><li>• \$200 per hour (standard consultation including GST)</li><li>• No fixed annual price model quoted</li></ul>
MyEAP Pty Ltd	21725428241	<ul style="list-style-type: none"><li>• \$165 per hour (standard consultation including GST)</li><li>• No fixed annual price model quoted</li></ul>
Artius Health Pty Ltd	27164619443	Failed to submit their submission prior to the close of offers.

### Non-Conforming Offers

1. MyEAP: Did not provide details of contractor qualifications and experience or provide details on contractor locations as per Sections 4.6 and 4.9.

**Evaluation Criteria**

Offers were rated based on responses in the Offer Application Form, Sections 4.5, 4.6 and 4.9.

**OPTIONS:**

Council declines to accept any of the submitted Offers for RFO2016006 Provision of Employee Assistance Program (EAP) Services due to non-conformance of the Offer requirements and the absence in the breadth of service provision.

**CONCLUSION:**

As a result of the non-conformance in the Request for Offer requirements and the absence in the breadth of service provision it is recommended that Council enters into direct negotiations, in accordance with Local Government (General) Regulation 2005 Clause 178(3)(e) and (4) and the Independent Commission against Corruption (ICAC) Guidelines, with Artius Health Pty Ltd which can provide the breadth of services required within budgetary requirements.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

Services will be provided within the budget allocation.

**c. Legal:**

Not applicable.

**d. Communication/Engagement:**

Not Applicable.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

(Confidential) Attachment 1. Offer Evaluation Report - RFO2016006 Provision of Employee Assistance Program (EAP) Services (ECM 3980853)

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**28 [CS-CM] Monthly Investment and Section 94 Development Contribution Report for Period ending 29 February 2016**

**SUBMITTED BY: Financial Services**

Valid



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## **Civic Leadership**

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

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

This report is provided to Council to advise details of monies Council has invested in accordance with Section 625 of the Local Government Act 1993.

There is a requirement by Council's investment consultant to allow at least five working days following the end of the month to provide the statistics for this report. Due to this time constraint and the Council requirement to receive reports 10 days prior to the Council meeting, there will be an addendum report provided to Council for consideration at its meeting on 17 March 2016.

### **RECOMMENDATION:**

**Refer to addendum report.**



**REPORT:**

As per summary.

**OPTIONS:**

Not Applicable.

**CONCLUSION:**

Not Applicable.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable

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

Not Applicable.

**c. Legal:**

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

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

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

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

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

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

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

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## ORDERS OF THE DAY

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### Civic Leadership

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

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

## **29 [NOM] Planning Controls for Happy Neighbour Home Designs**

### **NOTICE OF MOTION:**

**Councillor K Milne moves that Council holds a comprehensive consultation on the communities preferred requirements for acceptable levels of impacts on neighbours properties from the building of new dwellings or extensions, and brings back a report to Council with recommendations to incorporate these provisions into Council's planning controls.**

**Consultation should include, but not be limited to:**

- 1. Views.**
- 2. Buffering between houses.**
- 3. Sun Sharing provisions, e.g. for indoor and outdoor areas, including gardens and solar electricity generation.**

**Aspects outside the control of Council should be collated to inform a position that can be presented to the State Government.**

### **Councillor's Background Notes**

Recommended Priority:

Nil.

Description of Project:

Nil.

### **Management Comments:**

Delivery Program:

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Valid



## Supporting Community Life

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
  - 2.3 Provide well serviced neighbourhoods
- 

#### Budget/Long Term Financial Plan:

There is insufficient information in respect of the intended extent of community consultation. Therefore, it is difficult to estimate the costs of conducting this consultation. There is currently no budget for officers to carry out this consultation, and there is no allowance of resourcing within the current work program of the Strategic Planning and Urban Design Unit.

#### Legal Implications:

Any recommended future planning controls arising from this consultation would need to be prepared in accordance with the NSW Environmental Planning and Assessment Act.

#### Policy Implications:

Council already has in place a comprehensive set of planning controls for residential development within the Tweed Development Control Plan 2008. Any proposals to revise these controls would require an amendment to this Plan.

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## 30 [NOM] Equality of Housing Opportunity

### NOTICE OF MOTION:

Councillor K Milne moves that Council writes to the Local State Members to raise concerns about potential discrimination of the disadvantaged in our Shire when seeking to rent from real estate agents and the potential for the State Government to undertake audits of real estate agents in this regard and develop a fairer system such as waiting lists.

### Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

### Management Comments:

The Tweed Shire *Homelessness Issues Paper 2013 (Issues Paper)* recognised the essential role real estate agents play in facilitating housing in the private rental market. The *Issues Paper* recommended an opportunity for the Tweed Shire Housing and Homelessness Network to engage with the Real Estate Industry to influence the supply of rental stock and for more proactive tenancy support.

In response to this recommendation, members of Tweed Shire Housing and Homelessness Network, Northern Rivers Social Development Council (NRSDC) and Partners in Recovery (PIR) are developing a Real Estate Industry training program to encourage a fairer waiting list system. The training involves people that have experienced trauma and rental disadvantage sharing their personal stories and proactive real estate agents championing a more equitable approach to tenancy management. In the Tweed Shire, three breakfast training forums are proposed in Tweed Heads, Murwillumbah and the Tweed Coast. The training forums are scheduled to take place between now and June 2016.

Writing to local State Members to raise concerns about this issue is supported.

Delivery Program:

Valid



**Supporting Community Life**

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
  - 2.2 Improve opportunities for housing choice
-

**Budget/Long Term Financial Plan:**

Writing to local State members poses no direct financial implications.

**Legal Implications:**

Not applicable.

**Policy Implications:**

Homelessness Policy v1.0.

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## 31 [NOM] Western Drainage Scheme

### NOTICE OF MOTION:

Councillor K Milne moves that Council brings forward a report on the Western Drainage Scheme to:

1. Advise of the current state of this waterway and existing maintenance regimes.
2. Advise of any plans already in place to improve the health of this system,
3. The potential to develop a management plan to improve this waterway to achieve an ecologically healthy, aesthetically pleasing, and functional state.

### Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

### Management Comments:

Delivery Program:

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
2.3.5	Ensure adequate stormwater drainage, flood management and evacuation systems are in place to protect people and property from flooding

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The Banora Point Western Drainage Scheme is a man-made drainage system that was constructed in the 1990s. It provided a trunk drainage and stormwater quality system, while also providing a source of fill for the surrounding residential development.

Design of the drainage system is based on the "Banora Point / South Tweed Stormwater Management Plan" (WBM Oceanics, 1997), which considered flood conveyance and water quality. The system west of Club Banora and Greenway Drive comprises fresh water open drains and lakes whose water levels are set at a constant level by a bund before discharging into Trutes Bay. The open drains and lake system east of Greenway Drive is subject to partial tidal exchange and discharges into Shallow Bay.

Maintenance and operation of the drainage system is conducted according to the "Western Drainage Scheme Operational Management Plan" (Tweed Shire Council, 2003). This plan deals with Council's statutory obligations, environmental and safety risks, weed management, fauna considerations, and the various maintenance options available to manage water quality, aquatic vegetation, and sedimentation.

The drainage system provides conditions suitable for a range of aquatic vegetation growth. This includes some problem weeds, including the noxious weeds *salvinia molesta* and *cabomba caroliniana*. Clearing noxious weeds from drains is complex and accounts for most of Council's maintenance budget for this drain. While *salvinia* can be successfully harvested, there currently is no successful control method for the underwater weed *cabomba*. Attempts to clear *cabomba* can in fact encourage its growth at the expense of the desired plants. *Salvinia* was last harvested from the drains in late 2015, and all pipes cleared of obstruction from vegetation.

The vegetation also includes desirable species such as water lily and water fern, which provide habitat for the Comb-crested Jacana, which nests from November to August and is listed as Vulnerable under the NSW *Threatened Species Conservation Act, 1995*. This nesting period affects the ability to undertake some maintenance activities, such as sedimentation removal.

In terms of current condition, the drainage system is functional hydraulically and the water quality does not pose any significant health risks. The waterbody is however eutrophic, that is, over saturated with nutrients and exhibiting a boom and bust cycle of aquatic vegetation growth. Within the system itself, the impacts of aquatic weeds are aesthetic only, however it is acknowledged that the current summer season has seen significant weed growth due to high temperatures and few storm events to flush the system until recently. Due to the developed nature of the catchment, the drainage system receives significant inputs of litter, and this accumulates in certain areas causing a significant aesthetic impact and pollution of the environment.

A short term water quality monitoring program was implemented in 2013 in the central part of the system. Monitoring showed elevated levels of nitrogen, which is characteristic of an urban stormwater system. There is no ongoing water quality monitoring program for the fresh water sections of the Western Drainage Scheme.

In a broader context, the outflow of urban stormwater from the Western Drainage Scheme is a significant source of nutrients being discharged into Trutes Bay, part of Terranora Broadwater. Reduction of the nutrient source is a high priority action identified in the Cobaki and Terranora Broadwater Catchment Management Plan.

Optimal management of the system is complex, as the growth and removal of aquatic weeds by mechanical means removes nutrients from the drainage scheme and potentially improves water quality discharged to Trutes Bay. Conversely, when aquatic weeds die and decay, they consume oxygen and release nutrients into the water column. A significant source of nutrients within the drainage scheme would be the release of nutrients from the bottom sediments.

In 2010 Council commissioned a review of potential actions that could be undertaken to improve water quality in the western drainage scheme. Twelve actions were identified with possible benefits to water quality and other environmental attributes. There was no single



recommendation that could be affordably or practically implemented to address the inherent problems within the system. In terms of nutrient and biomass removal efficiency, mechanical weed removal has many advantages over other possible options for nutrient removal.

The Natural Resource Management Unit is currently trialling floating reedbeds in the section of canal upstream of Fraser Drive. The reedbeds are small floating pontoons that support plants that take up nutrients from the water in the channel, without affecting flood height or duration. The trial will allow assessment of the durability of the reedbeds and potential damage from birds or vandals. If they prove successful, a full scale deployment will be considered with the aim of improving the quality of water being discharged from the Western Drainage Scheme into Trutes Bay and Terranora Broadwater.

Budget/Long Term Financial Plan:

Council currently allocates \$106,000 per annum for maintenance of the Banora Point Western Drainage Scheme. The majority of this funding is spent on aquatic noxious weed removal performed once per summer. Additional funding would permit increased frequency of noxious weed maintenance, however the constraints described above will remain (e.g. restricted maintenance involving disturbance to Jacana habitat from November to August each year).

Legal Implications:

Not applicable

Policy Implications:

A review of the Western Drainage Scheme management plans, if requested by Council, should focus on reassessment of the existing fauna inhabiting the drainage system, and the associated restrictions currently imposed on the maintenance regime. It is this aspect that is most likely to have changed over time. It is not possible to significantly alter the contributing catchments, drainage configuration, or stormwater discharge points, given the fixed nature of this infrastructure within the urban structure of Banora Point.

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32 [NOM] Naming Trees in Parks

**NOTICE OF MOTION:**

**Councillor K Milne moves Council brings back a report on the potential of displaying the names of local native trees in two of Council parks to encourage greater knowledge and appreciation of Tweed's local flora.**

**Councillor's Background Notes**

Recommended Priority:

Nil.

Description of Project:

Nil.

**Management Comments:**

Delivery Program:

Valid

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**Caring for the Environment**

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

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

Valid

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Budget/Long Term Financial Plan:

Cost to install identification labels will be dependent upon the number of trees labelled, however if the number of parks is limited to two, the cost would not be significant and able to be funded from within current budgets.

Legal Implications:

Nil

Policy Implications:

Nil

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**33 [NOM] Banning the Provision of Alcohol for Councillors and Staff**

**NOTICE OF MOTION:**

**Councillor K Milne moves that Council no longer provides alcohol on the Council premises to Councillors, staff and media during or after Council meetings and workshops with the exception of special events such as the Christmas Party.**

**Councillor's Background Notes**

Recommended Priority:

Nil.

Description of Project:

Nil.

**Management Comments:**

Tweed Shire Council is committed to providing a safe, healthy and productive workplace for all workers. As part of this commitment Council has established clear standards of acceptable behaviour along with corrective action steps regarding the management of alcohol and other drugs impacting on the workplace.

In March 2015, Council's Executive Management Team formally adopted the Alcohol and Other Drugs in the Workplace- Employee Protocol.

This Protocol has been developed with reference to the Local Government industry template Alcohol and Other Drugs Policy and Procedure documents prepared and endorsed by Local Government New South Wales (LG NSW); the New South Wales Local Government, Clerical, Administrative, Energy, Airlines and Utilities Union (USU); the Local Government Engineers Association (LGEA); and the Development and Environmental Professionals' Association (DEPA).

Council's Alcohol and other Drugs in the Workplace standards apply to all Council workers including: Employees, labour hire staff, group training apprentices and trainees, contractors, sub-contractors, work placement participants and volunteers. The protocol does not apply to Councillors.

Under the New South Wales Work Health and Safety Act (2011) employers have a duty of care to ensure the health, safety and welfare of their workers and other people in the workplace, whilst workers have a duty to take reasonable care of their own health and safety, as well as for the health and safety of other people in the workplace and to cooperate with their employer in providing a safe working environment.

In this context workers are obliged to present themselves for work in a fit state so that in carrying out their work activities they do not:

- expose themselves, their co-workers or other people in the workplace to unnecessary risks to health and safety;

- inhibit their ability to fulfil the requirements of their position;
- present a poor public image of Council; and/or
- cause damage to property and/or equipment

Penalties exist under legislation for employers and through the application of the disciplinary procedures of the Local Government (State) Award for employees who fail to take their work health and safety responsibilities seriously. It should also be noted that Workers Compensation claims may be declined where alcohol and/or drugs are a contributing factor to injury.

The general conduct provisions of the Code of Conduct also require that council employees and Councillors must not conduct themselves, when carrying out their functions, in a manner that is likely to bring council or the employee into disrepute. By way of example, a worker may be in breach of their general conduct obligations under the Code of conduct if they:

- attend for work in breach of the workplace standards detailed in this protocol; or
- conduct themselves in an inappropriate and/or unprofessional manner whilst at work, at a work related function, or whilst in Council uniform (which may be due to the effects of inappropriate alcohol and/or drugs use).

Council has adopted the following applicable limits for arrival at work:

- the blood alcohol limits prescribed in NSW for the operation of motor vehicles, and
- the confirmatory target concentrations of the Australian Standard AS 4760-2006 for drug detection.

Once having commenced work, the consumption of alcohol and or other drugs at any time during the working day (including designated breaks) is prohibited. Additionally, alcohol and illicit drugs are not to be consumed on Council worksites regardless of the time of day.

The exception to these rules are 'designated events' where the responsible consumption of alcohol is permitted within legal limits i.e. the blood alcohol limits prescribed in NSW for the operation of motor vehicles).

The General Manager may from time to time approve special occasions, functions or events, such as the staff Christmas Party, or official openings as 'designated events' where the responsible consumption of alcohol is authorised.

Out of hours work related functions such as conference dinners and council workshops/meetings have been deemed 'designated events'.

When attending 'designated events' staff are at all times to maintain appropriate standards of behaviour and are to drink responsibly. Inappropriate behavior at these events will be regarded as a breach of Council's Code of Conduct and disciplinary action taken accordingly.

Council reserves the right to refuse or withdraw alcohol service at Council run 'designated events' where there is a belief that an individual is not behaving responsibly.

The exceptions are 'designated events' held within work hours where some staff may be required to return to duties at the conclusion of a the event:

- Where return to work is to normal duties no alcohol is to be consumed:
- Where duties to be performed are incidental and of short duration, such as packing up the event, locking premises etc:
  - up to 1 standard drink can be consumed by staff where a <0.05 BAC standard applies; and
  - no alcohol is to be consumed by staff where a 0.00 BAC or <0.02 BAC standard applies as a single drink could place the individual over the prescribed BAC.

The minimum requirements with regard to the management of council run 'designated events' are:

- the provision of low alcohol and non alcohol alternatives to full strength alcoholic drinks;
- the provision of food;
- adherence to responsible service of alcohol provisions.

Employees who intend to consume alcohol at these events are to make suitable arrangements to ensure they are conveyed home safely.

Whilst the Alcohol and Other Drugs Protocol does not apply to Councillors, “designated events” of Council where Councillors are present such as workshops and council meetings are conducted in accordance with the minimum requirements of the protocol.

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

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Budget/Long Term Financial Plan:

Nil.

Legal Implications:

See Management Comments.

Policy Implications:

See Management Comments.

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**34 [NOM] Wildlife Corridors at Cobaki**

**NOTICE OF MOTION:**

**Councillor G Bagnall moves that, In light of Council's support for the new culvert sizes through the east west wildlife corridor of the Cobaki estate, Leda Holdings be approached to consider a larger culvert width for Cobaki Parkway, in order to provide for a greater passage for wildlife at this significant habitat interface.**

**Councillor's Background Notes**

Recommended Priority:

Nil.

Description of Project:

Nil.

**Management Comments:**

Delivery Program:

Valid



**Civic Leadership**



**Caring for the Environment**

**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
- 4.1 Protect the environment and natural beauty of the Tweed
- 4.2 Conserve native flora and fauna and their habitats

Budget/Long Term Financial Plan:

There would be some additional longer term maintenance costs for the culvert, however, this would need to be weighed against the significant benefits to the movement of fauna within this corridor.

Legal Implications:

Any revised culvert design and construction will require further approvals.

Policy Implications:

Nil.

**35 [NOM] Library Services**

**NOTICE OF MOTION:**

**Councillor C Byrne moves that Council calls for an urgent Workshop to consider Tweed Shire Council's options as part of the Richmond Tweed Regional Library group and any alternatives available in order to provide sustainable library services to our residents, ratepayers and visitors.**

**Councillor's Background Notes**

Recommended Priority:

At 28 February 2016 meeting of the Richmond Tweed Regional Library (RTRL) Committee, all four represented Councils were asked to vote again to amend the 2015/2016 budget that is now proposed to be in a **deficit** of \$521,600.00. With the same amount of funding to be drawn from the RTRL reserves to create a balanced account.

The proposed budget 2016/2017 is suggesting that the RTRL will run at a **deficit** for this next period of \$228,700.00, this is after the contributions for the Tweed Shire has been increased by 3.8% (well above rate pegging) and represents a payment by Tweed Shire to RTRL of \$2,345,000.00 for that period.

This model of budgeting/funding/expenditure is unsustainable and is likely to impact on other services provided by Tweed Shire Council.  
For these reasons I call for an urgent workshop.

Description of Project:

Nil.

**Management Comments:**

The Richmond Tweed Regional Library (RTRL) Committee resolved at its meeting on 26 February 2016, to adopt the draft 2016/17 Budget and Fees & Charges in principle, and to seek feedback from member councils on the proposal. The Committee will consider all feedback from member councils at its Friday, 13 May 2016 meeting with the view to adopting an acceptable 2016/17 RTRL Budget and Fees & Charges.

The solutions regarding the governance model, business operation structure, and long term financial sustainability will require the provision of additional information and a staged approach to review and reorganise the commitments to library services. They should be dealt with in two stages with urgent attention to reduce the budget commitment in 2016/17. It may be feasible to manage the library contribution for 2016/17 at 3.0% and subsequently through negotiations about the governance and operational model to ensure a more sustainable financial model from 2017/18.

To facilitate this process the member Council's Senior officers met on 19 February 2016 and will meet again on 1 April 2016 to prepare a report to the RTRL Board on information and a process to support decision making for the longer term solutions.

The RTRL Board will be considering:

- a) a framework for defining existing service levels/costs –including itemised expenditure for current provision at the Executive Council (Lismore City Council) level, regional office level and local library levels
- b) 10 year service levels/costs and business planning/modelling
- c) a formula for future member contributions that allows flexibility to increase/decrease service levels in particular programs
- d) an implementation plan to achieve the agreed outcomes

A Council workshop to consider the information presented at the senior officers meeting in April, prior to the next RTRL board meeting on 13 May 2016, is supported.

Delivery Program:

At the RTRL committee meeting on 15 May 2015 it was resolved that:

- RTRL staff work with their member councils to assist with their response to Fit for the Future. Following the determination of Fit for the Future, RTRL reviews arrangements with member councils and reports to the November meeting.

Tweed Shire Council resolved at its meeting on 19 November 2015 that:

- Terms of reference are developed with constituent Councils to commence the review of the business model for the RTRL.

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

Budget/Long Term Financial Plan:

The anticipated member contribution for Tweed Shire Council, for the draft 2016/17 Budget is \$2,345,000. This is a 3.80% or \$85,800 increase compared to 2015/16 and this is 2% above the rate peg representing \$45,100.

The RTRL has been requested to prepare a 10 long term financial plan (LTFP) as setting budgets in May does not align or accord to a council's budget cycle.



Legal Implications:

Amendments to the governance model will need to be in accordance with the provisions under the NSW State Library Act

Significant changes to budget provisions may have industrial impacts with regards to library staff

Policy Implications:

Nil.

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**36 [NOM] Story Tiled Walls at our Libraries**

**NOTICE OF MOTION:**

**Councillor C Byrne moves that Council brings back a brief report to a future meeting with respect to the possibility of providing story walls though the sale of personalised tiles (or similar) at our newly refurbished libraries at Murwillumbah and Tweed Heads.**

**Councillor's Background Notes**

Recommended Priority:

Nil.

Description of Project:

Our libraries are places of stories and our library buildings are part of the story.

The buildings that operate our libraries are owned by Council and the infrastructure is funded from s94 funds and not through the annual contributions to RTRL.

This concept is based on the Margaret Olley extension of the art gallery where corporate and private funding was raised through the sale of colourful 'sails' on the exterior of the building. This is a much smaller and personalised scale project and provides an opportunity for people to be part of the space.

This motion is for a brief report to come back to council with respect to tiles (or similar) may be sold and personalised by library users and placed on the walls, or outside space at Murwillumbah to create a 'story wall'.

Any profit raised would be used for future library infrastructure projects.

**Management Comments:**

Further investigation and consultation is required to fully develop project concepts and to ensure a budget is developed for projects.

A community arts program such as a story wall would require that a wall and part of the structure is identified for inclusion in the new library development at Tweed Heads. The full cost of purchasing materials, and installation would need to be estimated based on parameters such as the wall size and number of tiles to estimate a project budget and feasible fund raising targets that cover project costs and generate income.

There is potential to identify an area within the Tweed Heads Library redevelopment that is not yet funded, such as the outdoor courtyard where funds raised could be directed and this would give a more tangible goal for the project.

The Murwillumbah Library redevelopment is of a smaller scale, however opportunities would be there to raise funds for the painting of the outdoor floor and for fold away furniture for use

in the outdoor activity area. A project could also be designed to allow community participation in raising funds for this area.

The most effective outcomes would engage library customers and it is therefore important that library staff are consulted to invite their leadership in a project proposals. The projects should also be referred through the Public Art Reference Group.

Delivery Program:

The proposed community art funding raising projects are in addition to existing priorities for the review of the Richmond Tweed Regional Library and the management of the library expansion projects at Tweed Heads and Murwillumbah. Projects. Commencement of these projects in the 2016/2017 financial year would allow the necessary resources to be allocated to ensure the best outcome

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
- 

Budget/Long Term Financial Plan:

The budget for two community art projects would need to be developed and reported back to Council. The aim being to cover all project materials and implementation costs and to raise additional funds for identified additional furnishings and fittings for the Tweed Heads Library and Murwillumbah Library expansion projects.

Legal Implications:

Nil

Policy Implications:

The two Project proposals would need to be lodged through the Public Art Reference Group for review and registration in Council's public art register.

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37 [NOM] Future of Black Rocks Sports Field

**NOTICE OF MOTION:**

Councillor B Longland moves that:

1. Council conducts a mail survey of all ratepayers of the lower Tweed coast (Postcode 2489) seeking their preferred option regarding the future of the Black Rocks Sports Field at Pottsville.
2. The letter to each ratepayer be written in the following terms:

*"There have been calls from some over the past four years for Council to close the Black Rocks Sports Field at Pottsville and re-vegetate the area. The field occupies 4 hectares at the eastern boundary of 271 hectares of the Black Rocks Koala Activity Precinct which, according to a recent study, supports a stable koala population. That habitat forms part of the designated koala activity precincts surrounding Pottsville totalling 922 hectares.*

*Council has a responsibility to provide adequate green space for outdoor recreational use to support healthy communities. The loss of this playing field will likely impact on access to attractive and useable green space for the expanding population of the Pottsville area. For this reason, Council has resolved to seek the opinion of lower Tweed coast residents and ratepayers on their preferred option regarding the future of the Black Rocks Sports Field.*

*If it is determined that the Sports Field should be retained, expert advice recommends that the entry to the field be designed to mitigate against the potential for koalas to enter the nearby urban environment. This will involve either a koala grid or a gate at the entrance.*

*Council values your opinion and thanks you for your input to this process. Please circle your preferred option, sign and return to Council in the reply paid envelope by 1 May 2016.*

*Option 1 - Retain the Sports Field and install an automated gate which will be self-opening during daylight hours and closed in darkness when koalas are most active.*

*Option 2 - Retain the Sports Field and install a koala grid to prevent koalas entering the urban environment at all times.*

*Option 3 - Close Black Rocks Sports Field and re-vegetate the area.*

*Signed .....  
(only one survey form per household)"*

3. The mail-out will be on Council letterhead, include a reply paid envelope with each letter carrying unique identification for reconciliation on return.

4. The result of the mail survey is to be reported to the May 2016 Ordinary Meeting of Council.

### Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

### Management Comments:

Delivery Program:

Valid



## Caring for the Environment

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### Budget/Long Term Financial Plan

The cost to undertake the survey is estimated to be in the vicinity of \$10,000 to \$15,000. The actual cost to undertake the survey would be determined through an invitation for quotes.

The estimated costs for the various options identified are as follows:

Option 1:	Cost to supply and install gate	\$11,000
Option 2:	Cost for supply and install of grid	\$10,500
Option 3:	The minimum cost to purchase and develop an alternative four hectare sports field is estimated to be in the order of 10 million dollars.	

*Revegetation cost:*

Based on standardised costings applied through the Tweed Byron Koala Connections project, revegetation of the 4 hectare site would cost approximately \$160,000. This includes installation and maintenance of plantings for 12 months. Ongoing site maintenance or management costs have not been calculated. There is currently no budget allocation for this activity.

Legal Implications:

Council resolved to approve DA15/0160 for the erection of a shed for use as Pottsville Community Men's Shed on the Black Rocks Sports Field in December 2015. Option 3 is inconsistent with this approval.

Policy Implications:

Tweed Sports Fields Strategy adopted in March 2015 plan for sport that considers the age and quality of existing facilities and the likely demand for new sports facilities given the anticipated population growth for the area.

The Strategy recommends that the Black Rocks Sports Fields remain part of the sport field network in the southern precinct due to the following considerations:

- The strategy states the current amount of sports fields in the southern precinct, including the Black Rocks Sports Fields, is consistent with anticipated needs. It is important that where possible sports field locations are identified well in advance of immediate needs as it is not possible to respond to changes in participation in the short term.
- Should the Black Rocks Sports Fields not be available for future sporting use an alternative area needs to be identified and funded. The future Dunloe Park release area will generate its own sports field requirements based on the predicted population. Relocating the Black Rocks Sports Field to this area would require purchase and embellishment of land additional to that dedicated by any Dunloe Park development.
- It is difficult to identify and develop new land for sports fields. The minimum cost to purchase and develop an alternative four hectare sports field is estimated to be in the order of \$10 million.

The site forms part of the Individual Koala Plan of Management for the Black Rocks by the Sea development as approved by the NSW Department of Planning. This Plan and its intent to ensure threats to koalas are avoided through enclave style development are acknowledged in the Tweed Coast Comprehensive Koala Plan of Management.

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## REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

### 38 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 5 February 2016

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 5 February 2016 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 5 February 2016 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

#### A3. Wooyung Development

*That the Aboriginal Advisory Committee requests Council to write to State Government and stress its concern that the current 10/50 Vegetation Clearing Code of Practice of NSW only covers the registered AHIMS sites which may not include sites identified in NSW Local Government Aboriginal Cultural Heritage Mapping.*

- A1. Robert Appo (Tweed Shire Council)
  - (b) 2016 Local Government Aboriginal Network Conference - Potential Projects

1. *That the Aboriginal Interpretative signage in Budd Park, Murwillumbah be repositioned to make it more visible in relation to the story.*

2. ***That prior to the Local Government Aboriginal Network Conference, Aboriginal interpretative signage be installed at the following locations:***

1. ***The base of Joongurrabah (Razorback) replicating the Aboriginal interpretative signage at the top of the site; and***
2. ***Crams Farm, Doon Doon.***

(c) **Opportunities for Aboriginal designs and artworks within Southern Cross University (SCU) building and Aboriginal acknowledgement at SCU building and Murwillumbah Civic Centre**

***That the wording to be used in Aboriginal acknowledgement signage at the new Tweed Council Administration building at Brett Street, Tweed Heads and the Murwillumbah Civic Centre is Council's Aboriginal acknowledgement in Goori and English.***

(d) **Road Renaming - Altitude Aspire development**

***That the Aboriginal Advisory Committee recommends that 'Darro Road' be proposed for the road renaming at the Altitude Aspire development.***

A3. **Dulguigan Quarry, Dulguigan - Phil Habgood (Converge) and Denise Galle (Tweed Shire Council)**

***That the Aboriginal Advisory Committee requests a TBLALC site officer be engaged by Converge to assist with the assessment of larger trees in accordance with the recommendation in Converge's Report 4.1 for Dulguigan Quarry, Dulguigan.***

A4 **Tim Robins (Everick)**

(a) **Wooyung Development**

***That in light of the site constraints of the Wooyung development site at Lot 1 DP 408972 Wooyung Road, Wooyung, the Aboriginal Advisory Committee has no objection to the location of the proposed house site.***



## REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 5 February 2016 are reproduced as follows for the information of Councillors.

### Venue:

Minjungbal Aboriginal Museum and Cultural Centre

### Time:

9.55am

### Present:

Des Williams (Tweed Byron Local Aboriginal Land Council representative), Jackie McDonald (Tweed Wollumbin Aboriginal Education Consultative Group representative), Desrae Rotumah (Tweed Aboriginal Co-operative Society), Aunty Joyce Summers (Canowindra representative), Leweena Williams (Tweed Aboriginal Corporation for Sport) (arrived at 10.21am), Cr Gary Bagnall (arrived at 10.10am).

### Ex-officio:

Tracey Stinson, Robyn Grigg, Robert Appo (Tweed Shire Council), Gabby Arthur (Tweed Shire Council) (Minutes).

### Guests (in order of arrival):

Ian Fox (arrived at 11.18am), Denise Galle (Tweed Shire Council) (arrived at 11.20am), Tim Robins (Everick) (arrived at 11.54am), Kenneth Neff (Wooyung Developer) (arrived at 11.54am), Sam Prosser (Wooyung Developer) (arrived at 11.54am), Colleen Forbes (Tweed Shire Council) (arrived at 12.00pm) Phil Habgood (Converge) (arrived at 12.30pm), Reg van Rij (Leda) (arrived at 12.51pm), Boyd Sargeant (Planit Consulting) (arrived at 12.51pm), Dale Scotcher (Leda) (arrived at 12.51pm).

### Apologies:

Mayor Katie Milne, Liz Collyer, Anne McLean (Tweed Shire Council).

In the absence of a quorum, the meeting commenced as a discussion with notes being taken. It was noted that the Aboriginal Advisory Committee (AAC) would not be able to make any recommendations/resolutions until a quorum was achieved.

Agenda suspended for Item A1.

### Agenda Items:

#### A1. Robert Appo (Tweed Shire Council)

##### (a) Reconciliation Action Plan (RAP) and Memorandum of Understanding (MOU)

Robert provided an update in relation to the Reconciliation Action Plan (RAP) confirming that Tracey Stinson, Director Community and Cultural Services and Liz Collyer, Director Corporate Services have self-nominated to champion the RAP within Council. Robert is working with Reconciliation Australia to arrange information workshops with Council staff in March/April 2016. Robert advised that Council will be calling for Expressions of Interest from Council staff to establish an internal RAP Working Group. Reconciliation Australia is

reviewing the draft RAP and will be providing feedback to Council. Reconciliation Australia will sign off on the final RAP and Council will be required to report back annually.

Cr Gary Bagnall arrived at 10.10am

Quorum achieved.

An article was included in Council's staff newsletter, InsideOUT to provide an update and information regarding the RAP.

Chair: Desrae Rotumah

Moved: Aunty Joyce Summers

Seconded: Des Williams

RESOLVED that the Chair was declared vacant and nominations were called. Desrae Rotumah was nominated and was unanimously elected to Chair the meeting.

Desrae Rotumah opened the meeting with a welcome to all present and paid respect to Elders past and present.

Minutes of Previous Meeting:

Moved: Cr Gary Bagnall

Seconded: Jackie McDonald

RESOLVED that the Minutes of the Aboriginal Advisory Committee meeting held Friday 4 December 2015 be accepted as a true and accurate record of the proceedings of that meeting with the exception that Item A3(a) Wooyung Development, the first paragraph on page 4 be corrected to read 'shell scatter' instead of 'shell buffer'.

Business Arising:

Business Arising from meeting held on 4 December 2015

A3. Wooyung Development

Robert referred the AAC to the additional note added to the Minutes of 4 December 2015 on page 4 and read out the clarification of the *10/50 Vegetation Clearing Code of Practice of NSW* provided by Denise Galle as follows:

'The site is within a vegetation clearing entitlement area and yet the 10/50 Code may not apply due to:

- Occurrence of SEPP 26 Littoral Rainforest onsite; and
- 100m from NSW coastline or estuary

It would appear that technically if the vegetation falls outside the boundaries of these features (which may be the case on this site) clearing may still lawfully be undertaken under the Code to the extent that it remains outside the excluded areas and is undertaken in accordance with the Code. Notwithstanding, new provisions have been introduced enabling the overriding of the Code as prescribed under s7.8 titled 'Protection of vegetation to which a legal obligation exists to preserve that vegetation by agreement or otherwise' which includes (but is not limited to) a section stating that clearing under the Code cannot be inconsistent with the following:

- *Any condition of development consent or approval under the EP&A Act that identifies and requires the retention and management of vegetation for conservation purposes.*

Essentially Council could impose a condition requiring habitat/tree retention to prevent activities being undertaken under the Code. This couldn't be applied under the earlier version of the Code.'

Leweena Williams arrived at 10.21am

Discussion in relation to the recent legislation changes to the *10/50 Vegetation Clearing Code of Practice of NSW*.

Tracey provided advice to the AAC that the *10/50 Vegetation Clearing Code of Practice of NSW* covers registered AHIMS sites however does not include sites identified in the Aboriginal Cultural Heritage Mapping Project.

Moved: Jackie McDonald

Seconded: Leweena Williams

RECOMMENDATION that the Aboriginal Advisory Committee requests Council to write to State Government and stress its concern that the current *10/50 Vegetation Clearing Code of Practice of NSW* only covers the registered AHIMS sites which may not include sites identified in NSW Local Government Aboriginal Cultural Heritage Mapping.

Business Arising from meeting held on 4 December 2015

A2. Dulguigan Quarry, Dulguigan

Jackie advised that she has spoken with Converge in relation to the Aboriginal Cultural Heritage Mapping Project not being referenced in its report. Converge advised that the Aboriginal Cultural Heritage Mapping Project was not referenced because it has not yet been adopted by Council and is not yet a public document. It was suggested that Converge could include a statement in any Cultural Heritage Reports in the Tweed Shire that it is aware that the Aboriginal Cultural Heritage Mapping Project is currently being undertaken.

Business Arising from meeting held on 4 December 2015

A5(c) Aboriginal Network Conference

Jackie noted that the walkway up to Joongurrabah (Razorback) has now been completed and reopened to the public.

Resumption of Agenda Item A1(b).

Agenda Items:

A1. Robert Appo (Tweed Shire Council)

(b) 2016 Local Government Aboriginal Network Conference - Potential Projects (Interpretative signage)

Robert provided an update and advised that Council is in the process of finalising the contract for the conference organiser.

Potential projects for interpretative signage were previously discussed and identified Joongurrabah (Razorback) and Doon Doon as potentially suitable locations. Robert advised that a site visit to Crams Farm, Doon Doon is being planned for the conference delegates.

Robert advised there is currently European interpretative signage at Crams Farm and it would be an appropriate site for Aboriginal interpretative signage given the important cultural landscape of the area.

Jackie advised that there is already interpretative signage at the top of Joongurrabah (Razorback) and the interpretative signage could be duplicated at the beginning of the walkway.

Gary advised that the Aboriginal interpretative signage at Budd Park is facing the River and therefore visitors could miss seeing it.

Moved: Jackie McDonald

Seconded: Aunty Joyce Summers

RECOMMENDATION that the Aboriginal Interpretative signage in Budd Park, Murwillumbah be repositioned to make it more visible in relation to the story.

*Action: Community Development Officer - Aboriginal to liaise with Senior Program Leader-Waterways, Natural Resource Management regarding repositioning of the interpretative signage at Budd Park to reflect the story being told.*

Moved: Leweena Williams

Seconded: Aunty Joyce Summers

RECOMMENDATION that prior to the Local Government Aboriginal Network Conference, Aboriginal interpretative signage be installed at the following locations:

1. the base of Joongurrabah (Razorback) replicating the Aboriginal interpretative signage at the top of the site; and
2. Crams Farm, Doon Doon.

*Action: Community Development Officer - Aboriginal to draft interpretative signage content for Doon Doon for consideration of the Aboriginal Advisory Committee.*

*Action: Community Development Officer - Aboriginal to liaise with Manager Recreation Services to arrange for duplication of the Joongurrabah (Razorback ) interpretative signage, and its erection at the base.*

(c) Opportunities for Aboriginal designs and artworks within Southern Cross University (SCU) building and Aboriginal acknowledgement at SCU building and Murwillumbah Civic Centre

Robert sought advice from the AAC as to the wording and design to be used as the Aboriginal acknowledgement at the SCU building and Murwillumbah Civic Centre. The AAC advised that Council's Aboriginal acknowledgement in Goori and English should be used.

Moved: Leweena Williams

Seconded: Desrae Rotumah

RECOMMENDATION that the wording to be used in Aboriginal acknowledgement signage at the new Tweed Council Administration building at Brett Street, Tweed Heads and the Murwillumbah Civic Centre is Council's Aboriginal acknowledgement in Goori and English.

Action: *Community Development Officer-Aboriginal to work with Unit Coordinator-Communications and Customer Service to develop the Aboriginal acknowledgement in Goori and English at the Tweed Council Administration building at Brett Street, Tweed Heads and the Murwillumbah Civic Centre.*

(d) Road Renaming - Altitude Aspire development

Robert advised that there are two mountain names available for the road renaming at Altitude Aspire development: 'Mount Tarrawyra' and 'Mount Wyberba' which are local mountains on the McPherson Ranges. 'Tarrawyra' is from the Bundjalung-Yugambeh dialect chain word 'darrau' meaning 'a stone'. 'Wyberba' is from the Bundjalung-Yugambeh dialect chain word 'wyburra' meaning 'fire or firewood'. After discussion, the AAC has selected the cultural name of 'darrau' with the phonetically correct spelling 'Darro'.

Moved: Joyce Summers

Seconded: Des Williams

RECOMMENDATION that the Aboriginal Advisory Committee recommends that 'Darro Road' be proposed for the road renaming at the Altitude Aspire development.

Ian Fox arrived at 11.18am

A2. Wollumbin Book project - Ian Fox

Ian advised that he is working on the Wollumbin Book project with the Tweed Regional Museum for the printing and publication of a book on the Aboriginal history of the Tweed.

Denise Galle arrived at 11.20am

Ian tabled a page listing the proposed headings/contents of the book. Ian advised that he has drafted the introduction and content and is encouraging the AAC members and Aboriginal community members to sit down with him and review the information and add their stories and information to assist in telling the story from a cultural perspective.

Ian advised he is working to a timeframe of August 2016 to have the draft finalised with an intention of publishing in time for NAIDOC Week 2017.

Ian encouraged AAC members to contact him and he will also be following up with them to arrange a time to meet, get their stories and progress the research.

Ian to liaise with Robert regarding his future attendance at the AAC meetings, to report on his progress with the project.

Action: *Community Development Officer-Aboriginal to liaise with Ian Fox re providing further updates to AAC meetings.*

Ian Fox left at 11.47am

Business suspended for Item A4(a).

Tim Robins, Kenneth Neff, Sam Prosser arrived at 11.54am

A4. Tim Robins (Everick)

(a) Wooyung Development - Kenneth Neff, Sam Prosser and Denise Galle (Tweed Shire Council)

Denise provided background information in relation to the Wooyung development and confirmed that Council has received a staged Development Application (DA) seeking approval for the staged development for a dwelling house and related works. The first stage for which Development Consent is sought is to define a dwelling house pad site. Concept approval is also sought for a second stage dwelling, access and tree removal.

Tim introduced Kenneth Neff and Sam Prosser who attended the meeting on behalf of the proponent.

Colleen Forbes arrived at 12.00pm

Kenneth provided background information of the original planning of the site which included a DA to erect a house closer towards the beach. A consultant, Peter Parker, Botanist conducted a study which determined that the least amount of impact both on the site environmentally and culturally is the current site identified in the DA, and has reduced the original footprint.

Tim tabled a plan showing that the separation gap between the dwelling and sensitive area is 40m and the separation gap between the dwelling and shell scatter is 100m. Denise requested that Everick provide a copy of the tabled plan to her and Tim advised it has been provided to Council.

Kenneth advised that the applicant is trying to preserve the building entitlement for the property by seeking the approval of the site pad for a house and a separate DA for the dwelling will be submitted at a later stage.

Denise reminded the AAC that when it makes a recommendation in relation to the house pad, the members must be comfortable with the possibility of a dwelling being erected on the site in the future. The AAC must consider whether it is comfortable with a house pad on this site given the proximity of the shell scatter and midden or whether anything be done to make the proximity more acceptable (eg. fencing).

The AAC agreed that it now has sufficient information to make a determination in relation to the DA.

Tim Robins, Kenneth Neff and Sam Prosser left the meeting at 12.28pm

A3. Dulguigan Quarry, Dulguigan - Phil Habgood (Converge) and Denise Galle (Tweed Shire Council)

Denise provided background information in relation to the S96 Modification Application to extend the existing Dulguigan Quarry site eastward and westward. Denise advised that Converge provided a draft Due Diligence report however it did not include a statement in relation to Converge being aware of the Aboriginal Cultural Heritage Mapping Project. Since the last AAC meeting, a site meeting has been held which was attended by Jackie and a site officer from TBLALC.

Phil Habgood arrived at 12.30pm

Phil advised that the Aboriginal Cultural Heritage Mapping was not referred to in the report because Converge signed a confidentiality agreement with Council and the mapping project is not yet a public document. After consultation with members of the AAC during a site visit, it was agreed that a reference be included and appears on page 2 of the Due Diligence report.

Phil advised that Jackie and a TBLALC site officer attended a site visit with Converge and viewed the areas proposed by the development. Onsite discussions were held regarding the potential pathway in traditional times and reasonable observation point. Converge believes any artefacts along the quarry would already have been destroyed. The majority of the proposed extension site contains regrowth but there are some older trees which may have had some scarring. It was agreed that those older trees (over 50cm diameter) will be assessed separately by the Aboriginal community. The trees are to be left in situ and not damaged. If any cultural scarring is identified, further consultation will occur with AAC and National Parks. Phil advised if there were any trees identified with cultural scarring or artefacts found they would need to be registered on AHIMS and an AHIP approval would be required before the development could proceed.

Jackie noted that the assessment of the trees could not be done at the time of the site inspection.

Denise advised that the AAC give consideration in their recommendation that if they wish for the trees to be assessed, this should be done before the application is determined by Council.

Phil asked whether the AAC would be happy for Converge to arrange for Ernie, TBLALC site officer to go out to the site and do an assessment of the trees. The AAC agreed that a TBLALC site officer should be engaged to assist with the assessment.

Denise asked that the assessment be done quickly so that the application can come back to the next AAC meeting as the application has been outstanding for some time.

Moved: Jackie McDonald

Seconded: Des Williams

RECOMMENDATION that the Aboriginal Advisory Committee requests a TBLALC site officer be engaged by Converge to assist with the assessment of larger trees in accordance with the recommendation in Converge's Report 4.1 for Dulguigan Quarry, Dulguigan,

Phil Habgood left the meeting at 12.49pm

Tim Robins, Reg van Rij, Dale Scotcher, Boyd Sargeant arrived at meeting at 12.51pm

A4. Tim Robins (Everick)

(b) Cobaki Lakes Project and Cobaki Cultural Heritage Parks - Reg van Rij (Development Manager, Leda), Dale Scotcher (Leda), Boyd Sargeant (Planit Consulting), and Colleen Forbes (Tweed Shire Council)

Tim advised that Boyd Sargeant of Planit Consulting, Reg van Rij and Dale Scotcher of Leda were attending today's meeting to discuss the cultural heritage parks at Cobaki Lakes.

Boyd tabled a set of concept plans showing the proposed cultural heritage parks at Cobaki Lakes in Precinct 8, developed following a planning workshop with registered Aboriginal stakeholders.

Boyd advised that following the comments from the workshop, the park has concept landscaping features over the particular area using local species and grasses. Boyd advised that by including native grasses it will deter people wanting to walk through the cultural heritage parks as agreed by the Aboriginal stakeholders. The proposal also includes:

- pathways
- interpretative elements of the place and significance of the place within the broader setting
- some of the existing vegetation will be kept where possible and replanting with the same vegetation where not possible
- a low raised boardwalk will be incorporated outside of the cultural heritage park area but will give the impression you are traversing over the space and connect back through to the next park
- public art elements or public structures will be included and it will be a clearly visible that there are areas landscaped in a certain way to deter people from wanting to be in there.

Colleen advised that Council will need to look at the concept plans to make sure they meet Council's maintenance requirements.

Colleen advised that there has been no final decision regarding both the ownership and long term maintenance of the cultural heritage parks. Everyone has probably made an assumption they are coming to Council but there has been no final decision.

Des advised that the TBLALC does not have the funds available to maintain the cultural heritage parks but would take ownership.

Jackie advised it is now 7½ years since Cobaki commenced and asked Reg about opportunities for training and employment opportunities for Aboriginal people. Reg advised he can't answer whether there are any opportunities for mechanical engineering as it is done by large companies and Leda only look after the earthworks machinery operation. Reg advised that he will investigate opportunities with Tim. Tim advised that opportunities for Aboriginal employment were recommended in the Aboriginal Cultural Heritage Plan of Management. Reg advised that there are potentially a lot of opportunities in the future as earthworks will be going on for the next 10-12 years.

Jackie advised Reg that the Aboriginal community would still like to do further research in relation to the sand ridge located within Precinct 8. The Aboriginal community still require funding to undertake the research. Reg advised that he will give consideration to the research and will get back to the AAC.

Reg van Rij, Dale Scotcher, Boyd Sargeant, left the meeting at 1.19pm  
Leweena Williams left at 1.24pm



(c) Avion Tourist Cabins, Pumpenbil development

Tim tabled the Cultural Heritage Assessment for Avion Tourist Cabins, which has been submitted to Council. Tim noted that the report includes a statement that it has not yet been endorsed by the AAC and that an acknowledgement of the Aboriginal Cultural Heritage Mapping Project and Bundjalung Mapping project has been included in Section 4.2.3.

Tim advised that there are a number of significant sites nearby and there is the potential for subsurface artefacts, the issue is in what density and will there be any harm as a result of the project.

Colleen advised that this DA was submitted to Council but was not accepted as further information is required under the LEP as there are specific regulations and requirements for ecotourism applications.

Tim is seeking from the AAC a reasonable course of action for this project and in his opinion ground disturbance won't be any different to normal use of the property. Tim noted there will be some ground disturbance for the footings however this will be minimal.

Robert advised that this site is likely to be mapped in the Cultural Heritage Mapping Project as there are many significant registered sites in close proximity.

The AAC advised that it wishes to consider the Cultural Heritage Assessment Report before providing any resolution.

Colleen advised that in accordance with Council's protocol, the Aboriginal Cultural Heritage Mapping Project cannot be accessed until the DA has been received.

(d) Jones Road, Wooyung

Tim advised that this project is in the Byron Shire so the item was withdrawn from the AAC Agenda.

(e) Winchelsea Way, Terranora

Tim advised that Everick has not yet been formally engaged so the item was withdrawn from the AAC Agenda.

Tim Robins left the meeting at 1.50pm

(b) Cobaki Lakes Project and Cobaki Cultural Heritage Parks

Robert advised that there are discussions within Council regarding the cultural heritage parks being incorporated into the open space areas which may have implications for ongoing maintenance and ownership of the sites.

Colleen advised that the Development Assessment Planners will assess the concept plans once they are submitted to Council.

Colleen advised that Council's main area of concern would be the ongoing maintenance of the parks both from a financial and management perspective.

General Business:

GB1. Aboriginal Cultural Heritage Mapping Project

Tracey advised that the Aboriginal Cultural Heritage Mapping Project requires resolution. Robert advised that Robyn Eisermann was to come to today's meeting but the Agenda was too full so the item has been deferred to the next meeting.

Tracey Stinson left the meeting at 2.04pm

A4(a) Wooyung Development

Discussion in relation to the Wooyung development.

Moved: Des Williams

Seconded: Aunty Joyce Summers

RECOMMENDATION that in light of the site constraints of the Wooyung development site at Lot 1 DP 408972 Wooyung Road, Wooyung, the Aboriginal Advisory Committee has no objection to the location of the proposed house site.

Carried

Vote For: 4

Vote Against: 1

Incoming Correspondence:

IC1. Letter from Tennis Terranora received 29 January 2016

Robert tabled the letter from Tennis Terranora received on 29 January 2016 inviting the AAC to attend the official opening on 14 February 2016 and requesting a 'Welcome to Country' speaker.

Moved: Des Williams

Seconded: Aunty Joyce Summers

RESOLVED that Jackie McDonald will attend the Tennis Terranora official opening on 14 February 2016 on behalf of the Aboriginal Advisory Committee and will perform the 'Welcome to Country'.

A4(b) Cobaki Lakes Project and Cobaki Cultural Heritage Parks

The members of the AAC provided in principle support to the landscaping concept plans associated with the Cobaki Cultural Heritage Parks within Precinct 8, subject to further detail and consultation with the registered Aboriginal stakeholders.

Colleen Forbes left the meeting at 2.48pm.

Outgoing Correspondence:

Nil.

Next Meeting:

The next meeting of the Aboriginal Advisory Committee will be held Friday 4 March 2016.

The meeting closed at 2.50pm.

**EXECUTIVE MANAGEMENT TEAM'S COMMENTS:**

**A3. Wooyung Development**

*Nil.*

**A1. Robert Appo (Tweed Shire Council)**

**(b) 2016 Local Government Aboriginal Network Conference - Potential Projects**

*Nil.*

**(c) Opportunities for Aboriginal designs and artworks within Southern Cross University (SCU) building and Aboriginal acknowledgement at SCU building and Murwillumbah Civic Centre**

*Nil.*

**(d) Road Renaming - Altitude Aspire development**

*Nil.*

**A3. Dulguigan Quarry, Dulguigan - Phil Habgood (Converge) and Denise Galle (Tweed Shire Council)**

*Nil.*

**A4(a) Wooyung Development**

*Nil.*

**EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:**

**A3. Wooyung Development**

***That the Aboriginal Advisory Committee requests Council to write to State Government and stress its concern that the current 10/50 Vegetation Clearing Code of Practice of NSW only covers the registered AHIMS sites which may not include sites identified in NSW Local Government Aboriginal Cultural Heritage Mapping.***

**A1. Robert Appo (Tweed Shire Council)**

**(b) 2016 Local Government Aboriginal Network Conference - Potential Projects**

***That the Aboriginal Interpretative signage in Budd Park, Murwillumbah be repositioned to make it more visible in relation to the story.***

***That prior to the Local Government Aboriginal Network Conference, Aboriginal interpretative signage be installed at the following locations:***

- 1. The base of Joongurrabah (Razorback) replicating the Aboriginal interpretative signage at the top of the site; and***

**2. Crams Farm, Doon Doon.**

- (c) Opportunities for Aboriginal designs and artworks within Southern Cross University (SCU) building and Aboriginal acknowledgement at SCU building and Murwillumbah Civic Centre

*That the wording to be used in Aboriginal acknowledgement signage at the new Tweed Council Administration building at Brett Street, Tweed Heads and the Murwillumbah Civic Centre is Council's Aboriginal acknowledgement in Goori and English.*

- (d) Road Renaming - Altitude Aspire development

*That the Aboriginal Advisory Committee recommends that 'Darro Road' be proposed for the road renaming at the Altitude Aspire development.*

- A3. Dulguigan Quarry, Dulguigan - Phil Habgood (Converge) and Denise Galle (Tweed Shire Council)

*That the Aboriginal Advisory Committee requests a TBLALC site officer be engaged by Converge to assist with the assessment of larger trees in accordance with the recommendation in Converge's Report 4.1 for Dulguigan Quarry, Dulguigan.*

**A4(a) Wooyung Development**

*That in light of the site constraints of the Wooyung development site at Lot 1 DP 408972 Wooyung Road, Wooyung, the Aboriginal Advisory Committee has no objection to the location of the proposed house site.*

**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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**39 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held Monday 8 February 2016**

**SUBMITTED BY: Recreation Services**

Valid



## Supporting Community Life

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

- 2 Supporting Community Life
  - 2.3 Provide well serviced neighbourhoods
  - 2.3.6 Provide conveniently placed and well equipped parks, sporting, recreational, cultural and community facilities
- 

### **SUMMARY OF REPORT:**

The Minutes of the Sports Advisory Committee Meeting held Monday 8 February 2016 are reproduced in the body of this report for the information of Councillors.

### **RECOMMENDATION:**

**That the Minutes of the Sports Advisory Committee Meeting held Monday 8 February 2016 be received and noted.**

**REPORT:**

The Minutes of the Sports Advisory Committee Meeting held Monday 8 February 2016 are reproduced as follows for the information of Councillors.

Venue:

Banora Point Community Hall

Time:

5.00pm

Present:

Merve Edwards; Bruce Campbell, Gillian Austin, Rob Nienhuis, Cr Warren Polglase, Cr Phil Youngblutt, Stewart Brawley.

Apologies:

Leigh Tynan, Barry Bennet, Helen Rigney.

Minutes of Previous Meeting:

Moved: Warren Polglase

Seconded: Merve Edwards

RESOLVED that the Minutes of the Sports Advisory Committee meeting held Friday 9 December 2016 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

Nil.

Agenda Items:

Arkinstall Park Tennis Management

Council resolved to award the contract for the management of Arkinstall Park Tennis Complex to Pro-One Tennis Academy. While there is still some unrest at the facility with the Tweed Heads Tennis Club and existing coaches, it is anticipated that once the new management takes control the facility will be managed in a professional manner.

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Council officer presentation on Committee

Stewart Brawley has been seconded to project manage the Kingscliff Foreshore Revitalisation project for a period of 2 to 3 years. The role of Manager Recreation Services will be backfilled for this period, so future committee meetings will have alternate Council officer representation.

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Koala Beach Sports Building

The Koala Beach Sports Field building has presented significant issues with sewer and water connections due to the subsidence of the pad on which it was built. The slab itself is constructed with deep pier footings and so the building is stable but the subsiding fill damages sewer and water infrastructure. Currently a temporary onsite toilet is being

provided and Council is exploring options to reconnect facilities within the building on a more permanent basis.

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#### Assets Reserves Fund Application – Tweed Border Hockey Association

Tweed Border Hockey Association (TBHA) lodged an application through the Assets Reserves Fund for an outdoor digital scoreboard including the provision and installation of power to the scoreboard and to the existing dugouts. Tweed Border Hockey Association will be hosting the Queensland under 18 Men's State Hockey Championship and the Pan Pacific Masters hockey games in 2016 and the scoreboard is essential for both of these events and also future events.

Total project cost \$17,890

Cash provided by TBHA \$11,890

Grant request \$6,000

Decision - The committee unanimously approved the request from Tweed Border Hockey Association for a grant of \$6,000 towards the provision and installation of digital scoreboard and provision of power to the board and existing dugouts.

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#### General Business:

Gillian enquired about the status of Kingscliff Sports Fields Master Plan. The funding application for implementation for the initial stages of the plan was unsuccessful as the project planning needs to be more advanced. Council has forwarded a request for information from each of the stakeholder sports from which a design brief can be developed to engage a local architect to prepare detailed designs. To date only one sport has responded.

Linton Alford advised that the door on the light box associated with the Tennis Courts has been broken for four to five weeks. Work request logged.

Bruce Campbell enquired about provision of sports fields associated with the Southern Cross University Building adjacent to the airport. Councillor Polglase advised that the University is in negotiations with Leda with a proposal to develop a campus in Cobaki development. This proposal locates the campus next to proposed public sports fields where the use of the sports fields by the University will be negotiated with Council should this eventuate.

#### Next Meeting:

The next meeting of the Sports Advisory Committee will be held 11 April 2016.

The meeting closed at 6.00pm.

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**EXECUTIVE MANAGEMENT TEAM'S COMMENTS:**

Nil.

**EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:**

Nil.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice.

Terms of Reference - adopted 21 August 2012 (ECM2846627).

**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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**40 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 10 February 2016**

**SUBMITTED BY: Natural Resource Management**

Valid



## **Caring for the Environment**

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

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

---

### **SUMMARY OF REPORT:**

The Minutes of the Tweed River Committee Meeting held Wednesday 10 February 2016 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 10 February 2016 be received and noted; and**
- 2. The Executive Management Team's recommendations be adopted as follows:**

**A2. Coastal Management Program (CMP) for the Tweed Estuary**

***That Council commences a scoping study for the preparation of the Tweed River Estuary Coastal Management Program.***

**The Executive Management Team notes Council was successful in its grant request to the State Government, with the announcement on Wednesday 2 March 2016 of 50% funding, being \$97,500 towards the development of the Plan.**

**REPORT:**

The Minutes of the Tweed River Committee Meeting held Wednesday 10 February 2016 are reproduced as follows for the information of Councillors.

Venue:

Canvas & Kettle Meeting Room

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); Max Boyd (Community Representative); Bob Modystack (Community Representative); Lindy Smith (Community Representative); Eddie Norris (Community Representative); Tracey Stinson, Jane Lofthouse, Tom Alletson, Matt Lee, Mark Kingston (Tweed Shire Council).

Informal:

Cathey Philip (Minutes Secretary).

Apologies:

Cr Katie Milne; Cr Gary Bagnall; Pat Dwyer (Department of Primary Industries - Fisheries NSW); Robert Quirk (NSW Cane Growers' Association); Scott Hetherington (Tweed Shire Council).

Not in Attendance:

Sam Dawson (Caldera Environment Centre); Carl Cormack (Roads and Maritime Services).

Minutes of Previous Meeting:

Moved: Max Boyd

Seconded: Scott Petersen

RESOLVED that the Minutes of the Tweed River Committee meeting held Wednesday 9 December 2015 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

BA1. Workshops for Contractors on Waterway Environment Regulations and Best Practice

Tom advised that no action has been taken to arrange workshops as yet, however that he was following it up with DPI Fisheries and the commitment to proceed has been made. Claire requested that private landholders be included in workshops and Tom responded that both landholders and contractors will be requested to attend. Tom and Pat will determine if there should be separate or combined workshops for contractors and private landowners.

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Agenda Items:

A1. Waterways Facility Upgrade Program - Implementing Eight NSW Government Boating Now Projects

Matt Lee (Council's Project Officer - Coastal) gave a presentation on the status of the Boating Now projects, which would deliver eight upgraded boating facilities before the end of 2017.

*Tracey attended at 9.35am*

There was general discussion about waterways infrastructure and how facilities will be maintained, in particular the costs associated with managing a growing number of more substantial assets.

It was suggested that an article be placed in the Tweed Link which includes ratepayer contributions towards the upkeep of pontoons.

*Mark Kingston attended at 10.00am*

A2. Coastal Management Program (CMP) for the Tweed Estuary

Tom provided an update on the package of coastal legislation reforms being implemented by the NSW Government and how the reforms will influence preparation of a new management plan for the Tweed River estuary. Council has received a grant of \$97,500 to prepare a coastal management program for the river and will be doing so in accordance with the new draft guidelines prepared by the NSW Office of Environment and Heritage (OEH).

It was noted that a requirement of the new system of preparing a river management program was to prepare a scoping report that addressed matters such as existing management arrangements and plans for stakeholder engagement. This step leads to the development of a project consultant brief, which then needs to be submitted with tendered costs to OEH. It was proposed that this component of the project would be undertaken by Council, with the objective of presenting a draft consultant brief to the Committee at the April meeting.

*Eddie attended at 10.10am*

RECOMMENDATION:

Moved: Scott Petersen

Seconded: Lindy Smith

That Council commences a scoping study for the preparation of the Tweed River Estuary Coastal Management Program.

Ben abstained from voting.

Lindy noted her appreciation of the coastal reforms process, in particular the effort being made by OEH in the community consultation process.

*Matt left at 10.20am*

A3. E-zone Review Outcomes

Mark Kingston provided an in depth update on the E-zone review outcomes. Mark's presentation is available as a PowerPoint file if it is required.

General discussion with various questions from members.

*Tracey & Scott left at 11.10am*

*Mark left at 11.15am*

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General Business:

GB1. Cobaki Broadwater Foreshore Management Memorandum of Understanding

Lindy referred to the Memorandum of Understanding (MoU) developed in 2007 for integrated management of environmental values of the Cobaki Broadwater.

It was advised by Tom that the MoU was signed by a small number of the parties involved in its development, but in practice it had not been implemented nor was it still considered to be a live document or agreement.

Lindy advised that the MoU had been included as an appendix in the Coolangatta Creek Catchment Management Plan.

Discussion on the nomination of land at Cobaki being declared a Ramsar wetlands site.

*Eddie left at 11.30am*

Moved: Claire Masters

Seconded: Bob Modystack

RESOLVED that the Committee provides in principle support for the nomination of Cobaki and Terranora Broadwater as a Ramsar Wetlands site and provides support in the preparation of the nomination.

GB2. Tilapia

It was noted that a newspaper item had been referred to staff by the Mayor, Cr Milne, highlighting the capture of Tilapia in estuarine portions of some Gold Coast canals.

GB3. Draft Coastal Sands Groundwater Plans

The DPI Office of Water's Draft Coastal Sands Groundwater Plan was raised as an important process for water resources in the Tweed Shire. Concerns were expressed by Claire and Rhonda that the amount of water identified for potential extraction was significantly increased over existing levels.

Tom advised that Council's Water & Wastewater Unit has provided a submission on the plan, however that he had not undertaken a comprehensive review or made a submission.

GB4. Jack Evans Boat Harbour - Commercial Ferry Wharf Proposal

Bob advised the Committee of the potential opportunity to run a ferry service up the river from Jack Evans Boat Harbour to Murwillumbah and the need and potential location of a pontoon to activate such an opportunity. This recommended site would be near the

stormwater outlet in Jack Evans Boat Harbour, with access requiring some dredging. Tom noted that the estimated cost of such a facility would be approximately \$200,000.

Claire noted that a solar ferry and use of renewable energy would be sustainable and could be a tourist drawcard.

There was general enthusiasm for the idea however it was recognised that many details would need to be resolved before any concept could be endorsed.

**GB5. Classic Boat Regatta**

Bob advised that the Ivory Hotel at Tweed Heads has agreed to hold the Regatta in 2016.

**GB6. Tweed River Festival**

Jane advised that Tumbulgum Village is celebrating its 150 years this year and has requested the Tweed River Festival be held at Tumbulgum 12 and 13 November.

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**Next Meeting:**

The next meeting of the Tweed River Committee will be held Wednesday 13 April 2016.

The meeting closed at 12.25pm.

**EXECUTIVE MANAGEMENT TEAM'S COMMENTS:**

Nil.

**EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:**

**A2. Coastal Management Program (CMP) for the Tweed Estuary**

*That Council commences a scoping study for the preparation of the Tweed River Estuary Coastal Management Program.*

**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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**41 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 11 February 2016**

**SUBMITTED BY: Roads and Stormwater**

Valid



## Supporting Community Life

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### SUMMARY OF REPORT:

The Minutes of the Local Traffic Committee Meeting held Thursday 11 February 2016 are reproduced in the body of this report for the information of Councillors.

### RECOMMENDATION:

**That:**

- 1. The Minutes of the Local Traffic Committee Meeting held Thursday 11 February 2016 be received and noted; and**
- 2. The Executive Management Team's recommendations be adopted as follows:**

**A1. Hogans Road and Cranneys Road, Upper Duroby**

***That linemarking be installed at the intersection of Hogans Road and Cranneys Road, Upper Duroby to indicate that Hogans Road has priority.***

**A2. Frances Street, Tweed Heads - St Joseph's Primary School**

***That the existing "No Parking 2:30pm to 4pm" sign on Frances Street between Enid Street and Beryl Street, Tweed Heads be modified to "No Parking 8am to 9:30am and 2:30pm to 4pm School Days".***

**REPORT:**

The Minutes of the Local Traffic Committee Meeting held Thursday 11 February 2016 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 Joshua Buckham, Roads and Maritime Services of NSW, Mr Rod Bates on behalf of Mr Geoff Provest MP, Member for Tweed, Mr Col Brooks on behalf of Mr Thomas George MP, Member for Lismore.

Informal: Mr Ray Clark (Chairman), Ms Alana Brooks, Ms Linda Cooper (Minutes Secretary).

**APOLOGIES:**

Mr Geoff Provest MP, Member for Tweed, Mr Thomas George MP, Member for Lismore, Snr Constable Tony Darby, NSW Police, Mr Nick Tzannes, Ms Judith Finch (Minutes Secretary)

**CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

MIN1 [LTC] Confirmation of Previous Minutes - Meeting held 17 December 2015

RESOLVED that the Minutes of the Local Traffic Committee Meeting held 17 December 2015 be adopted as a true and accurate record of proceedings of that meeting.

*FOR VOTE - Unanimous*

**SCHEDULE OF OUTSTANDING RESOLUTIONS**

SCH1 [LTC-SOR] Schedule of Outstanding Resolutions - 11 February 2016

From Meeting held 23 July 2015

1. [LTC] Machinery Drive / Minjungbal Drive, Tweed Heads South (Item B3)

**ORIGIN:**

Roads & Stormwater

FILE NO: ECM 3721485; Traffic - Committee; Traffic - Local Area Traffic Management; Traffic - Pedestrian Crossings; Machinery Drive; Minjungbal Drive

**SUMMARY OF REPORT:**

*Request received in relation to the pedestrian crossing at the intersection of Minjungbal Drive (southbound) and Machinery Drive.*

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*"There are many elderly residents living in that area that use this crossing.*

*Once the traffic on Minjungbal Drive gets the green light, the pedestrian lights across the intersection are activated if required. The problem experienced is that the left turn from Minjungbal Drive is not delayed if there are pedestrians on the crossing and drivers are not giving way to the mainly elderly pedestrians crossing at that point. I have attached a diagram that more simply explains the problem with the red arrow indicating pedestrians and the yellow indicating traffic flow.*

*A similar problem on the southern crossing at the same intersection was addressed when motorists performing a left turn out of the shopping centre briefly faced a red arrow to allow pedestrians to begin crossing. This appeared to increase awareness of pedestrian activity by drivers.*

*Could consideration be given to a similar arrangement on this particular crossing?"*

**COMMITTEE ADVICE:**

*That the RMS be requested to review the signal operation on Minjungbal Drive at Machinery Drive to improve pedestrian movements.*

From Meeting held 27 August 2015:

*The RMS Representative advised that RMS is considering delaying the left turn phase into Machinery Drive from Minjungbal Drive. Further advice will be provided once analysis is complete.*

From Meeting held 24 September 2015:

*The RMS Representative requested peak pedestrian traffic counts.*

Current Status: This item to remain on the Schedule of Outstanding resolutions from Local Traffic Committee meeting held 19 November 2015.

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 23 July 2015.)

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**BUSINESS ARISING**

Nil.

**A. FORMAL ITEMS SECTION**

**DELEGATIONS FOR REGULATORY DEVICES - MURWILLUMBAH**

Nil.

DELEGATIONS FOR REGULATORY DEVICES - TWEED HEADS

A1 [LTC] Hogans Road and Cranneys Road, Upper Duroby

ORIGIN:  
Roads & Stormwater

FILE NO: SGN15/0148; Traffic - Committee; Traffic - Safety; Traffic - Signals

SUMMARY OF REPORT:

A request has been received to review the intersection of Hogans Road and Cranneys Road, Upper Duroby and consider line marking or signage to improve safety.

A five year crash history review has identified one non-casualty crash on Hogans Road near the intersection. This was a single vehicle crash where the driver lost control on the curve.

Proposed linemarking layout will be submitted at the meeting.

COMMITTEE ADVICE:

That a proposed linemarking plan will be submitted to the Committee for comment.

RECOMMENDATION TO COUNCIL:

That linemarking be installed at the intersection of Hogans Road and Cranneys Road, Upper Duroby to indicate that Hogans Road has priority.

*FOR VOTE - Cr Barry Longland, Mr Joshua Buckham, Roads and Maritime Services, Mr Rod Bates - on behalf of Member for Tweed*

A2 [LTC] Frances Street, Tweed Heads - St Joseph's Primary School

ORIGIN:  
Roads & Stormwater

FILE NO: ECM 3933107; Traffic - Committee; School - St Joseph's - Tweed Heads; Traffic - School Zones; Traffic - Parking Zones; Enid Street; Frances Street, Beryl Street, Tweed Heads

SUMMARY OF REPORT:

Advice received that the existing signs on Frances Street adjacent to the St Joseph's Primary School do not adequately cater to the parents that wish to drop off their children in the morning. There are also concerns that construction traffic associated with the new police station will spill onto Frances Street.

The request is that the existing "No Parking 2:30pm to 4pm" sign on Frances Street between Enid Street and Beryl Street be modified to "No Parking 8am to 9:30am and 2:30pm to 4pm School Days".

COMMITTEE ADVICE:

That the existing “No Parking 2:30pm to 4pm” sign on Frances Street between Enid Street and Beryl Street be modified to “No Parking 8am to 9:30am and 2:30pm to 4pm School Days”.

RECOMMENDATION TO COUNCIL:

That the existing “No Parking 2:30pm to 4pm” sign on Frances Street between Enid Street and Beryl Street, Tweed Heads be modified to “No Parking 8am to 9:30am and 2:30pm to 4pm School Days”.

*FOR VOTE - Cr Barry Longland, Mr Joshua Buckham, Roads and Maritime Services, Mr Rod Bates - on behalf of Member for Tweed*

B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE - MURWILLUMBAH

B1 [LTC] Ride for Rural Mental Health Research - 3 to 6 May 2016

ORIGIN:

Roads & Stormwater

FILE NO: ECM 3930599; Traffic – Committee; Bicycle Matters – General; Kyogle Road; Riverview Street; Condong Street; Nullum Street; Wollumbin Street; Commercial Street; Tumbulgum Road

SUMMARY OF REPORT:

An event management plan and route information has been received for a cycling event to be held from 3 to 6 May 2016 from Tenterfield. The riders will arrive in Murwillumbah on 6 May to conclude their event. A Council officer will contact the event organiser to determine the scale of the event and whether further community consultation is required.

Rider ahead signage will be provided on a lead vehicle in front of the riders and a rider ahead sign mounted on a vehicle behind the last cyclist. No road closures have been requested.

COMMITTEE ADVICE:

That:

1. Council has no objections to conduct the Ride for Rural Mental Health Research event, subject to any required Police and Roads and Maritime Services (RMS) approvals.
2. The Ride for Rural Mental Health Research event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and

times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.

**B2 [LTC] Marshall Street and Kyogle Road, Uki**

**ORIGIN:**  
Roads & Stormwater

**FILE NO:** ECM 3941534; Traffic - Committee; Traffic - Parking Zones; Traffic - Safety; Marshall Street; Kyogle Road

**SUMMARY OF REPORT:**

Request received for installation of mirror on opposite curve to intersection of Marshall Street and Kyogle Road, Uki. The customer has also requested a "no parking" zone on Kyogle Road.

A site inspection was conducted by Council officers. The installation of a continuity line on Kyogle Road would encourage motorists into a better position to enhance sight distance in both directions.

**COMMITTEE ADVICE:**

That:

1. A continuity line be installed on Kyogle Road at the Marshall Street intersection.
2. Improved signage to the west of the Kyogle Road and Marshall Street intersection be installed.

**GENERAL TRAFFIC ADVICE - TWEED HEADS**

**B3 [LTC] Casuarina Way, Kingscliff**

**ORIGIN:**  
Roads & Stormwater

**FILE NO:** ECM 3923491; Traffic - Committee; Traffic - Safety; Traffic - Speed Zones; Linemarking; Casuarina Way, Kingscliff

**SUMMARY OF REPORT:**

Request received in relation to the intersection of Casuarina Way with Oasis Way. It is reported that a number of accidents have been advised where the road goes around a slight bend and narrows quite considerably. It is also reported that when vehicles are parked on the side of the road it is impossible for large vehicles, trucks and buses to get past without crossing the double lines.

Speeding issues have also been reported on Casuarina Way, which is a 50km/hr zone.

Several inspections of the site have been undertaken by Council officers and no vehicles have been observed to park within three metres of the unbroken centre lines.

COMMITTEE ADVICE:

That the intersection of Casuarina Way and Oasis Way, Casuarina continue to be monitored and any further requests for prohibitive signage be brought to the attention of the Committee.

B4 [LTC] Terranora Road, Terranora

ORIGIN:  
Roads & Stormwater

FILE NO: ECM 3902801; 3931302; 3936119; 3937899; Traffic - Committee; Traffic - Safety; Bicycle Matters - General; Terranora Road

SUMMARY OF REPORT:

Request received in relation to cyclists using Terranora Road, where it has been reported that drivers are finding it difficult to overtake safely, due to blind corners.

There are existing cyclists warning signs and stencils on Terranora Road, however these could be improved and upgraded following the example of Gold Coast City Council, where yellow stencils are applied to the centre of the road. The most recent five year crash history revealed one crash involving a cyclist which did not involve another road user, however the road is reportedly used by cyclists by various cycling clubs. Council currently consults with a Bicycle User Group regularly and advice could be sought upon placement of any proposed stencil placement.

COMMITTEE ADVICE:

That subject to consultation with stakeholder groups, Council installs standard cyclists warning signs as per the Roads and Maritime Services Guidelines on Terranora Road.

B5 [LTC] Coronation Avenue and Pottsville Road, Pottsville

ORIGIN:  
Roads & Stormwater

FILE NO: ECM 3941423; ROA11; Traffic - Committee; Traffic - Safety; Roads - Repair Program; Fauna Protection; Coronation Avenue; Pottsville Road

SUMMARY OF REPORT:

Email received from Ray Clark:

*"Coronation Ave/Pottsville Road has been designated for an upgrade to meet Tweed Shire Council's urban standard to link the Seabreeze housing estate with the CBD. Full road reconstruction will be done to improve condition and enhance longevity of road surface.*

*Kerb and gutter to both sides of road and road widening to increase safety for higher vehicle numbers.*

*A slow point of blisters and a central island as well as pavement printing and signage will be installed to reduce speed through this stretch of road that will result in an increase of safety for road users as well as wildlife.*

*Currently programmed for construction in March 2016.*

*The Plans are submitted to the Local Traffic Committee for its information."*

COMMITTEE ADVICE:

The Committee had no concerns with the proposed roadworks on Coronation Avenue, Pottsville.

B6 [LTC] Pedestrian Infrastructure Around Schools - State Government Funding

ORIGIN:

Roads & Stormwater

FILE NO: ECM 3905332; Pedestrian Crossings; Pedestrian - Safety; Traffic - School Zones; Government Grant - Roads and Road Safety Projects

SUMMARY OF REPORT:

Roads and Maritime Services is seeking the assistance of Councils in developing and delivering the Pedestrian Safety Program for Pedestrian Infrastructure around Schools.

The available treatments under this program are:

- Marked foot crossings (zebra crossings) - if warrants are met
- Wombat crossings (raised zebra crossings) - if warrants are met
- Kerb blisters
- Pedestrian refuges
- Pedestrian fencing
- Improved signs/line marking for crossing facilities or school drop-off/pick up zones.

Roads and Maritime Services are proposing the following administration and approval process for this important road safety initiative:

- Letters will be sent to all schools in NSW by the end of January 2016, inviting them to contact their local council by Friday 26 February 2016 with locations to be considered.
- Council is requested to submit proposals for treatments which may not have been identified by a school. Councils should consult with the school prior to making any nominations to Roads and Maritime Services.
- Council will be allowed to nominate up to 10 locations from within their Local Government Area for this program.
- Where a school's identified location is supported by council, council will submit a project nomination and supporting documentation to Roads and Maritime Services.

- Nominations from council are to be received by Roads and Maritime Services by Friday 8 April 2016 and must be submitted by email to [SaferRoadsNSW@rms.nsw.gov.au](mailto:SaferRoadsNSW@rms.nsw.gov.au).

**COMMITTEE ADVICE:**

The Committee noted the information provided by Roads and Maritime Services and members are to forward any sites for consideration under the program.

**NEXT MEETING:**

The next meeting of the Local Traffic Committee will be held on Thursday 10 March in the Mt Warning Meeting Room commencing at 10.00am.

There being no further business the Meeting terminated at 11.20am.

**EXECUTIVE MANAGEMENT TEAM COMMENTS:**

**A1. Hogans Road and Cranneys Road, Upper Duroby**

*Nil.*

**A2. Frances Street, Tweed Heads - St Joseph's Primary School**

*Nil.*

**EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:**

**SECTION A - FORMAL ITEMS SECTION - DELEGATIONS FOR REGULATORY DEVICES FOR ENDORSEMENT BY COUNCIL:**

**A1. Hogans Road and Cranneys Road, Upper Duroby**

*That linemarking be installed at the intersection of Hogans Road and Cranneys Road, Upper Duroby to indicate that Hogans Road has priority.*

**A2. Frances Street, Tweed Heads - St Joseph's Primary School**

*That the existing "No Parking 2:30pm to 4pm" sign on Frances Street between Enid Street and Beryl Street, Tweed Heads be modified to "No Parking 8am to 9:30am and 2:30pm to 4pm School Days".*

**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 COMMUNITY AND NATURAL RESOURCES IN COMMITTEE**

**C1 [CNR-CM] Proposed Extension of Contract EC2012-291 - Transport and Disposal of Waste**

**REASON FOR CONFIDENTIALITY:**

**Local Government Act**

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

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

Valid



**Supporting Community Life**

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

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

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## REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

### C2 [E-CM] Disposal of Council Land - Lot 5 DP 1178620, Kyogle Road, Terragon

#### REASON FOR CONFIDENTIALITY:

This report discusses commercial negotiations which should remain confidential between the parties.

#### Local Government Act

This attachment is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (a) personnel matters concerning particular individuals (other than councillors).

Valid



## Civic Leadership

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

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