

Mayor: Cr K Milne

Councillors: P Allsop
R Byrnes (Deputy Mayor)
C Cherry
R Cooper
J Owen
W Polglase

Agenda

Ordinary Council Meeting Thursday 16 November 2017

held at
**Harvard Room, Tweed Heads Administration Building,
Brett Street, Tweed Heads**
commencing at 5.30pm

Principles for Local Government

The object of the principles for Tweed Shire Council, as set out in Section 8 of the Local Government Amendment (Governance and Planning) Bill 2016, is to provide guidance to enable council to carry out its functions in a way that facilitates a local community that is strong, healthy and prosperous.

Guiding Principles for Tweed Shire Council

(1) Exercise of functions generally

The following general principles apply to the exercise of functions by Tweed Shire Council:

- (a) Provide strong and effective representation, leadership, planning and decision-making.
- (b) Carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Work with others to secure appropriate services for local community needs.
- (h) Act fairly, ethically and without bias in the interests of the local community.
- (i) Be responsible employers and provide a consultative and supportive working environment for staff.

(2) Decision-making

The following principles apply to decision-making by Tweed Shire Council (subject to any other applicable law):

- (a) Recognise diverse local community needs and interests.
- (b) Consider social justice principles.
- (c) Consider the long term and cumulative effects of actions on future generations.
- (d) Consider the principles of ecologically sustainable development.
- (e) Decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

(3) Community participation

Council should actively engage with the local community, through the use of the integrated planning and reporting framework and other measures.

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CONFIRMATION OF MINUTES

- 1 **[CONMIN-CM] Confirmation of Minutes of Ordinary and Confidential Council Meeting held Thursday 26 October 2017**

SUBMITTED BY: Corporate Governance



Making decisions with you
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LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Making decisions with you
2.2 Engagement
2.2.4 Councillor and Civic Business - To provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE: **Leader**

The Minutes of the Ordinary and Confidential Council Meeting held Thursday 26 October 2017 are attached for information and adoption by Council.

RECOMMENDATION:

That:

1. **The Minutes of the Ordinary and Confidential Council Meetings held Thursday 26 October 2017 be adopted as a true and accurate record of proceedings of that meeting.**
2. **ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
 - (f) **matters affecting the security of the council, councillors, council staff or council property.**

REPORT:

As per Summary.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

Attachment 1	Minutes of the Ordinary Council Meeting held Thursday 26 October 2017 (ECM 4857339).
<i>(Confidential)</i> Attachment 2	Minutes of the Confidential Council Meeting held Thursday 26 October 2017 (ECM 4857185).

2 [CONMIN-CM] Confirmation of Minutes of Ordinary Council Meeting held Thursday 2 November 2017

SUBMITTED BY: Corporate Governance

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LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Making decisions with you
- 2.2 Engagement
- 2.2.4 Councillor and Civic Business - To provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE: **Leader**

The Minutes of the Ordinary and Confidential Council Meeting held Thursday 2 November 2017 are attached for information and adoption by Council.

RECOMMENDATION:

That:

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

REPORT:

As per Summary.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

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:

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Attachment 1	Minutes of the Ordinary Council Meeting held Thursday 2 November 2017 (ECM 4872592).
(Confidential) Attachment 2	Minutes of the Confidential Council Meeting held Thursday 2 November 2017 (ECM 4872396).

SCHEDULE OF OUTSTANDING RESOLUTIONS

3 [SOR-CM] Schedule of Outstanding Resolutions as at 16 November 2017

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LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Making decisions with you
2.2	Engagement
2.2.4	Councillor and Civic Business - To provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE: **Leader**

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.

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.

Unfortunately this investigation has been postponed due the impact of the March flood event.

15 SEPTEMBER 2016

REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

C1 [GM-CM] Murwillumbah Railway Station

C 29

That Council:

1. Authorises the General Manager to enter into lease negotiations for the Murwillumbah Railway Station.
2. A report be bought back to a future Council meeting which includes the terms and conditions of the future potential lease.

Current Status: Council previously entered into a short term licence for the occupation of the Railway Station which has now expired and is now occupied on a month to month basis.

18 MAY 2017

ORDERS OF THE DAY

37 [NOM] Tweed Shire Housing Opportunities

222

**Cr K Milne
Cr C Cherry**

RESOLVED that Council brings forward a report on options to address the lack of social and affordable housing in Tweed Shire particularly the post flood housing issues and opportunities, including but not limited to requirements for new developments.

This report should include immediate, short term and long term options, and areas where Council can lobby State and Federal Government and arrange high level meetings with government representatives.

Current Status: A consultant has now been engaged to prepare a report and to consult with Council and the community and to investigate and provide recommendations on preferred strategies for addressing affordable and social housing in Tweed Shire. Council Workshop was held on 19 October 2017.

20 JULY 2017

REPORTS FROM THE GENERAL MANAGER

15 [GM-CM] Development Controls Surrounding the Murwillumbah Airfield

311

**Cr K Milne
Cr C Cherry**

RESOLVED that:

1. The Planning Proposal for Bob Whittle Murwillumbah Airfield be prepared and submitted to the NSW Department of Planning and Environment for a Gateway Determination, in accordance with s56 of the Environmental Planning and Assessment Act.
2. The Minister for Planning and Environment or his Delegate be advised that Tweed Shire Council is not seeking plan making delegations for this planning proposal.
3. The Minister for Planning and Environment or his Delegate be advised that public exhibition is not required in this instance.
4. On receipt of the Minister's Gateway Determination Notice to proceed, any 'conditional' requirements of the Minister and any other study or work are to be completed, and included within the public exhibition material.
5. Following receipt of the Gateway Determination the planning proposal be publicly exhibited in accordance with the Gateway Determination and a further report is to be submitted to Council detailing the content of submissions received and any proposed amendment(s).

Current Status: This project is being progressed by Council's Strategic Planning and Urban Development Unit and will be subject to a further report to Council.

21 SEPTEMBER 2017

ORDERS OF THE DAY

10 [NOM] Rail Trail Community Consultation

435

**Cr K Milne
Cr R Byrnes**

RESOLVED that:

1. Notes the full length of the Tweed section of the Rail Trail of 24 km to Crabbes Creek has not benefitted from any specifically targeted Shirewide consultation and therefore cannot adequately demonstrate categorical community support as normally required for successful government grant funding.
2. Notes the potential impact for affected landholders with the public traversing of their land unrestrained without fencing.
3. Brings back a further report to determine an appropriate Shirewide consultation strategy including but not limited to a survey asking whether the community would prefer:
 - a To preserve the rail tracks
 - b To convert the track to a rail trail
 - c To have dual use of the rail corridor to preserve the rail tracks and provide for a rail trail.

Current Status: A report to be prepared.

REPORTS FROM THE DIRECTOR ENGINEERING

36 [E-CM] Demand Management - Assistance for Non-Residential Water Customers

462

**Cr C Cherry
Cr K Milne**

RESOLVED that this item be deferred for a Workshop.

Current Status: A Workshop is to be scheduled.

26 OCTOBER 2017

ORDERS OF THE DAY

9 [NOM] Private Native Forestry

505

**Cr K Milne
Cr R Byrnes**

RESOLVED that Council:

....

4. Calls on the State Government and makes representations for an urgent moratorium on any further issuing of Private Native Forestry licences for native forests (i.e. not native plantation forests) in the Tweed Shire, until a review of the existing legislation is completed.
5. Holds a workshop on the suitability and safety of the external road network for the Hewittville logging vehicles.
6. Undertakes an urgent review of the ecological values of the Hewittville property at Limpinwood to ascertain if this site warrants a rezoning to better reflect and protect the environmental values of the site and brings back a report to Council to consider this matter.

Current Status: Workshop has been scheduled for Friday 17 November 2017. A letter has been drafted for the Mayor's consideration.

Currently considering the implications of resources for Part 6 above.

10 [NOM] Stop Adani Campaign

506

**Cr K Milne
Cr R Cooper**

RESOLVED that Council:

....

3. Writes to the Prime Minister, the Hon. Mr Malcolm Turnbull and Queensland Premier, the Hon. Ms Annastacia Palaszczuk to express in the most respectful terms our extreme concern for the Adani mine.

4. In regard to civil construction tenders Council resolve to include additional selection criteria for disclosure of any involvement in providing services to, or contracting for, the development and operation of Carmichael mine.
5. In order to provide guidance to staff for future procurement Council considers a policy position on trading with entities that provide services to the Carmichael mine, and this be done in a workshop to be held as soon as possible followed by a formal resolution of Council.

Current Status: Letters have been drafted for the Mayor's consideration. Amendment to the tendering schedule is currently being development and a Workshop has been scheduled for Friday 17 November 2017.

13 [NOM] Sustainable Building Materials for Council Facilities

511

Cr K Milne
Cr C Cherry

RESOLVED that Council holds a workshop on reviewing the environmental design guidelines and to incorporate the use of sustainable and/or recycled building materials in all new Council buildings and facilities wherever possible and reasonable.

Current Status: Workshop has been scheduled for Friday 17 November 2017.

14 [NOM] Tweed Regional Art Gallery and Margaret Olley Art Centre

512

Cr K Milne
Cr C Cherry

RESOLVED that Council holds a workshop in regard to the Tweed Regional Art Gallery and Margaret Olley Art Centre.

Current Status: Workshop to be scheduled in the new calendar year.

REPORTS FROM THE DIRECTOR ENGINEERING

38 [E-CM] Western Drainage Scheme, Banora Point

546

Cr C Cherry

Cr J Owen

RESOLVED that Council:

....

3. Considers additional recurrent funding of \$80,000 in the 2017/2018 September Quarterly Budget Review process towards increased periodic maintenance including weed harvesting of the Western Drainage Scheme.
4. Holds a workshop on the Annual Stormwater Management Services Charge (Stormwater Levy), so that it can be properly considered in budget deliberations for the 2018/2019 financial year.
5. Considers a one-off reallocation of funding of \$35,000 at the 2017/2018 September Quarterly Budget Review plus additional recurrent funding of \$20,000 for 3 years in the 2018/2019 Budget process towards the establishment and support of a local Landcare group to target land-based works around the Western Drainage Scheme, and for a water quality monitoring program with community involvement with the possibility of funding from a portion of the contributed funds held in the General Fund Reserve from the Banora Point Waste Water Treatment Plant upgrade.
6. Considers a one-off reallocation of funding of up to \$150,000 at the December Quarterly Budget Review towards sediment removal in high priority sections of the Western Drainage Scheme.

....

8. Holds a workshop between Council officers, representatives of the Banora Point and District Residents Association, interested community members and Conservation Volunteers Australia to explore options to raise awareness about the Western Drainage Scheme for community involvement in managing the land adjacent, and the opportunity to introduce a Stormwater Management Services Charge.

Current Status: Workshop has been scheduled for Friday 17 November 2017.

MAYORAL MINUTE

4 [MM-CM] Mayoral Minute for October 2017

SUBMITTED BY: Cr K Milne, Mayor

mhm



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LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Making decisions with you
2.2	Engagement
2.2.4	Councillor and Civic Business - To provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE: **Leader**

Councillors

COMMITTEE MEETINGS

Attended by the Mayor

- 11 October Tweed Coast Waterways Committee - Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
 - 13 October Aboriginal Advisory Committee - Tweed Byron Local Aboriginal Land Council, 21/25 Ourimbah Road, Tweed Heads.
-

INVITATIONS / MAYORAL REPRESENTATION:

Attended by the Mayor

- 9 October Headspace Day - Tweed Skate Park, Heffron Street, Tweed Heads.
 - 11 October Story Dogs and Earth Learning Media Photo - Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
 - 14 October Stokers Siding Public School Centenary Celebrations - Stokers Siding Public School, Stokers Road, Stokers Siding.
 - 14 October Post Flood Community Action Workshop - Murwillumbah Services Club, 10 Wollumbin Street, Murwillumbah.
-

- 15 October Tweed Regional Museum refurbishment opening - 230 Kennedy Drive, Tweed Heads.
- 22 October Kingscliff Rotary Duck Race - Ed Parker Park, 47 Sutherland Street, Kingscliff. Crs Allsop, Cooper and Polglase also attended.
- 22 October Landcare 20th Anniversary - Pottsville Environment Centre, Centennial Drive, Pottsville. Cr Cooper also attended.
- 22 October Bahai Temple's Bahal Birthday Celebrations - Banora Point Community Centre, Leisure Drive, Banora Point.
- 23 October Citizenship Ceremony - Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
- 27 October Priscilla Queen of the Desert Film Screening - Regent Cinema, 5 Brisbane Street, Murwillumbah. Crs Byrnes, Cherry and Cooper also attended.
- 28 October Diversity Walk - Bay Street, Tweed Heads.

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

- 26 October Tweed/Byron Local Area Command Awards Day - Tweed Heads Bowls Club, Florence Street, Tweed Heads. Cr Byrnes attended.
- 27 October Tweed Valley Jazz Club Awards Night - Condong Bowling Club, 1 McLeod Street, Condong. Cr Allsop attended.
- 30 October St Ambrose Primary School Opening and Blessing - St Ambrose Primary School, 1 Charles Street, Pottsville. Cr Byrnes attended.

Inability to Attend by or on behalf of the Mayor

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

REQUESTS FOR WORKSHOPS:

Councillors did not request any additional workshops during October 2017.

CONFERENCES:

Conferences attended by the Mayor and/or Councillors

- 24 October LGNSW Planning Breakfast - Sydney. Cr Owen attended.

Information on Conferences to be held

- 29 November Rebooting Democracy National Tour Workshop - Brisbane QLD
-

This workshop enables participants to redefine aspects of local and central democracy which they consider to be overly government centric and to develop practical steps for relocation of resources and authority towards the civic sphere, and the promotion of more citizen-centred democracy.

Registration \$275. www.mav.asn.au/events

▪ 8-9 March National Sustainability in Business Conference - Brisbane QLD

This conference will explore sustainability best practice within organisations, creating resilience in business and ways to implement change. Topics include integration, politics, technology, automation, future of renewables, procurement, food security, sustainable construction and waste as a resource.

Early bird registration \$755, two night's accommodation.

<https://conference.sustainability.asn.au/>

▪ 21-23 March Australian Coastal Councils Conference - Geelong VIC

This conference is a highlight for coastal planners, decision-makers and government agencies involved in coastal planning and management. The program will feature topics including the positive contribution planning can make to prepare coastal communities for change in the 21st century, the importance of character and sense of place for coastal residents, new ways of estimating temporary populations in coastal communities, a new Great Ocean Road Taskforce prepares to boost visitor numbers and investment in the local coastal economy. There will also be a pre-conference forum focussing on effective planning responses to the rapid growth in online holiday rental platforms such as Airbnb and Stayz.

Early bird registration \$1578.50, two flights, two-three night's accommodation. <https://coastalcouncilsconference.org.au>

SIGNING OF DOCUMENTS BY THE MAYOR:

- 17 October Alteration of Crown Lands Act Licence LI 317922 - various waterfront facilities.
- 17 October The Anchorage Lease documents with Lend Lease and Dennis Edwards.
- 26 October Lease document with BAI Communications Pty Ltd - North Tumbulgum Reservoir - Terranora Road, Terranora.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

b. Budget/Long Term Financial Plan:

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

c. Legal:

Not applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

RECOMMENDATION:

That:

- 1. The Mayoral Minute for the month of October 2017 be received and noted.**
 - 2. The attendance of Councillors at nominated Conferences be authorised.**
-

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

RECEIPT OF PETITIONS

5 [ROP] Receipt of Petitions

SUBMITTED BY: Corporate Governance



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LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Making decisions with you
2.2	Engagement
2.2.4	Councillors and Civic Business - To make informed decisions in the best interest of the community.

ROLE: Collaborator

SUMMARY OF REPORT:

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

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

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

RECOMMENDATION:

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

- Petition containing 50 signatures as follows:

"I would like to bring to your attention the serious condition of our road at Harwood Road, Burringbar. All of the residents living on this road are in favour of the Council sealing it with bitumen to stop the damage done after flooding which occurs regularly here. The council come at least twice a year to resurface it, but after another heavy downpour the topdressing on the road just washes away again and causes more erosion, pot holes and corrugation. Driving on the corrugation shakes and rattles our vehicles and does not do them any good. It is also very slippery, and when driving down the steep incline on the way to our houses, causes our vehicles to slip and slide and we are terrified of having an accident. We are thinking the cost of maintenance each time the erosion happens (approx. twice a year) would out way the cost of surfacing it in bitumen.

This would help stop so many pot holes, and possible accidents in our neighbourhood.

There is also a drainage problem, where after rain, we sometimes are blocked entry until water levels drop. We think there should be a solution to this problem, possibly by putting larger drainage and higher crossing at the bottom of the gorge.

I have enclosed for you the signatures of all residents in this road to show their favour of what is written in this letter.

We hope you will have this serious consideration. We thank you in advance for your cooperation in this matter."

- **Petition containing 196 signatures as follows:**

"We the community of Crabbes Creek are writing to seek help with flooding within our town after the recent devastating flood in March 2017 and past floods. The locals feel that it's time that something is done. We are a small community at the end of the Tweed Shire that tends to be overlooked and we are seeking help to fix these problems.

- ***Firstly. On Tweed Valley Way there are 3 outlets that proceed under the road. These outlets need clearing out from the entrance of the first bridge onwards. This has not been done to the knowledge of the locals and fixing this problem would help with the flow of water, freeing the water to wash away downstream and in turn not cause so much flooding in our valley.***
- ***Secondly there are four causeways along Crabbes Creek Road that need a major clean out and perhaps a regular maintenance program to help with the flow and quick exit of water, with some of the causeways needing fixing and better piping.***
- ***Drainage within the township needs to be addressed and improved.***
- ***Piping under the road at the footbridge needs to be improved as water banks up within the sports field causing the entrance to Crabbes Creek and the sports field to flood.***

These issues are very large to deal with but they need to be addressed to improve the towns safety during heavy rain and flooding times.

Your help with these issues, consulting within the community and implementing them would be greatly appreciated."

REPORT:

As per Summary

OPTIONS:

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

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.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

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.

ORDERS OF THE DAY



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LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Making decisions with you
- 2.2 Engagement
- 2.2.4 Councillor and Civic Business - To provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE: **Leader**

6 [NOR] Independent Review of Tweed's District Water Supply and Demand Management Reports 2010

NOTICE OF RESCISSION:

Councillor J Owen, hereby gives notice that at the next Ordinary meeting of Council he will move that the resolution from the meeting held on 16 March 2017 at Minute No 121 Item No 45 titled Independent Review of Tweed's District Water Supply and Demand Management Reports 2010 being that:

- "1. *A comprehensive independent review of Council's Tweed District Water Supply, Demand Management and Drought Management reports be undertaken, as a matter of priority, to determine if those recommendations are still relevant, if new technological advances are available or now affordable, and to give further peer reviewed consideration for the most ecologically sustainable, climate change resilient, cost effective and socially acceptable long term water management and augmentation options available.*
 - a) *Such a review should include, but not be limited to, consideration of the full range of demand management, drought security, and supply options available.*
 - b) *This review to be undertaken concurrently with the progression of the current planning processes and land acquisitions for the raising of the Clarrie Hall Dam wall,*
- 2 *The community working group that was previously established to consider the water augmentation options be reconvened (with the exception for new Councillor representatives, and any vacancies to be advertised), to recommend the terms of reference for the review, recommend the selection criteria and weightings for selecting a preferred consultant for the review, and as a project reference group for the review."*

be rescinded.

7 [NOM] Securing Tweed District Water Supply and Investing in Renewables

NOTICE OF MOTION:

Councillor J Owen moves that Council:

- 1. Prioritises the completion of work required by the resolution of Council from its meeting held 5 October 2017 relating to the Bray Park Weir Tidal Protection Project.**
- 2. Notes the process and budget of \$400,000 required to undertake a comprehensive review of Tweed District Water Supply, Demand Management and Drought Management.**
- 3. Officers to bring back a report on appropriate projects to a value of approximately \$1M for a renewable energy installations at one or more of Council's Water and Sewage Treatment Plants, to include the \$400,000 that would have been allocated to the review of Tweed District Water Supply, Demand Management and Drought Management.**
- 4. Seeks funding assistance from the State and Commonwealth governments for the raising of Clarrie Hall Dam.**

Councillor's Background Notes

Recommended Priority:

The recent salt water intrusion into the weir pool at Bray Park has highlighted a risk to our water supply system - which supplies water to 90,000 people - and the fact that it relies solely on Bray Park Weir.

The population of Tweed is anticipated to grow by 40% in the next 20 years so Council needs to be proactive and provide clear direction and action to ensure our water supply is safe to drink and the ensure the community and our business have faith in the reliability of Tweed's water supply.

At the Council meeting of 16 March 2017 Council resolved to accept the Mayors Notice of Motion to: *"conduct an Independent Review of Tweed's District Water Supply and Demand Management Reports 2010."*

The Management Comments from the March 2017 meeting states:

"The above NOM is considered unnecessary given the previous resolutions of Council and actions completed, studies and reviews undertaken, and the current resolutions of Council."

In addition Council is being asked to approve \$400,000 expenditure towards the project – essentially to repeat a process that has already been conducted and reported upon.

In addition it should be noted that:

"The 2010 process of undertaking the review of the Water Supply Augmentation Strategy and engagement using the Community Working Group cost in the order of \$700,000."

As a result of the 2010 Independent Review of Tweed's District Water Supply and Demand Management Reports, on 10 December 2015 resolved that

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

Consistent with that resolution Council on 16 February 2017 Council resolved the following:

Item 15: Engagement of Consultant for Concept Design of the Raising of Clarrie Hall Dam and a unanimous resolved that:

"Council accepts the proposal, Clarrie Hall Dam Raising Concept Design, from NSW Public Works Advisory in the amount of \$745,196 including GST."

The above motion was moved by the Mayor and voted upon unanimously.

It is important the Tweed Shire Council advocates for a financially responsible solution that ensures we secure Tweed's water yield at the lowest possible cost to ratepayers and businesses with minimum environmental impact and to ensure continued growth and jobs for the Shire.

This Notice of Motion proposes not proceeding with an unnecessary duplicate study and allocating the \$400,000 that it would cost, plus an additional \$600,000 towards sustainable initiatives that will help the environment and save Council money on its recurring energy bills.

It also provides Tweed Shire Council an opportunity to seek NSW Government funding to assist with the raising of Clarrie Hall Dam.

Description of Project:

Nil.

Management Comments:

Delivery Program:

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.3 Utility Services
- 1.3.4 Water Supply -- To provide secure, high quality and reliable drinking water which meets health and environmental requirements.

ROLE: **Provider**

Budget/Long Term Financial Plan:

The provision of \$1m for renewable energy installations at one or more of Council's Water and Sewage Treatment Plant can be funded from the Water and Wastewater Budgets. The funding is consistent with Council's Renewable Energy Action Plan. Notwithstanding a business case would be prepared for each project prior to the installations being undertaken.

Legal Implications:

Nil

Policy Implications:

The proposal is consistent with Council's Renewable Energy Action Plan.

8 [NOR] Support for Australian Research Council Grant Application - Artificial Surfing Reef

NOTICE OF RESCISSION:

Councillor J Owen, hereby gives notice that at the next Ordinary meeting of Council I will move that the resolution from the meeting held on 20 July 2017 at Minute No 320 Item No 19 titled [CNR-CM] Support for Australian Research Council Grant Application - Artificial Surfing Reef being:

"that Council does not provide in principle support for a prototype Artificial Surf Reef at this time due to estimated costs in the order of \$100,000 not being appropriate in the current post flood financial circumstances."

be rescinded.

9 [NOM] Support for Australian Research Grant Application - Artificial Surfing Reef

NOTICE OF MOTION:

Councillor J Owen moves that Council holds a workshop in relation to this item.

Councillor's Background Notes

Recommended Priority:

Nil

Description of Project:

Nil.

Management Comments:

Delivery Program:

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.1 Natural Resource Management
- 1.1.3 Coastal Management - To protect and manage the use and quality of the Tweed's beaches and foreshores.

ROLE: **Leader**

Budget/Long Term Financial Plan:

Minimal implications for short term expenditure, staff resources to assist with setting up the workshop.

Legal Implications:

Nil to conduct workshop.

Policy Implications:

Nil.

10 [NOM] Greening our Shire

NOTICE OF MOTION:

Councillor K Milne moves that Council brings forward a report on:

1. **Public areas that could benefit from tree planting to protect the community from urban heat island effects, such as providing canopy cover over road reserves, along waterways and drainage reserves, denser planting in parks and carparks, and around public buildings such as the Banora Point Community and the Sustainable Living Centre.**
2. **Developing a strategy to progress the above, including but not limited to enlisting the help of the community over and above the wonderful work of Landcare volunteers (that are primarily focused on environmental outcomes), such as reaching out to other sections of the community that might not be engaged e.g. young people through schools, retirees, sporting organisations, healthcare organisations, clubs and business organisations etc. to seek their assistance and promote the health, social, environmental and economic benefits to be gained in programs such as 'Adopt A Park' programs.**

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Any planting around public buildings or community facilities must be in accordance with Crime Prevention Through Environmental Design (CPTED) principles, and the resolution should reflect this. Further consideration needs to be given to ongoing maintenance costs associated with having plantings in close proximity to building structures.

The Draft Shirewide Open Space Strategy seeks to address these concerns. Below is an extract from the draft strategy:

PRIORITY 5

Our Urban Tree Planting and Natural Shade Program is part of a shire-wide initiative to green the streets of the Shire to make the Tweed more livable, improve the environment and enhance public health.

KEY OBJECTIVES

1. Increase the tree canopy by planting and maintaining trees to improve the amenity of the urban landscape and reduce the urban heat-island effect.
2. Provide *natural shade* from trees as an effective protection measure against harmful UV and to improve our community's resilience to *heat waves*.
3. Maintain a healthy and well managed urban forest that can supply the community with a wide range of social, economic and environmental benefits.

Protecting and enhancing the urban forest is central to ensuring the shire is resilient to the impacts of climate change and remains a healthy and enjoyable place to live, work and visit.

Improving the urban forest provides multiple benefits such as reducing urban heat islands, creating valuable natural shade and improving the aesthetic qualities of our urban landscape. Street trees also provide important ecological connections from urban areas to our parks and larger bushland reserves. Additional benefits of the urban forest include filtering dust, pollution, protecting people and property from wind and weather, reducing air conditioning and heating costs for adjacent buildings and helping to filter stormwater. Investing in a healthy urban forest is our commitment to ecological, economic, social and aesthetic improvements for both present and future generations.

Council's open space priorities are to protect significant trees and vegetation, improve amenity value for local communities and ensure that the right tree is planted in the right place - when fully grown. For new developments in the Shire, the Tweed Development Control Plan Section A16 Preservation of Trees or Vegetation protects and preserves trees and vegetation of amenity, heritage and habitat value, while the Development Design Specification D14 Landscaping in Section A5 defines the process for selecting tree species for new planting in Tweed's streets and public open spaces. Further, Council's inspection process for new developments ensures compliance to Council's planning and regulatory mechanisms in respect to tree planting.

Council plans to deliver an Urban Tree Planting Program which will increase tree planting in our urban areas that experience minimal tree coverage. Priority locations will include arterial roads, along shared paths, in civic spaces, urban residential streets, in parks, foreshore reserves and over playgrounds. All future open space improvement projects will enhance opportunities for natural shade from trees. The provision of natural shade is highly valued by the community, to improve user comfort, safety and amenity.

Delivering an Urban Tree Planting Program will require a change in Council's focus, from a reactive approach, where resources are expended in managing risk, replacing vandalised trees or based on community requests, to a more proactive asset management approach where resource are expended on broader management and maintenance of the urban forest - on a life cycle basis, similar to the way Council manages its built assets.

The new program will require additional financial investment, and opportunities for external funding and community volunteer partnerships will be investigated. A more holistic approach to tree planting across the shire's urban landscape will maximise the capacity of Tweed's urban forest to deliver the benefits to both present and future generations.

KEY STRATEGIES/ACTIONS

Strategic planning	
	Develop an Urban Tree Planting and Natural Shade Program to increase tree planting where there are limited trees, where trees are in decline and require replacing. Priority locations include along arterial roads, shared paths, in civic spaces, in urban residential streets with minimal tree coverage, in highly utilised parks, foreshore reserves and over playgrounds.
	Integrate the Urban Tree Planting and Shade Program with Council's structure planning, master planning and infrastructure delivery programs to maximise opportunities for street tree planting.
	Review the Tweed DCP Section A5 - Subdivision Manual and the Development Design Specification D14 Landscaping to reflect best practice landscaping and street tree management.
	Investigate opportunities to review the design of streets, where appropriate, to widen verges to create more space for street trees.
	Monitor the compliance of consent conditions around the planting and protection of street trees.
Open space planning and management	
	Review existing tree coverage and the provision of natural shade in highly utilised parks and open spaces, including playgrounds.
	Develop and implement a routine pruning and maintenance program to provide regular maintenance of Tweed's street trees.
	Select species that will reach maturity and provide adequate shade without compromising other assets and property in the immediate vicinity. Utilise, where appropriate, root barriers and other technologies to prevent damage to infrastructure.
	Monitor the Urban Street Tree Planting Program; record the number of trees planted, changes in tree canopy cover and improvements to streetscapes.
	Replace vandalised trees and increase the community's awareness of vegetation vandalism.
Partnerships and environmental stewardship	
	Collaborate with other Council's, regional bodies, government agencies and private land holders to implement urban forest measures at a regional level.
	Increase community's awareness and knowledge of Tweed's urban forest, its ecological processes, the benefits it provides and their role in its management. Use event such as National Tree Day, Living for the Future Home Expo and Work Environment Day as opportunities to build community capacity.
	Investigate opportunities for a community tree planting program to increase the number of trees in the public domain.

Council officers responsible for recreation planning have a number of projects identified within the Delivery Plan and in progress including:

Completion and adoption of the Shirewide Public Open Space Strategy;
Development of a skate park strategy;
Development of a public toilet strategy;
Adoption and implementation of the Commercial Use of Public Open Space Policy including development of procedures;
Development and adoption of a generic Community Land Plan of Management for land categorised as general community use;
Numerous funding applications;
Assessment and negotiation of public open space associated with developments including Cobaki, Kings Forest and West Kingscliff;

Should Council resolve to develop another strategy, it will also need to consider which of the above will be reprioritised to resource this strategy.

Delivery Program:

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.1 Natural Resource Management
- 1.1.1 Biodiversity Management - To protect and manage the environment and natural beauty of the Tweed for current and future generations.

ROLE: **Leader**

Budget/Long Term Financial Plan:

The costs of developing a strategy if contracted to a consultant will be approximately \$20,000

For a program as suggested in point 2 of the Notice of Motion to be successful would require the engagement of an extension officer to manage and coordinate, on a part time basis initially at a costing of \$50,000/PA

Legal Implications:

Nil.

Policy Implications:

As noted above, the notice of motion will be largely addressed in the Shirewide Open Space Strategy.

11 [NOM] Insulation and Air Tight Buildings

NOTICE OF MOTION:

Councillor K Milne moves that Council:

1. Notes that cold weather is a significant contributor to deaths in Australia but that with climate change heat waves have become a significant factor also and are now the major cause of deaths from natural disasters.
2. Notes that these concerns are particularly significant for the elderly, vulnerable and energy poor in our community.
3. Notes that one of the solutions for both of these problems is better insulated and air tight buildings.
4. Brings forward a report on how these factors can be considered in Council's own buildings and also in Councils planning controls, e.g. consideration that compliance checks be undertaken prior to issuing building certificates and random audits.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Delivery Program:

mlm



Making decisions with you
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LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- | | |
|-------|--|
| 2 | Making decisions with you |
| 2.1 | Built Environment |
| 2.1.2 | Development Assessment - To assess development applications lodged with Council to achieve quality land use outcomes and to assist people to understand the development process. |

ROLE: **Leader**

Budget/Long Term Financial Plan:

Not applicable.

Legal Implications:

Not applicable.

Policy Implications:

Heat waves have not been identified priorities in recent climate change risk assessments, such as the North Coast Integrated Regional Vulnerability Assessment and the GHD Climate Change risk assessment for Tweed and Byron. (<http://www.tweed.nsw.gov.au/ClimateChange>)

Increasing hot days will certainly impact on higher risk members of our community. During heatwaves, members of the public who don't have air conditioning at home area advised keep as much sun out of their homes as possible, stay hydrated, call for help if they feel the effects of heat stress, or spend the day somewhere like a library.

On hot days increasing air conditioning demands can be expected at public Council sites, as well as right across all Council facilities with air conditioning.

From an energy efficiency perspective, better insulated and air tight buildings are beneficial, but these factors are not considered significant for Council's current building stock, compared to energy efficiency gains from LED lighting, more efficient air conditioning technology and renewable energy installations.

All new buildings are required to comply with the sustainability requirements detailed in Part J of the National Construction Code as part of approval process for all building works.

Council's Environmental Design Guidelines require consistency with the National Construction Code in terms of insulation and air tightness.

The report being requested will require external expertise and significant internal resources to manage the contract and any implementation. This would require reprioritisation of existing sustainability initiatives that have been recommended by renewable energy experts as part of our Draft Renewable Energy Action Plan which is also being considered at this Council meeting.

12 [NOM] Power Prices

NOTICE OF MOTION:

Councillor R Byrnes moves that Council:

1. Notes with great concern with the following:
 - a) That power prices in NSW have risen 60% in the last six years and
 - b) That Tweed Shire residents will face increasing power prices because the NSW Berejiklian Government has sold the poles and wires.
 - c) The clear policy failure on power pricing and proper regulation of power retailers.
 - d) The clear and unfair supply charge pricing disparity between regional and city/metropolitan locations.
2. Writes to the NSW Premier Gladys Berejiklian and State Member for Lismore, Thomas George and State Member for Tweed Geoff Provest seeking information and clarification on why their Government has sold the poles and wires; and seeks further clarification on why regional areas (like Tweed Shire) are charged more for their supply charge than those living in cities.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Delivery Program:

mhm



Behind the scenes
Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- | | |
|-------|--|
| 4 | Behind the scenes |
| 4.2 | Support Services |
| 4.2.4 | Procurement Services - To support Council to purchase goods, services and assets that are fit for purpose, sustainable and provide best value. |

ROLE: **Leader**

Budget/Long Term Financial Plan:

Nil.

Legal Implications:

Nil.

Policy Implications:

Nil.

13 [NOM] Rezoning of Commercial Water Bottling Facilities on Rural Land

NOTICE OF MOTION:

Councillor K Milne moves that:

- 1. Clause 7.15 be removed from the LEP and therefore remove the blanket permissibility for water bottling facilities in the RU2 Rural Landscape zone; and**
- 2. A report be prepared and submitted to the December Planning Committee Meeting which provides details of those lands that currently have a lawful water bottling facility, a current development approval, or a current development application for a water bottling facility, which can be used to assist Council to determine any further “savings” protection for these existing operations in the LEP amendment; and**
- 3. Following the determination of this matter at the December Planning Committee Meeting, the Department of Planning and Environment be notified of Council’s decision to prepare a planning proposal.**

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

This approach is appropriate given the extensive cost and time several Tweed rural landowners have invested in having the Tweed Local Environmental Plan 2014 amended to include Clause 7.15 and those that have obtained or are seeking development approval. The timeframe for staff to evaluate and report is limited, however, it should provide ample time to undertake the necessary research surrounding the number of current water bottling facilities and those in the pipe-line, as well, as to gather sufficient information on the costs incurred by those landowners involved in the LEP amendment, so that Council may consider the reasonableness of that financial burden on those landowners when making a decision that may potentially impact on their future planned commercial undertakings, and whether any of those costs incurred should be refunded in the event Clause 7.15 is removed. This will assist with ascertaining whether and to what extent a savings provisions is required.

Delivery Program:

mhm



Making decisions with you
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LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Making decisions with you
- 2.1 Built Environment
- 2.1.2 Development Assessment - To assess development applications lodged with Council to achieve quality land use outcomes and to assist people to understand the development process.

ROLE: **Provider**

Budget/Long Term Financial Plan:

The financial implications for this action depend on whether there will be a refund component and whether there is a legal challenge to the change in the LEP. General processing and administrative costs associated with the preparation and implementation of the planning proposal will be accommodated within current budgets, except where any additional public workshop or other consultation is requested.

Legal Implications:

The proposed LEP amendment has the potential to impact on the commercial expectations, forecasts, viability and business modelling of several current and potentially new enterprises, particularly where investment has been made in response to Council's endorsement and Department of Planning and Environment's making of the LEP to introduce permissibility through Clause 7.15 in the LEP; and as such it is reasonably foreseeable that one or more legal challenges may be mounted by the landowners and on various grounds. There is a real probability of Council incurring significant costs should this arise.

Policy Implications:

The policy implication will need to be assessed once the breadth of the proposed LEP amendment is settled, noting that it will represent a stark contrast to prevailing planning rules should a total prohibition be introduced without any qualification as to current and planned water bottling facilities.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - SECT 79C

79C Evaluation

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

(a) the provisions of:

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

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

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

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

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

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

- (2) Compliance with non-discretionary development standards-development other than complying development If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:
- (a) is not entitled to take those standards into further consideration in determining the development application, and
 - (b) must not refuse the application on the ground that the development does not comply with those standards, and
 - (c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards,
- and the discretion of the consent authority under this section and section 80 is limited accordingly.
- (3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:
- (a) subsection (2) does not apply and the discretion of the consent authority under this section and section 80 is not limited as referred to in that subsection, and
 - (b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.
- Note:** The application of non-discretionary development standards to complying development is dealt with in section 85A (3) and (4).
- (4) Consent where an accreditation is in force A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the regulations.
- (5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).
- (6) Definitions In this section:
- (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and
 - (b) "non-discretionary development standards" means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

14 [PR-CM] Development Application DA17/0572 for the Use of the Site (Including Existing and Approved Shed) as Depot and Ancillary Office at Lot 41 DP 870680 No. 606 Pottsville Road, Sleepy Hollow

SUBMITTED BY: Development Assessment and Compliance

mhm



Making decisions with you
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LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Making decisions with you
2.1	Built Environment
2.1.2	Development Assessment - To assess development applications lodged with Council to achieve quality land use outcomes and to assist people to understand the development process.

ROLE: **Provider**

SUMMARY OF REPORT:

The proposal seeks approval for the use of the existing shed (Shed 1 – exempt development) as an office (two offices) and storage area, and the use of an approved but not yet constructed shed (Shed 2 – complying development certificate) for truck services, work area and storage, with the remaining site area to be used as a depot – parking area for machinery and trucks, and staff vehicles.

The subject site has a land area of 2 hectares, is zoned RU2 Rural Landscape and is surrounded by land zoned RU2 Rural Landscape used for residential and agricultural purposes. The proposed depot is for the storage of trucks, machinery and materials relating to a demolition and excavation company which the Applicant has stated is based Tweed Heads South.

The following vehicles would be stored on site:

- 2 x Prime Mover Trucks that use 3 x interchanging single trailers. The trucks' Gross Vehicle Mass (GVM) are 24 tonnes each.
- 1 x Rigid Twin Steer Mack Tipper Truck GVM 29 tonne.
- 2 x Small Tipper Trucks 4.5 tonnes GVM.
- 2 x Small Tray Back Trucks GVMs of 6.5 and 8.5 tonnes.

All trucks would be stored on the hard stand area closest to Shed 1.

The application also states that the following machinery is used and could be stored on site for maintenance, lack of work or for personal use:

- 1.6 tonne Excavator
- 5 tonne Excavator
- 20 tonne Excavator
- 25 tonne Excavator
- 4 tonne Roller
- Bobcat

Operating hours

- It is proposed that staff will arrive at the site at 6.15 am Monday to Friday, consisting of up to seven vehicles.
- Trucks are expected to leave the site at 7.00 am, consisting of 6 heavy vehicles.
- Trucks are expected to return to the site between 3.00 pm and 6.00 pm.
- No vehicle movements are proposed on weekends or public holidays.
- Maintenance of vehicles is proposed between 8.30 am to 5.00 pm Monday to Friday.
- The office hours are 6.00 am to 6.00 pm Monday to Friday.

Staff numbers

The business employs 11 staff, 10 full time and one casual. Five to seven employees are to attend the site and drive their vehicles to and from the site each day.

The depot use has been operating from the site without consent since approximately October 2016. Council received complaints regarding the operation soon after the use began. It is noted that the use is still operating.

The application was advertised in the Tweed Link for a period of 14 days from Wednesday 20 September 2017 to Wednesday 4 October 2017. Council received 11 submissions, and one petition containing 17 signatures of support. Of the 11 submissions, 9 submissions are objecting to the proposal with one submission raising no objection if the proposed landscaping screening is enforced to provide visual screening and one submission in support. Further details of these submissions are provided within this report.

Insufficient information

The application is considered to create likely adverse impacts in regards to; koalas and their habitat, visual amenity, noise impacts, impacts on road safety due to large trucks exiting and entering the site with a non-compliant sight distance – to the north, impact on the rural landscape. The application is considered to be deficient in regards to the following:

1. Noise – a detailed noise impact assessment was not provided. A noise report should have accompanied the proposal and considered all aspects of the proposal including hours of operation, vehicle and machinery noise, staff activities, workshop activities, use and movement of equipment and materials onsite, waste and recycling collection and disposal, potential impacts to neighbouring premises and recommended noise amelioration measures.

2. Site Management – a site management plan should have been prepared in consideration of the above noise impact assessment that should have considered noise, dust, water pollution and the like as a result of the proposal.
3. Onsite Sewage Management – an on-site sewage management capability statement for the existing wastewater treatment system should have been provided with the proposal. The report should have demonstrated the suitability of the existing system for the proposed development when assessed in accordance with AS 1547/2012 and NSW Environment and Health Protection Guidelines "On-site Sewage Management for Single Households".
4. Storage/shipping container – The SEE contains contradicting comments regarding the existing shipping container with one statement being that the shipping container is to be removed, another statement being that the shipping container is to be used for storage. The use of the shipping container has the potential to create noise and amenity impacts on an adjoining property which has not been addressed.
5. Traffic Impact Assessment – the application failed to provide adequate detail in relation to the recommendations within the Traffic Impact Assessment.
 - a. No detail was provided to determine the physical works that will be required to provide appropriate and safe access for the proposed development in this location based on the existing speed limit, note the recommendation to reduce the speed limit is not supported by Council officers.
 - b. Confirmation from Essential Energy was not provided indicating that the power pole relocation is achievable.
 - c. No assessment was provided of the required vegetation clearing within the road reserve.
 - d. No detailed design was provided of the required road works and driveway widening within the road reserve.
6. Koala Plan of Management – The site is located within the Dunloe Park Koala Linkage Precinct (KLP) of the Tweed Coast Comprehensive Koala Plan of Management (KPOM). The application failed to provide any comments or assessment in relation to the KPOM and therefore failed to identify the threatened flora and fauna species known or likely to occur in the study area and failed to address the following:
 - a. Suitably assess any potential impact that may occur as a result of the proposed development, and
 - b. Specify measures that prevent or mitigate any identified impacts, and
 - c. Address the relevant elements of the Tweed Coast Comprehensive Koala Plan of Management (2015) including *Section 5.8.3 Koala Habitat Assessment* and the Koala Linkage Precinct management objectives as detailed at Section 3.5.2.2,

- d. Provide particulars of the trees to be removed and retained including species name, common name, height and girth, habitat features, radial distance of canopy and calculated tree protection zone in accordance with *Australian Standard AS 4970-2009 Protection of trees on development sites*,
- e. Depict the canopy line of individual trees surveyed above on a site layout plan; and
- f. Identify any potential impacts to water quality likely that may occur as a result of the proposed development and specify measures that prevent or mitigate any identified impacts.

Doubt in regards to permissibility

There is some doubt about the permissibility of the proposal due to the definition of a depot. A depot is required to support the operations of an existing undertaking. In this case the existing undertaking would be the demolition and excavation business, for which the application states is located in Tweed Heads South. However, in addition to the above, the proposal seeks approval for the use of the site for the following activities such as; two offices, a place where the attendance of staff arrive to work and park their private vehicles in the morning and leave in the afternoon both of which relate to the demolition and excavation business not the depot. The proposed office and staff parking is considered to be outside the definition of a Depot and importantly relate to the demolition and excavation business which is a commercial premise which is prohibited within the RU2 Rural Landscape zone.

A Depot is defined as:

A building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

A Commercial Premise is defined as any of the following:

- (a) *business premises,*
- (b) *office premises,*
- (c) *retail premises.*

It could be considered that certain aspects of the proposed use is for the demolition and excavation business, which is defined as a commercial premise and therefore prohibited within the RU2 zone. In any case it is considered the proposal is not acceptable on merit.

No information provided in relation to Tweed Coast Comprehensive Koala Plan of Management

The site is located within the Dunloe Park Koala Linkage Precinct (KLP) of the Tweed Coast Comprehensive Koala Plan of Management (KPOM). KLP's are mapped areas adjacent to one or more Koala Activity Precinct that provide optimal opportunities for improved habitat management and connectivity. The management objectives for the KLP include the reduction of threats to existing koalas and their habitat, increasing the area and quality of

core koala habitat with a focus on improving connectivity and to ensure that developments minimise impacts on koalas through retaining and protecting core koala habitat.

The application does not address the relevant provisions of Part 5 of the KPOM, nor how the relevant management objectives for the Dunloe Park Koala Linkage Precinct of the KPOM are proposed to be addressed.

It is considered that the proposed use as a depot is not suitable for the site as the proposal will create an unacceptable impact in relation to; koalas and their habitat, amenity (noise and visual) safety (traffic impact), therefore the application is not supported.

RECOMMENDATION:

That:

- A. Development Application DA17/0572 for the use of the site (including existing and approved shed) as depot and ancillary office at Lot 41 DP 870680 No. 606 Pottsville Road, Sleepy Hollow be refused for the following reasons:**
- 1. Pursuant to Section 79C (1) (a)(i) the development proposal is considered to be inconsistent with the objectives of the RU2 Rural landscape zone which is required under Clause 2.3(2) of Tweed Local Environmental Plan 2014. The proposal is considered not to relate to primary production, fails to maintain the rural landscape character of the site, is considered not to be a compatible land use, and is not within a range of tourist or visitor accommodation based land use.**
 - 2. Pursuant to Section 79C (1) (a)(i) the development proposal is considered not to be consistent with Clause 7.10 of Tweed Local Environmental Plan 2014 as vehicular access to and from the site with sight distances to the north considered to be dangerous and not compliant.**
 - 3. Pursuant to Section 79C (1) (a)(iii) the proposed development is contrary to the provisions of Tweed Shire Council Development Control Plan Section A2- Site Access and Parking Code, as minimum sight distance to access the site, is not considered adequate.**
 - 4. Pursuant to Section 79C (1) (b) the depot is considered to create unacceptable impacts on the natural and built environment and social impacts having regard to koalas and their habitat, vehicular access, noise, amenity issues, onsite sewerage management, which have not been adequately addressed or resolved in the subject application.**
 - 5. Pursuant to Section 79C (1) (c) the site is considered not to be suitable for the development proposal, as the site is zoned RU2 Rural Landscape and is surrounded by RU2 land. The proposed depot is not compatible with the rural nature of the site and surrounding land.**
 - 6. Pursuant to Section 79C (1) (e) the development proposal is not considered to be in the public interest having regard to potential impacts with respect to; koalas and their habitat, vehicular access, noise, amenity issues, onsite**

sewerage management, which have not been adequately addressed or resolved in the subject application.

- B. The depot use is to cease and all related machinery and equipment is to be removed from the site within 60 days from the date of notification or Council will commence legal action for the proposed unauthorised activity.**

REPORT:

Applicant: M Ruddy
Owner: Mrs Melony J Ruddy
Location: Lot 41 DP 870680 No. 606 Pottsville Road, Sleepy Hollow
Zoning: RU2 - Rural Landscape
Cost: \$60,000

Background:

Previous development application for the proposed depot that was refused.

DA17/0003 – Proposed Depot

Council received and refused the same development under DA17/0003 – use of site as a Depot. Council received complaints from neighbouring properties on 27 July 2016 (the site was purchased 30 June 2016), which raised concerns about the landowner appearing to be setting up areas on site for the storage of their earth moving equipment. The complaints also raised concerns with regards to earthworks, potential impacts on drainage and the placement of a shipping container. The depot use has been operating without consent since approximately October 2016. Council received complaints regarding the operation, with Council officers requesting that the operation cease until approval has been obtained. It is noted that the use is still operating.

The application (DA17/0003) was advertised in the Tweed Link for a period of 14 days from Wednesday 25 January 2017 to Wednesday 8 February 2017. Council received nine submissions objecting to the proposal.

The application was considered to create unacceptable adverse impacts in regards to visual amenity, noise impacts, increased traffic and impacts of road safety due to large trucks exiting and entering the site near a sweeping bend in the road, impact on the rural landscape, stock pile of material that could be contaminated (asbestos).

Council refused the development application for the following reasons:

- A. Development Application DA17/0003 for the use of site (including existing shed and unconstructed shed) as depot and associated office at Lot 41 DP 870680 No. 606 Pottsville Road, Sleepy Hollow be refused for the following reasons:
1. Pursuant to Section 79C (1) (a)(i) the development proposal has not demonstrated compliance with Clause 2.3(2) of Tweed Local Environmental Plan 2014, as the proposal is inconsistent with the objectives of the RU2 Rural landscape zone.
 2. Pursuant to Section 79C (1) (a)(i) the development proposal has not demonstrated compliance with Clause 7.10 of Tweed Local Environmental Plan 2014 as vehicular access to and from the site with sight distances to the north considered to be dangerous and not compliant.
 3. Pursuant to Section 79C (1) (a)(iii) the proposed development is contrary to the provisions of Tweed Shire Council Development Control Plan Section A2- Site

Access and Parking Code, as minimum sight distance to access the site, is not considered adequate.

4. Pursuant to Section 79C (1) (b) the depot is considered to create unacceptable impacts on the built environment and social impacts having regard to vehicular access, noise, amenity issues, waste collection and disposal, storage and disposal of asbestos, onsite sewerage management, which have not been adequately addressed or resolved in the subject application.
 5. Pursuant to Section 79C (1) (c) the site is considered not to be suitable for the development proposal, as the site is zoned RU2 Rural Landscape and is surrounded by RU2 land. The proposed depot is not compatible with the rural nature of the site and surrounding land.
 6. Pursuant to Section 79C (1) (e) the development proposal is not considered to be in the public interest having regard to potential impacts with respect to vehicular access, noise, amenity issues, waste collection and disposal, storage and disposal of Asbestos, onsite sewerage management, which have not been adequately addressed or resolved in the subject application.
- B. The depot use is to cease and all related machinery and equipment is to be removed from the site within 90 days from the date of notification or Council will investigate legal action for the proposed unauthorised activity unless a new Development Application is submitted within the 90 days.

Accordingly the Applicant submitted a new Development Application which is the subject of this report.

DA17/0572 – Proposed Depot

The proposal seeks approval for the use of the existing shed (Shed 1 – exempt development) and approved but not yet constructed shed (Shed 2 – complying development certificate) and the site to be used as a depot. The subject site has a land area of 2 Hectares, is zoned RU2 Rural Landscape and is surrounded by land zoned RU2 Rural Landscape. The depot use has been operating without consent since approximately October 2016.

The application was advertised in the Tweed Link for a period of 14 days from Wednesday 20 September 2017 to Wednesday 4 October 2017. Council received 11 submissions, and one petition containing 17 signatures of support. Of the 11 submissions, 9 submissions are objecting to the proposal, with 1 submission raising no objection if the proposed landscaping screening is enforced to provide visual screening, and one submission in support. Further details of these submissions are provided within this report.

The application was referred internally with Council officers requiring further information in regards to the following:

1. Noise - a detailed noise impact assessment was not provided. A noise report should have accompanied the proposal and considered all aspects of the proposal including hours of operation, vehicle and machinery noise, staff activities, workshop activities, use and movement of equipment and materials

onsite, waste and recycling collection and disposal, and potential impacts to neighbouring premises. The report shall include recommended noise amelioration measures.

2. Site Management - a site management plan should have been prepared in consideration of the above noise impact assessment that should have considered noise, dust, water pollution and the like as a result of the proposal.
3. Onsite Sewage Management – an on-site sewage management capability statement for the existing wastewater treatment system should have been provided with the proposal. The report should have demonstrated the suitability of the existing system for the proposed development when assessed in accordance with AS 1547/2012 and NSW Environment and Health Protection Guidelines "On-site Sewage Management for Single Households".
4. Storage/shipping container – The SEE contains contradicting comments regarding the existing shipping container with one statement being that the shipping container is to be removed, another statement that the shipping container is to be used for storage. The use of the shipping container has the potential to create noise and amenity impacts on an adjoining property which has not been addressed.
5. Traffic Impact Assessment – the application failed to provide adequate detail in relation to the recommendations within the Traffic Impact Assessment.
 - a. No detail was provided to determine the physical works that will be required to provide appropriate and safe access for the proposed development in this location based on the existing speed limit, note the recommendation to reduce the speed limit is not supported by Council officers.
 - b. Confirmation from Essential Energy was not provided indicating that the power pole relocation is achievable.
 - c. No assessment was provided of the required vegetation clearing within the road reserve.
 - d. No detailed design was provided of the required road works and driveway widening within the road reserve.
6. Koala Plan of Management – The site is located within the Dunloe Park Koala Linkage Precinct (KLP) of the Tweed Coast Comprehensive Koala Plan of Management (KPOM). The application failed to provide any comments or assessment in relation to the KPOM and therefore failed to identify the threatened flora and fauna species known or likely to occur in the study area and failed to address the following:
 - a. Suitably assess any potential impact that may occur as a result of the proposed development, and
 - b. Specify measures that prevent or mitigate any identified impacts, and

- c. Address the relevant elements of the Tweed Coast Comprehensive Koala Plan of Management (2015) including *Section 5.8.3 Koala Habitat Assessment* and the Koala Linkage Precinct management objectives as detailed at Section 3.5.2.2,
- d. Provide particulars of the trees to be removed and retained including species name, common name, height and girth, habitat features, radial distance of canopy and calculated tree protection zone in accordance with *Australian Standard AS 4970-2009 Protection of trees on development sites*,
- e. Depict the canopy line of individual trees surveyed above on a site layout plan; and
- f. Identify any potential impacts to water quality likely that may occur as a result of the proposed development and specify measures that prevent or mitigate any identified impacts.

SITE DIAGRAM:



Site Plan
 Lot 41 DP 870680
 No. 606 Pottsville Road SLEEPY HOLLOW
 DA17/0572

0 0.5 1 Km
 1:40,000



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GDA   Cadastre: 10/10/2017
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 Coordinate System - MGA Zone 56
 Datum - GDA 94 DO NOT SCALE
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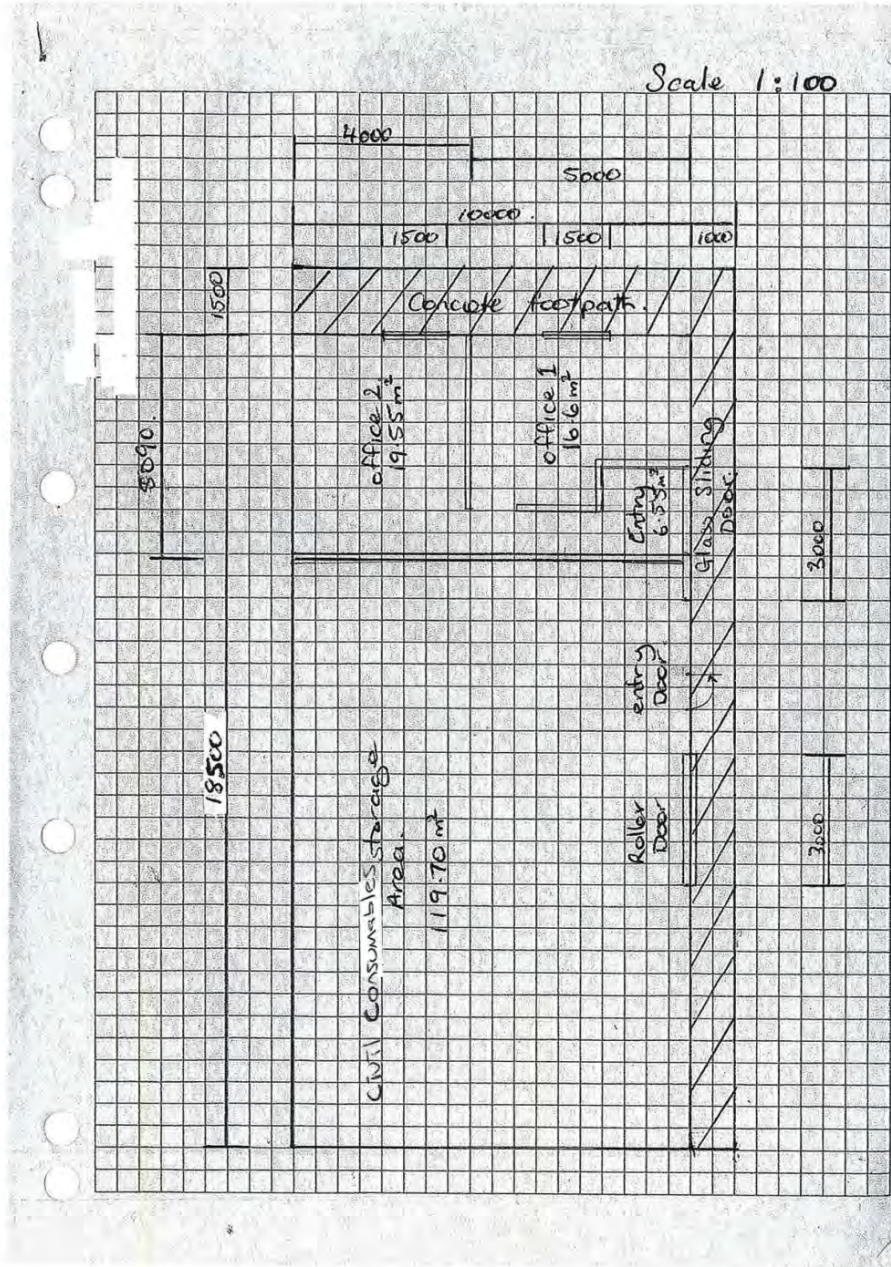
Civic and Cultural Centre
 3 Tumbulgun Road
 Murwillumbah NSW 2484
 PO Box 816
 Murwillumbah NSW 2484
 T: (02) 6670 2400 / 1300 292 872
 F: (02) 6670 2483
 W: www.tweed.nsw.gov.au
 E: planningreforms@tweed.nsw.gov.au



Date Printed: 19 October, 2017

DEVELOPMENT/ELEVATION PLANS:



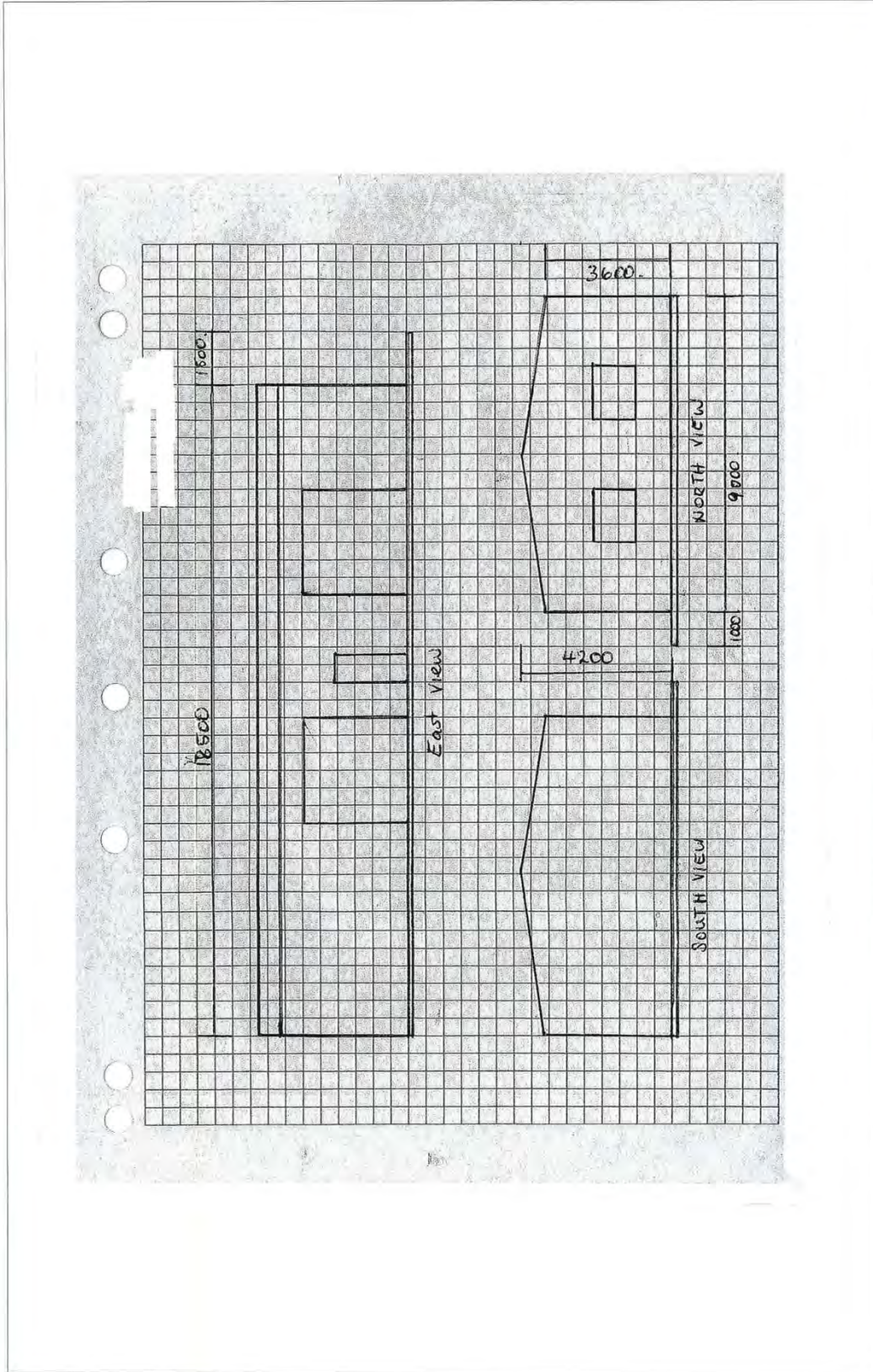


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REV	DESCRIPTION	DATE	DRAWN	DESIGN	CHECK	APPROVED
A	TELEPHONE PITCH CONTINUED	18/2017	GC	GC	GC	GC

JOB NO:	5544	DRAWN:	DAJZ	REVISION:	A
SCALE:	1:100	CLIENT:			
				Melony Ruddy	

PROJECT: DEPOT 616 POTTSVILLE ROAD, SLEEPY HOLLOW
 DRAWING TITLE: FLOOR PLAN SHED 1
 MADE BY: GC

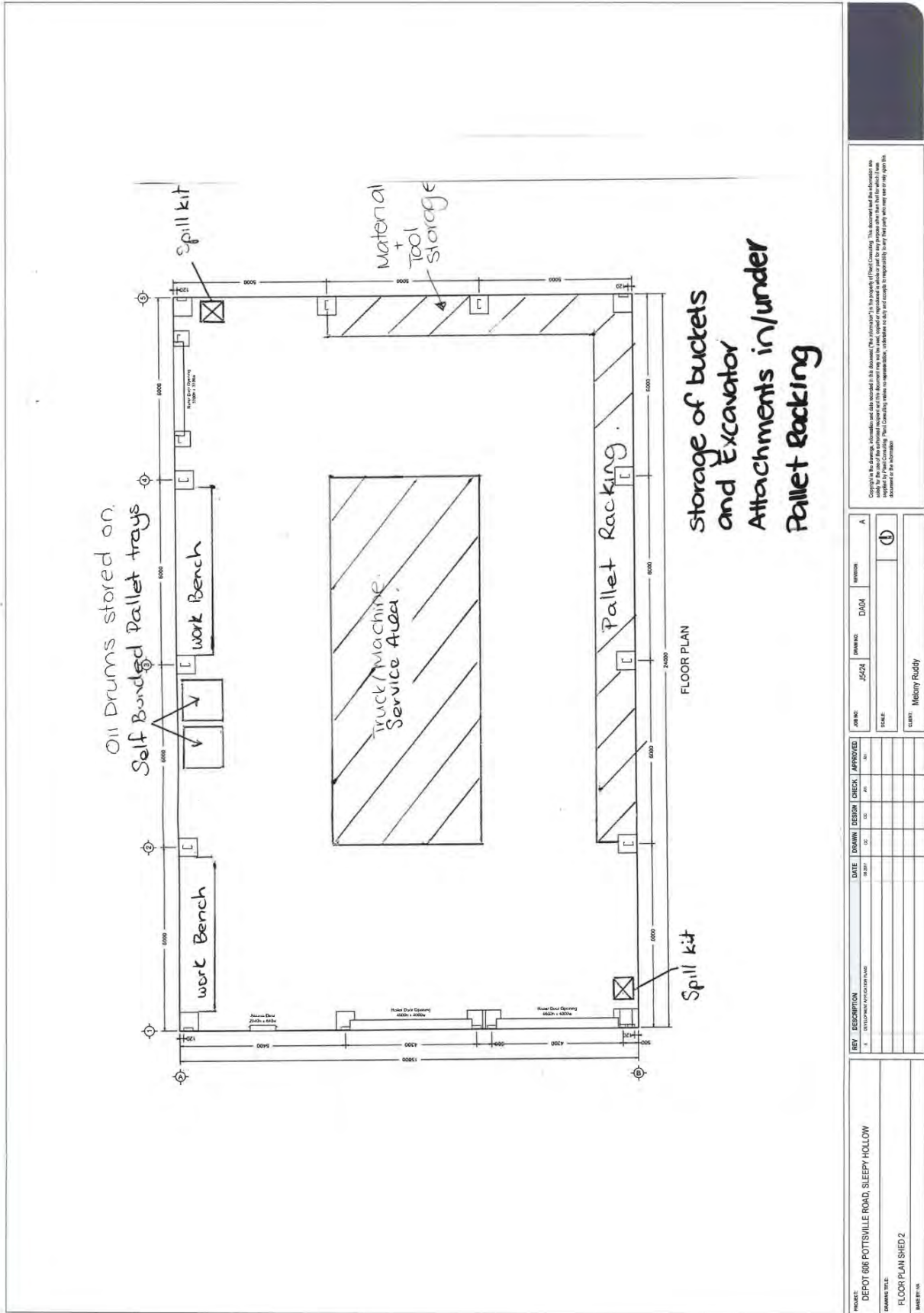


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JOB NO: J545
 DRAWING NO: D402
 SCALE: 1:100
 CLIENT: Melony Rudy

REV	DESCRIPTION	DATE	DRAWN	DESIGN	CHECK	APPROVED
1	INITIAL DESIGN PROVISIONS	10/2017	CS	CS	CS	CS

PROJECT: DEPOT 606 POTTSVILLE ROAD, SLEEPY HOLLOW
 DRAWING TITLE: ELEVATION SHED 1
 DRAWN BY:



storage of buckets and Excavator Attachments in/under Pallet Racking

FLOOR PLAN

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VERSION	A
DATE	15/24
SCALE	1:1
DRAWN BY	Melony Ruddy

REV	DESCRIPTION	DATE	DRAWN	DESIGN	CHECK	APPROVED
1	ISSUE FOR CONSTRUCTION	16/2017	CC	CC	AV	AV

PROJECT: DEPOT 686 POTTSVILLE ROAD, SLEEPY HOLLOW
 DRAWING TITLE: FLOOR PLAN SHED 2
 DRAWN BY: M

Coastline Certification Group Pty Ltd
 APPROVED
 No: NB1610346
 Date: 07 Oct 2016
 Ryan O'Connell
 BPB2771

FRONT ELEVATION

REAR ELEVATION

REV	DESCRIPTION	DATE	DRAWN	DESIGN	CHECK	APPROVED
1	DEVELOPMENT APPLICATION PLAN	20/07/16	JS/SA	DA/05		

PROJECT: DEPOT 506 POTTSVILLE ROAD, SLEEPY HOLLOW

DRAWING TITLE: ELEVATION 1 SHED 2

DATE: 07/10/16

JOB NO: JS/SA

REVISION: DA/05

SECTION: A

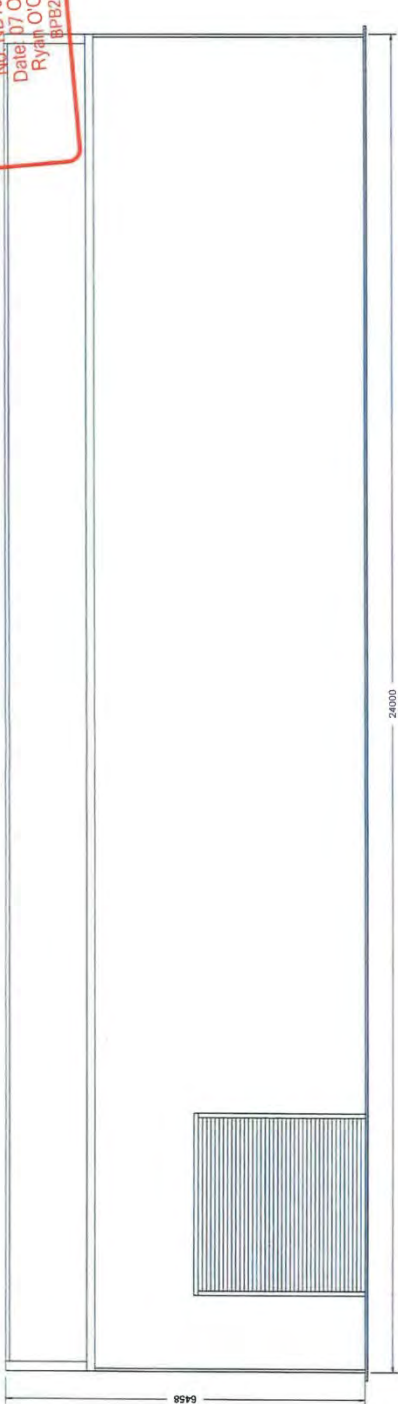
SCALE: 1:1

DATE: 07/10/16

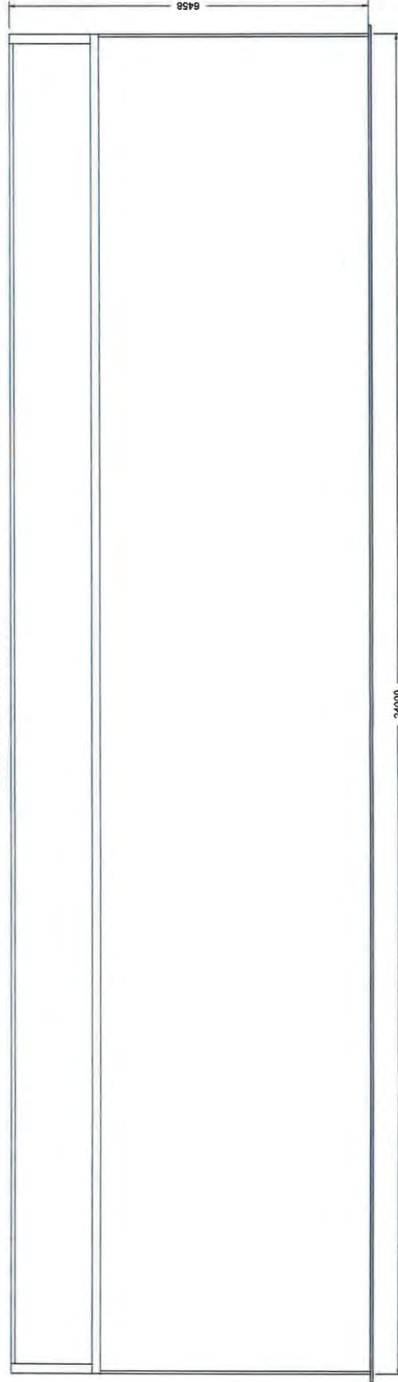
CLIENT: Melony Ruddy

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Coastline Certification Group Pty Ltd
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 No. NB1610346
 Date: 07 Oct 2016
 Ryan O'Connell
 ppbz771



LEFT ELEVATION



RIGHT ELEVATION

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REV	DESCRIPTION	DATE	DRAWN	DESIGN	CHECK	APPROVED
A	DEVELOPMENT APPLICATION					

JOB NO:	DATE:	DRAWN:	DATE:	REVISION:

SCALE: _____
 CLIENT: Melony Ruddy

PROJECT: DEPOT 606 POTTSVILLE ROAD, SLEEPY HOLLOW
 DRAWING TITLE: ELEVATION 2 SHED 2
 DRAWN BY: H.A.

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

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

Tweed Local Environmental Plan 2014

Clause 1.2 – Aims of the Plan

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

The particular aims of this Plan are as follows:

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

The proposed depot within a rural zoned area (RU2) is considered to be inconsistent with the aims of the plan, as the development creates a potential impact on the natural and built environment, safety impacts, noise impacts and visual impacts.

Clause 2.3 – Zone objectives and Land use table

The subject site is zoned RU2 Rural Landscape. The Objectives of zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To provide for a range of tourist and visitor accommodation-based land uses, including agri-tourism, eco-tourism and any other like tourism that is linked to an environmental, agricultural or rural industry use of the land.*

The proposal seeks approval for the use of the site for the following activities; the storage of trucks, machinery and civil fittings and consumables, two offices, a place where the attendance of staff arrive to work and park their private vehicles in the morning and leave in the afternoon. The application defines its landuse as a Depot, however, the proposed office and staff parking is considered to beyond the definition of a Depot and relate to the demolition and excavation business which is prohibited within the RU2 Rural Landscape zone.

The proposal is also considered to be inconsistent with the zone objectives, as the proposal is considered to adversely impact on the rural landscape character of the land.

A Depot is defined as:

A building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

A Commercial Premise is defined as any of the following:

- (a) *business premises,*
- (b) *office premises,*
- (c) *retail premises.*

It could be argued that the proposed use is for the demolition and excavation business, which is defined as a commercial premise and therefore prohibited within the RU2 zone.

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

Subdivision does not form part of this application.

Clause 4.3 - Height of Buildings

The site has a 10 metre building height limit, the existing buildings comply with the height limit. The approved shed (Shed 2) via CDC has a height of 6.458

metres, the existing shed (Shed 1) has a height of 4.2 metres. The proposal is acceptable in this regard.

Clause 4.4 – Floor Space Ratio

The subject site is not mapped within the Floor Space Ratio Map and therefore this clause does not apply.

Clause 4.6 - Exception to development standards

The proposal does not propose an exception to a development standard.

Clause 5.4 - Controls relating to miscellaneous permissible uses

The proposal is not listed as a miscellaneous permitted use.

Clause 5.5 – Development within the Coastal Zone

The subject site is not within the Coastal Zone and as such, this clause does not apply.

Clause 5.9 – Preservation of Trees or Vegetation

Repealed.

Clause 5.10 - Heritage Conservation

The subject site is not listed as within a Heritage Conservation area and the existing buildings are not nominated Heritage items.

Clause 5.11 - Bush fire hazard reduction

The subject site is not mapped as bushfire prone and therefore this clause does not apply.

Clause 7.1 – Acid Sulfate Soils

The site is identified as being class 5 ASS. The application was reviewed by Council's Environmental Health Unit who had raised no concerns regarding ASS.

Clause 7.2 - Earthworks

The site is generally level, with minor works proposed (and have been undertaken) as part of this application, in relation to the internal access, parking areas and proposed shed location. The existing and proposed earthworks are considered not to create a detrimental impact on the site and neighbouring properties. Therefore the proposal is considered to comply with the clause.

Clause 7.3 – Flood Planning

The site is identified as not being prone to flooding. The proposed development is considered to be not inconsistent with Clause 7.3.

Clause 7.4 - Floodplain risk management

The site is identified as not being prone to flooding.

Clause 7.5 - Coastal risk planning

The subject site is not located within the Coastal Risk Planning Map and as such this clause does not apply.

Clause 7.6 - Stormwater Management

The proposal is considered unlikely to create a significant impact on the existing stormwater management of the site and therefore no objections were raised by Council officers, subject to appropriate conditions relating to erosion and sediment control (during works) and a SWMP for the operational phase. Additional details for these two components can be provided at Construction Certificate or Section 68 Application.

Clause 7.8 – Airspace operations

The subject site is not located within proximity to the Murwillumbah Airport or Gold Coast Airport, and therefore would not impact on operations of those airports.

Clause 7.9 - Development in areas subject to aircraft noise

The subject site is not mapped within Gold Coast Airports ANEF mapping and as such this clause does not apply.

Clause 7.10 - Essential Services

The clause requires that development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access.

All essential services are currently provided to the site in terms of water, sewer, power and stormwater. However, further information is required in terms of demonstrating suitable vehicle access is possible for the proposal. As such this clause is considered not to be satisfied in relation to suitable vehicle access.

Other Specific Clauses

No other specific clauses apply.

State Environmental Planning Policies

SEPP No 71 – Coastal Protection

Not Applicable.

SEPP (Rural Lands) 2008

The site is located in land zoned RU2 Rural Landscape and is also identified as being partly regionally significant farm land.

Clause 2 Aims of Policy

The aims of this Policy are as follows:

- (a) *to facilitate the orderly and economic use and development of rural lands for rural and related purposes,*
- (b) *to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,*
- (c) *to implement measures designed to reduce land use conflicts,*
- (d) *to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,*
- (e) *to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.*

Part 2 Rural Planning Principles

Clause 7 Rural Planning Principles

The Rural Planning Principles are as follows:

- (a) *the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*
- (b) *recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*
- (c) *recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,*
- (d) *in planning for rural lands, to balance the social, economic and environmental interests of the community,*
- (e) *the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*

- (f) *the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*
- (g) *the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*
- (h) *ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

The proposal is considered likely to impact on the potential rural economic use of the land as the proposed use is located on land identified as Regionally Significant Farmland in accordance with the Farmland Protection Project. The site has an area of 2 hectares and could be used for small scale intensive production of agricultural produce. The proposal is considered not to be consistent with the aims and Rural Planning Principles outlined within the policy.

SEPP (Exempt and Complying Development Codes) 2008

The proposed change of use does not meet the exempt provisions and as such approval is required hence the lodgement of the subject application.

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

Not Applicable.

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

Tweed Development Control Plan

A2-Site Access and Parking Code

The applicant states that the following vehicles would be stored on site:

- 2 x Prime Mover Trucks that use 3 x interchanging single trailers. The trucks' Gross Vehicle Mass (GVM) are 24 tonnes each.
- 1 x Rigid Twin Steer Mack Tipper Truck GVM 29 tonne.
- 2 x Small Tipper Trucks 4.5 tonnes GVM.
- 2 x Small Tray Back Trucks GVMs of 6.5 and 8.5 tonnes.

All trucks would be stored on the hard stand area closest to Shed 1.

The applicant also states that the following machinery is used and could be stored on site for maintenance, lack of work or for personal use:

- 1.6 tonne Excavator
- 5 tonne Excavator
- 20 tonne Excavator
- 25 tonne Excavator
- 4 tonne Roller
- Bobcat

The Applicant has submitted a Traffic Impact Assessment (TIA) which identifies the existing access is not compliant with Austroads and Tweed Shire Council's requirements.

The report finds that the current achievable sight distance to the north is 135 metres and to the south is 380 metres. The sight distance to the north is not compliant for the south bound traffic direction approach to the access as 185 meters is required. An alternate driveway location is not able to achieve a more desirable distance outcome.

The TIA recommends the following treatments in order to make the access safe.

- A speed limit review and historical crash safety assessment to be undertaken to assess the appropriateness of potential mitigation measures, such as reduced speed limits, installation of traffic control devices or civil works to improve driveway sight distance;
- Driveway widening (this will likely include the relocation of power pole located on the northern side of the driveway, as per swept paths);
- Undertake vegetation trimming within the road reserve to improve sight distance provision at the site access; and
- Installation of 'Truck Turning' signage to inform approaching drivers of heavy vehicle movements to and from the site.

Council's Traffic Engineer has stated that reducing the speed limit on a road to cater for inadequate sight distance is not appropriate, particularly, as Council does not control speed limits.

The Statement of Environmental Effects states that the proposal is to be undertaken in accordance with the recommendations of the TIA. However, the application has failed to provide plans, designs or any details in accordance with the recommendations contained in the TIA. Therefore a complete assessment cannot be undertaken to determine the potential impacts associated with the required works on the natural and built environments. The recommendations contained within the TIA re-inforce Council officers opinion that the proposal is not acceptable and that the site is not suitable and that the development is not supported.

The proposal is considered not to be consistent with the policy.

A4-Advertising Signs Code

Signage is not proposed.

A11-Public Notification of Development Proposals

The application was advertised in the Tweed Link for a period of 14 days from Wednesday 20 September 2017 to Wednesday 4 October 2017. Council received 11 submissions, and one petition containing 17 signatures of support. Of the 11 submissions, 9 submissions are objecting to the proposal, with one submission raising no objection if the proposed landscaping screening is

enforced to provide visual screening, and one submission in support, details of these submissions are provided within this report.

A13-Socio-Economic Impact Assessment

The development is not listed as requiring a socio-economic impact assessment, however, the proposal is considered likely to create an impact on the natural and built environment. The potential impacts of the depot relate to:

1. Noise impacts,
2. Visual impacts
3. Onsite Sewerage Management,
4. Traffic impacts.

Section A15 Waste Minimisation and Management

Council officers have reviewed that proposal and raise no concerns with regards to the proposal and the policy.

B21-Pottsville Locality Based Development Code

The site is land that applies to the policy, however, the site is not specifically covered with the proposal considered not to be inconsistent with the policy.

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

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

The policy does not apply to the subject site.

Clause 92(1)(b) Applications for demolition

Demolition does not form part of this application.

Clause 93 Fire Safety Considerations

Not Applicable.

Clause 94 Buildings to be upgraded

Not Applicable.

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

Tweed Shire Coastline Management Plan 2005

Responsible for the management of the Tweed coastline, Tweed Shire Council must manage the coast in a sustainable manner into the future, balancing natural, cultural, social and economic values. The Tweed Shire Coastline Management Plan provides Council with an integrated management planning framework that

aims for a balance between the long term use of the coastline and its conservation.

The subject site is not located within the land affected by the policy.

Tweed Coast Estuaries Management Plan 2004

The subject site is not located within the land affected by the policy.

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

The subject site is not located within an area that is affected by the Coastal Zone Management Plan for Cobaki and Terranora Broadwater and therefore this Plan does not apply.

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

The proposed depot is considered likely to create significant adverse impacts on the natural or built environments.

Context and Setting

The site is zoned RU2 Rural Landscape with the site surrounded by RU2 zoned land. The site contains an existing dwelling and shed which is ancillary to the dwelling. An existing Greenhouse is also located on site.

The site contains a shed (shed 1) and a shipping container which are being used in association with the proposed depot. The shipping container is proposed to be removed from the site. The Applicant states that shed 1 is “*exempt development*”, however, it is to be noted that for the shed to be exempt it has to be used for agricultural purposes, which it is not being used for. Shed 1 has a floor area of 166.5m², the shed is to be used for storage of equipment and civil construction consumables and two offices.

The site has approval for another shed (Shed 2) via Complying Development Certificate (CDC16/0193 – private certifier). This is to be located within the internal ring access road. Shed 2 has a floor area of 360m² and is to be used for storage of buckets and excavator, work benches, storage of material and tools and truck machine service/maintenance area.

The use as a depot is considered an inappropriate use in the context of the area.

Access, Transport and Traffic

Access to and from the site is existing via Pottsville Road and a shared access for two lots being the subject site and neighbouring property (No. 592). Council’s Traffic Engineer has reviewed the application and the submitted Traffic Impact Assessment and considers the access to be unacceptable, as discussed previously within this report.

Flora and Fauna

No information provided in relation to Tweed Coast Comprehensive Koala Plan of Management. The site is located within the Dunloe Park Koala Linkage Precinct (KLP) of the Tweed Coast Comprehensive Koala Plan of Management (KPOM). KLP's are mapped areas adjacent to one or more Koala Activity Precinct that provide optimal opportunities for improved habitat management and connectivity. The management objectives for the KLP include the reduction of threats to existing koalas and their habitat, increasing the area and quality of core koala habitat with a focus on improving connectivity and to ensure that developments minimise impacts on koalas through retaining and protecting core koala habitat.

The application does not address the relevant provisions of Part 5 of the KPOM, nor how the relevant management objectives for the Dunloe Park Koala Linkage Precinct of the KPOM are proposed to be addressed.

The recommendation within the TIA recommend removal of vegetation in order to improve site access and sight distances. No information was provided in relation to the required vegetation removal.

Noise and Amenity

Council officers consider that the proposed change of use of the site to a depot has significant noise and amenity implications due potential noise issues from the operation of the depot, mainly the arrival time of employees and their vehicles (up to seven vehicles) at 6.15am and start time for large vehicles on a daily bases at 7.00am, site management, extent of mechanical works carried out on trucks and earthmoving machinery, and the storage/movement of equipment. Adequate information has not been provided in order for Council officers to determine the level of impact.

(c) Suitability of the site for the development

Surrounding Land Uses/Development

The proposed depot is to be within an existing rural area on Pottsville Road Sleepy Hollow. The area is zoned RU2 Rural Landscape, the proposal is considered to be inappropriate with regard to site suitability given the surrounding land uses and developments being rural and residential.

Contaminated Land

The proposal is for the use of existing and approved sheds on the site. No additional construction proposed as part of this application. Contamination is not considered a constraint for the proposed development.

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

The application was advertised in the Tweed Link for a period of 14 days from Wednesday 20 September 2017 to Wednesday 4 October 2017. Council

received 11 submissions, and one petition containing 17 signatures of support. Of the 11 submissions, 9 submissions are objecting to the proposal, with one submission raising no objection if the proposed landscaping screening is enforced to provide visual screening, and one submission in support.

The main issues raised within the submissions are; visual amenity, noise impacts, increased traffic and impacts of road safety due to large trucks existing and entering the site near a sweeping bend in the road, impact on the rural landscape, drainage issues and that the development fails to comply with the zone objectives which is to maintain the rural landscape character of the land and that the land use relates to the earthworks and demolition business (not a depot) which is prohibited within the zone. Council officers do not contest the issues raised within the submissions.

The application was not referred to any other public authority and as such no submissions were received.

(e) Public interest

The permissibility of the development is questionable as the development could be considered to be a commercial premise which is prohibited within the RU2 zone. The proposal is considered to be unsuitable and inappropriate for the subject site, and considered likely to create a significant adverse impact on the natural and built environments and have detrimental social impact on the locality. As such the proposal is considered not to be in the public interest.

OPTIONS:

That Council:

1. Refuse the Development Application as recommended; or
2. Defer determination and request the applicant to provide additional information within 60 days of notification and report the application to Council for determination.

Council officers recommend Option 1.

CONCLUSION:

The proposal in its current form is considered to be unsuitable and inappropriate for the subject site, and considered likely to create a significant adverse impact on the natural and built environments and have a detrimental social impact on the locality. Council could request further information, at the cost of the Applicant, however, Council officers are of the opinion that additional reports may not result in a recommendation for approval.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

The applicant may appeal Council's determination in the NSW Land and Environment Court.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

15 [PR-CM] Northern Joint Regional Planning Panel - Review of Council Appointed Panel Members - Recommended Appointment

SUBMITTED BY: Development Assessment and Compliance

mhm



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Making decisions with you
- 2.1 Built Environment
- 2.1.2 Development Assessment - To assess development applications lodged with Council to achieve quality land use outcomes and to assist people to understand the development process.

ROLE: Provider

SUMMARY OF REPORT:

Updated Summary

At its meeting of 26 October 2017, Council resolved the following:

“that Council defers this report to the Council meeting of 16 November 2017 and request the Northern Joint Regional Planning Panel to provide a record of Panel members voting patterns on previous matters involving the Tweed Shire during the current term.”

In response to this resolution, Council officers contacted the Department of Planning and Environment’s JRPP Secretariat to seek their assistance in providing the information requested by Council. The Department staff advised that they do not keep any data base of the voting patterns of JRPPs throughout the State, and do not have the resources to prepare the information requested by Council, and suggested accessing the electronic register on the Department’s JRPP web site.

Council staff have therefore researched and extracted this web site information for those matters determined by the Northern Joint Regional Planning Panel after the appointment of the current local Panel members by Council in December 2012 to inform this report.

Northern Joint Regional Planning Panel Members

The JRPP regions generally consist of both State and Council appointees.

The State appointees for the Northern Regional Panel since 2012 have been Chair Gary West (GW), John Griffin (JG), Pam Westing (PW), Bruce Clarke (BC) and Stephen Gow (SG).

The Council appointees are Stephen Phillips (SP), Ned Wales (NW), and reserve, Robert Quirk Jnr. (RQ).

Record of Determinations by Northern Joint Regional Planning Panel Members Since December 2012

Since December 2012, the Northern JRPP has determined 10 development applications and 2 Pre-Gateway rezoning applications.

Attachment 3 of this report contains copies of the Panel determination Record or Minutes for each of these matters, noting that the format of these documents has varied over this period.

A summary of the main description and Panel voting pattern for each of the matters is provided in the table below:

APPLICATION REFERENCE	DESCRIPTION OF PROPOSAL	DETERMINING PANEL MEMBERS	DETERMINATION AND VOTING
PP12/0001	Pre Gateway review of Council determination of proposal to rezone property Nos. 420-434 Terranora Road Terranora from rural to residential.	GW, PW, JG, NW and SP.	Unanimously resolved to proceed to Gateway.
DA13/0554	Stage 1 Tweed City Shopping Centre redevelopment – entertainment and eating precinct.	GW, PW, JG, NW and SP.	GW, PW, NW and SP supported approval of the DA, JG against.
DA14/0063	Stage 2 Tweed City Shopping Centre redevelopment – major northern expansion.	GW, BC, JG, NW and SP.	Unanimously supported the approval of the DA.
DA14/0475	New Tweed Byron Regional Command Police Station, Wharf Street, Tweed Heads.	GW, PW, JG, NW and SP.	Unanimously supported the approval of the DA.
DA15/0521	Tweed Council Resource Recovery Facility, Bartletts Road, Environ.	GW, PW, SG and SP.	Unanimously supported the approval of the DA.
DA15/0583	Pacific Coast Christian School Masterplan, 3A Acacia Street, Tweed Heads South.	GW, JG, PW, NW and SP.	Unanimously supported the approval of the DA.

APPLICATION REFERENCE	DESCRIPTION OF PROPOSAL	DETERMINING PANEL MEMBERS	DETERMINATION AND VOTING
2015NTH021 PGR	Pre Gateway review of Council determination of rezoning proposal to allow a Woolworths supermarket at the former Murwillumbah Services Bowls and Sports Club, Brisbane Street Murwillumbah.	GW, JG, PW, NW and SP.	Resolved not to advance this proposal to the Gateway; NW, SP and PW in support of resolution, GW and JG against.
DA15/1026	Staged DA for Precincts 6-12 and Stage 1 bulk earthworks, Cobaki	GW, BC, PW, NW and RQ.	Unanimously supported the approval of the DA.
DA16/0363	Mixed Residential/Commercial development, Wharf and Boyd Streets Tweed Heads.	GW, SG, PW, NW and SP.	Unanimously supported the approval of the DA.
DA16/0647	Waste/Resource Transfer Station, 16 Naru Street, Chinderah.	GW, SG, PW, NW and SP.	Unanimously supported the approval of the DA.
DA15/1026.01	Amended Staged Development, Precincts 6-12 and bulk earthworks, Cobaki.	GW, SG, NW and RQ.	Unanimously supported the approval of the DA.
DA17/0377	Alterations and Additions to Pottsville Beach Public School.	GW, SG, PW, NW and SP.	Unanimously supported the approval of the DA.

ORIGINAL SUMMARY OF REPORT:

At its meeting of 17 August 2017, Council resolved the following:

“RESOLVED that:

1. *Council endorses that the appointment of the current two panel members and one alternative member as Council's representatives in the Northern Region Joint Planning Panel be extended up until 30 November 2017;*
2. *An expressions of interest process be conducted to assess new Council appointments and be reported back to Council for their determination; and*
3. *The Department of Planning and Environment and Council's current local appointees be advised of this decision.”*

The purpose of this report is to advise Council on the outcomes of an Expressions of Interest process and to recommend that Council determine the appointment of two Council Panel members, and an alternate Panel member for the Northern Joint Regional Planning Panel for a three year period, commencing from 1 December 2017. This action is

necessary as the period of appointment of the current Council endorsed Panel members, as extended, expires on 30 November 2017.

RECOMMENDATION:

That:

1. **Council determines the appointment of two panel members and one alternative member, as taken from the nominations received in the recently advertised Expressions of Interest process, to participate as Council's representatives in the Northern Joint Regional Planning Panel, for a three year period, effective from 1 December, 2017;**
2. **The Director-General of the Department of Planning and Environment be advised of these appointments; and**
3. **ATTACHMENTS 1 and 2 be treated as CONFIDENTIAL in accordance with Section 10A(2)(c) of the Local Government Act, 1993, because they contain information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.**

REPORT:

At its meeting of 17 August 2017, Council resolved the following:

“RESOLVED that:

- 1. Council endorses that the appointment of the current two panel members and one alternative member as Council's representatives in the Northern Region Joint Planning Panel be extended up until 30 November 2017;*
- 2. An expressions of interest process be conducted to assess new Council appointments and be reported back to Council for their determination; and*
- 3. The Department of Planning and Environment and Council's current local appointees be advised of this decision.”*

The purpose of this report is to advise Council on the outcomes of an Expressions of Interest process and to recommend that Council determine the appointment of two Council Panel members, and an alternate Panel member for the Northern Regional Planning Panel for a three year period, commencing from 1 December 2017. This action is necessary as the period of appointment of the current Council endorsed Panel members, as extended, expires on 30 November 2017.

Details of the Expressions of Interest (Eol) Process

Advertisement of Eol Process

An advertisement was placed in the Tweed Link Newspaper, edition 1023, 12 September, 2017, seeking Expressions of Interest to become Tweed Council appointed Northern Joint Regional Planning Panel members for a new three year term, commencing from 1 December 2017.

The advertised selection criteria for the nominations were:

- Senior level experience in dealing with multiple stakeholders;
- High level communication skills;
- Capability to drive high profile outcomes in a credible and authoritative manner;
- High level analytical skills; and
- Knowledge and assessment of complex development and planning matters.

In accordance with the current NSW Department of Planning and Environment Joint Regional Planning Panel Operational Procedures, it was also stated that at least one of the panellists must have high-level experience in one or more of the following fields: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

Assessment of Eol Nominations

Nominations in respect of the Eol advertisement were received from the following people:

Existing Panel Member Re-Nominations

- Ned Wales
- Dr Stephen Phillips
- Robert A Quirk

New Nominations

- Derek Robertson
- Kim Hedley
- John Byrne
- Christopher Gee
- Gina Scheer

Copies of the EOI submissions and a summary of these submissions are provided as Confidential attachments to this report.

OPTIONS:

1. Council determines the appointment of two panel members and one alternative member, as taken from the nominations received in the recently advertised Expressions of Interest process, to participate as Council's representatives on the Northern Joint Regional Planning Panel for a three year period, commencing from 1 December 2017; or
2. Council defers appointment of new Panel members for further consideration, and requests a further extension of the appointment of the current Panel members.

The Council officers recommend Option 1.

CONCLUSION:

The period of appointment of the current Council representatives on the Northern Joint Regional Planning Panel expires on 3 November 2017. Based on the Expressions of Interest (EOI) process conducted, it is recommended that Council determine those nominees suitable for Council appointed Panel members for a further three year period, commencing from 1 December, 2017.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Council is required to pay for certain costs of the Local Panel members, and the administration of Joint Regional Planning Panel Meetings.

These costs are allowed within the operational budget.

c. Legal:

The NSW Planning and Environmental Assessment Act 1979 outlines a series of legislative requirements for the assessment of regionally significant developments, and the operation of Joint Regional Planning Panels.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Copies of Expressions of Interest Submissions from Nominees to be Council Appointed Panel Members on the Northern Joint Regional Planning Panel (ECM 4806863)

(Confidential) Attachment 2. Summary of the Expressions of Interest Submissions Identified in Attachment 1 (ECM 4806669)

Attachment 3. Copies of the Panel Determination Record or Minutes (ECM 4860076)

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

16 [CNR-CM] Community Sponsorship Policy

SUBMITTED BY: Community and Cultural Services

mhm



People, places and moving around
Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

3	People, places and moving around
3.1	People
3.1.2	Community and Cultural Development - To provide community and cultural development services to foster and improve social and cultural well-being.

ROLE: Collaborator

SUMMARY OF REPORT:

This report presents the amended *Community Sponsorship Policy* and a summary of public submissions following a period of twenty eight days on exhibition. This policy outlines how Council provides financial assistance to local community groups and organisations. These funds are for activities and projects that benefit the health and wellbeing of Tweed Shire residents.

On reviewing the *Community Sponsorship Policy* it was noted that Twin Towns Friends Association Inc. receive an annual \$2000 donation from the Community Sponsorship and Miscellaneous Donations budget and that this arrangement uniquely sits outside the policy application process.

There is an option at this time to request Twin Towns Friends Association to apply for future funding through the Community Sponsorship process to be consistent with other community organisations.

RECOMMENDATION:

That Council:

- 1. Adopts the Community Sponsorship Policy Version 1.1.**
- 2. Refers Twin Towns Friends Association Inc. to the Community Sponsorship Policy application process for future funding requests to be effective from the 2018/ 2019 budget.**

REPORT:

Policy Amendments

The *Community Sponsorship Policy* outlines how Council provides financial assistance to local community groups and organisations. These funds are for activities and projects that benefit the health and wellbeing of Tweed Shire residents. The sponsorship agreement acknowledges the contribution Council makes to local community groups and organisations that contribute to the fabric of community life in the Tweed Shire and respond to local needs and issues.

At Council's meeting on 16 March 2017 the Community Sponsorship Policy applications for 2016/2017 were endorsed for funding and a review of the Policy was recommended in order to clarify definitions, policy exemptions, funding guidelines, eligibility criteria, selection criteria and assessment process and to align with the Community Strategic Plan 2017-2027. On 20 July 2017 the draft *Community Sponsorship Policy Version 1.1* was reported to Council and it was resolved that:

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

The exhibition period was advertised in the Tweed Link and on Council's website through the *What's On Exhibition* page. The Draft Community Sponsorship Policy was also sent (as per Attachment 3) to a range of Tweed based, not for profit community organisations, and to officers of Council's Community Development Team and their associated networks such as ageing and disability, Aboriginal and youth and families for distribution and inviting comment.

Two submissions were received to the draft *Community Sponsorship Policy* which are summarised in Attachment 1 and amendments were made accordingly.

Twin Towns Friends Association

On reviewing the *Community Sponsorship Policy* it was noted Twin Towns Friends Association Inc. (TTFA Inc.) is currently the only community organisation funded out of the Community Sponsorship budget that is not required to apply through the Community Sponsorship process.

At its meeting on 18 April 2013 Council resolved to allocate \$2000 to Twin Towns Friends Association Inc. (TTFA Inc) from the 2013/2014 budget. This payment to TTFA Inc. has continued annually subject to a written request from the organisation since that time.

There is an option at this time to request Twin Towns Friends Association to apply for future funding through the Community Sponsorship process to align with other community organisations.

Twin Towns Friends Association Inc. were invited to make a submission on the draft *Community Sponsorship Policy*. In addition, Council's Manager - Community and Cultural Services met with a representative from Twin Towns Friends Association Inc. to discuss proposed amendments to the *Community Sponsorship Policy* and associated budget. Council has offered support for Twin Towns Friends Association Inc. for future applications to the *Community Sponsorship Policy* as required and has also agreed to communicate

directly with Twin Towns Friends Association Inc. to inform them of Council's decision in relation to this Policy.

OPTIONS:

1. That Council
 - a) Adopts the *Community Sponsorship Policy*.
 - b) Refers Twin Towns Friends Association Inc. to the Community Sponsorship Policy application process for future funding requests to be effective from the 2018/ 2019 budget.
2. That Council does not adopt the *Community Sponsorship Policy* and seeks further information.
3. That Council does not refer Twin Towns Friends Association Inc. to the Community Sponsorship Policy application process and continue to allocate \$2000 per year as a donation.

CONCLUSION:

This report presents the amended *Community Sponsorship Policy* and a summary of public submissions following a period of twenty eight days on exhibition. This policy outlines how Council provides financial assistance to local community groups and organisations. These funds are for activities and projects that benefit the health and wellbeing of Tweed Shire residents.

On reviewing the *Community Sponsorship Policy* it was noted that Twin Towns Friends Association Inc receive an annual \$2000 donation from the Community Sponsorship and Miscellaneous Donations budget and that this arrangement uniquely sits outside the Community Sponsorship Policy application process.

There is an option at this time to request Twin Towns Friends Association to apply for future funding through the Community Sponsorship process to align with other community organisations.

COUNCIL IMPLICATIONS:

a. Policy:

Community Sponsorship Policy

b. Budget/Long Term Financial Plan:

A0018 – Community Sponsorship and Miscellaneous Donations has \$39,813 allocated in the 2017/18 budget.

Applications for the 2017/18 Community Sponsorship Policy will be open for a period of approximately three months (November 2017 to February 2018) following adoption of the revised policy. The process of assessing applications through a Councillor workshop and endorsement of funding outcomes at a Council meeting will follow in April/May 2018, in order that requirements for the 2017/18 budget are met.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

The draft *Community Sponsorship Policy* was exhibited for comment, and advertised in the Tweed Link and through Council's online communication systems. Notification and invitation to provide feedback on the draft policy were sent to 80 Tweed based, not for profit community organisations and Community Development networks.

Direct consultation with Twin Towns Friends Association Inc. to inform them of this review process has taken place and any result of the review will be communicated to them.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.	Table summarising submissions on draft community sponsorship policy (ECM 4813886)
Attachment 2.	Draft Community Sponsorship Policy (ECM 4814406)
Attachment 3.	List of Stakeholders invited to Comment on the Draft Community Sponsorship Policy (ECM 4861013)

17 [CNR-CM] Wildlife Protection Areas Policy

SUBMITTED BY: Natural Resource Management

mhm



Leaving a Legacy
Looking out for future generations



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1	Leaving a Legacy
1.1	Natural Resource Management
1.1.4	Environmental Sustainability - To support Council, businesses and the community to achieve the best possible combination of environmental, social and economic outcomes.
2	Making decisions with you
2.2	Engagement
2.2.1	Animal Management - To provide effective and responsible care, management and public education for companion animals such as pet dogs and cats.

ROLE: **Provider** **Leader**

SUMMARY OF REPORT:

Wildlife Protection Areas (WPAs) are a mechanism of the *Companion Animals Act 1998* that help protect wildlife in areas of public land by placing responsibility on pet owners to keep dogs and cats out of protected areas; raising awareness of the conservation area; providing a means of deterring non-compliance through fines; and providing clearer rules for the community and Council Rangers.

Based on analysis of this mechanism and consultation with other NSW Councils, a draft Wildlife Protection Areas Policy was prepared to identify Council's approach for any future WPA declarations.

The draft policy was placed on public exhibition from 15 August 2017 until 12 September 2017, with a further 14 days for comments until 26 September 2017. Eight submissions were received from a range of individuals and organisations. Detailed analysis of the submissions including how the issues raised have been addressed is provided as an attachment to this report.

In summary, the general nature of the submissions was of support for the policy as a mechanism to improve protection of wildlife in public bushland reserves. The input received

through the exhibition process has been integrated and an amended policy inclusive of these changes is provided consideration for adoption.

RECOMMENDATION:

That Council adopts the Wildlife Protection Areas Policy Version 2.0.

REPORT:

Wildlife Protection Areas (WPAs) are a mechanism of the *Companion Animals Act 1998* that help protect wildlife in areas of public land by placing responsibility on pet owners to keep dogs and cats out of protected areas; raising awareness of the conservation area; providing a means of deterring non-compliance through fines; and providing clearer rules for the community and Council Rangers.

Based on analysis of this mechanism and consultation with other NSW Councils, a draft Wildlife Protection Areas Policy was prepared to identify Council's approach for any future WPA declarations. Council subsequently resolved in July 2017 that:

1. Council endorses the public exhibition of the draft policy "*Wildlife Protection Areas*" and places the policy on exhibition for 28 days with submissions to be received for a period of 42 days.
2. A further report be brought back to Council following the exhibition of the draft policy "*Wildlife Protection Areas*" detailing the outcomes of community and stakeholder consultation.

The public exhibition has been completed in accordance with this resolution and the outcomes are reported herein.

The draft policy was placed on public exhibition from 15 August 2017 until 12 September 2017, with a further 14 days for comments until 26 September 2017. Exhibition involved:

- Public notification of the exhibition period via the Tweed Link and the Tweed Shire Council website
- Direct engagement in response to requests for further information or clarification
- Specific notification of the exhibition to key stakeholder groups including the Tweed Coastal and Waterways Committee, Tweed Landcare Inc. and the Tweed Coast Koala Management Committee.

Eight submissions were received from a range of individuals and organisations. Detailed analysis of the submissions including how the issues raised have been addressed in the amended policy is provided at Attachment 1.

In summary, the general nature of the submissions was of support for the policy as a mechanism to improve protection of wildlife in public bushland reserves. Many of the issues raised relate to the future application of the draft policy, especially in relation to suggested areas for consideration for declaration. The key issues identified in association with support for the policy included:

- The need to ensure that there is no net reduction in available areas for off leash dog exercise.
- The critical requirement to improve protection for wildlife in bushland reserves and other public areas including parks, recreation areas, campgrounds, headlands and coastal areas.
- The need for additional community education and awareness raising activities.
- The requirement for an appropriate level of compliance to ensure that any future wildlife protection areas are suitably protected.

- A variety of specific locations were identified for consideration for declaration including relevant areas of Fingal Peninsula, in and adjacent to Pottsville Wetland and other public lands at the interface of bushland and urban areas.

The issues of concern with the draft policy that were identified were:

- That the provisions and reliance on signage is not adequate to provide the level of protection required.
- That Council does not have sufficient compliance resources to effectively enforce any future declarations under the policy.

In addition, comments were received as a result of internal consultation with council staff in relation to:

- Minor formatting and edits required.
- The need to consider how to respond to community initiated declaration proposals and to ensure consistency with all relevant existing companion animal policies.

As detailed in Attachment 1 the input received through the exhibition process has been integrated, where relevant, to the revised policy. An amended policy inclusive of these changes is provided at Attachment 2 for consideration for adoption.

OPTIONS:

1. That Council adopt the Wildlife Protection Areas Policy.
2. That Council does not adopt the Wildlife Protection Areas Policy.

CONCLUSION:

Wildlife Protection Areas are areas of public land where dogs and cats are prohibited for the purpose of wildlife protection under the *Companion Animals Act 1998*. They are considered to be the best legal mechanism available for local government in NSW to protect wildlife in bushland areas from domestic companion animals.

The adoption of this policy will allow for the application of this mechanism for any future WPA declarations to ensure bushland reserves with high conservation significance are suitably protected from the impacts of domestic animals.

COUNCIL IMPLICATIONS:

a. Policy:

As identified in the policy document, this new policy recommended for adoption is also related to the Companion Animals Management Plan Policy.

b. Budget/Long Term Financial Plan:

If Council supports adoption of the policy and any declarations that are subsequently proposed, the costs associated with implementation of the policy including education and signage will be met through the biodiversity program budget and supplemented by external grants where relevant and available. The specific cost is subject to each individual site due to variations in number of entrance points, track layout and level of visitation. Detailed costing of each proposal will be provided when the proposal is made.

c. Legal:

Wildlife Protection Areas are a provision under the NSW *Companion Animals Act 1998*. Under this Act Council can prohibit cats and/or dogs from public lands for the purpose of wildlife protection.

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*.

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

Inform - We will keep you informed.

The draft policy was placed on public exhibition from 15 August 2017 until 12 September 2017, with a further 14 days for comments until 26 September 2017. Exhibition involved:

- Public notification of the exhibition period via the Tweed Link and the Tweed Shire Council website.
- Direct engagement in response to requests for further information or clarification.
- Specific notification of the exhibition to key stakeholder groups including the Tweed Coastal and Waterways Committee, Tweed Landcare Inc. and the Tweed Coast Koala Management Committee.

It is noted that coordination with proposed staged consultation for the Open Space Strategy and the revision of Off Leash Dog Areas was proposed as part of the exhibition of this policy. These projects have not been progressed to exhibition phase to date. Any future opportunities to combine consultation regarding proposed Wildlife Protection Area declarations with these related projects will be identified and implemented.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Draft Wildlife Protection Areas Policy Submissions Analysis (ECM 4861695)

Attachment 2. Wildlife Protection Areas Policy (ECM 4861448)

18 [CNR-CM] Cultural Plan 2018-2021

SUBMITTED BY: Community and Cultural Services

mhm



People, places and moving around
Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

3	People, places and moving around
3.1	People
3.1.2	Community and Cultural Development - To provide community and cultural development services to foster and improve social and cultural well-being.

ROLE: Collaborator

SUMMARY OF REPORT:

At the Council meeting of 15 June 2017 Council resolved to place the Draft Cultural Plan 2017-2021 on public exhibition for a period of 28 days. The exhibition period was from 4 July to 31 July, with submissions being invited until 14 August 2017. This report provides an account of the submissions received and actions taken. This report also recommends that the Cultural Plan replaces the existing Cultural Policy which was first adopted in 1999.

Further, at the Council meeting of 26 October 2017 Council resolved to defer this report to 16 November 2017. As a result the plan title has been amended from its previous title of Cultural Plan 2017-2021 to Cultural Plan 2018-2021, due to consideration of this item being deferred as any actions will not be able to be implemented until the commencement of 2018.

RECOMMENDATION:

That Council formally:

- 1. Adopts the Tweed Shire Council Cultural Plan 2018-2021 as a framework to guide Council's engagement with cultural activities across the Shire over the next four years.**
- 2. Revokes the existing Cultural Policy Version 1.1 adopted on 13 November 2007, and replaces it with the Tweed Shire Council Cultural Plan 2018-2021.**

REPORT:

At the Council meeting of 15 June 2017 Council resolved to place the Draft Cultural Plan 2017-2021 on public exhibition for a period of 28 days. The exhibition period was from 4 July to 31 July, with submissions being invited until 14 August 2017. The exhibition period was advertised in the Tweed Link and on Council's website through the *What's On Exhibition* page. An announcement was also provided on Council's Cultural Program webpage. Hard copies of the Cultural Plan were provided at Council's Murwillumbah and Tweed Heads offices, as well as at the Tweed Regional Museum, the Tweed Regional Gallery and the Libraries.

The Draft Cultural Plan was also sent to a range of stakeholders (as per Attachment 4) inviting comments from committees, community organisations, and individuals. This included the Art Gallery Advisory Committee; Youth Council; as well as Council's Internal Cultural Plan Working Group. The draft plan was also sent to participants from the focus groups that were held as part of the community consultation process. This included members of the Access and Inclusion focus group, the Arts focus group, and both Youth focus groups (Murwillumbah and Tweed Heads). The draft plan was also sent the Director of the Tweed Regional Gallery, the Director Tweed Regional Museum, Richmond Tweed Area Librarian, and the Local Government Australia NSW Cultural Planning Network.

Thirteen submissions were received. Five of the submissions came from units within Council, and eight submissions were received from the community. The majority of submissions received were positive. Seven comments received simply acknowledged they had reviewed the Cultural Plan and voiced their support for the plan. Internally, some of the comments suggested the addition of particular wording, significant projects within Council, as well as adding particular Council policies to the Appendix. A detailed summary of the submissions received and actions taken to address them is attached to this report.

Council's existing Cultural Policy was first adopted in 1999, and revised most recently in 2007. The cultural milieu of the Tweed Shire and Council's commitment to arts and cultural activity has transformed significantly since this time, spurred by various changes including demographic shifts and the impact of cultural development programs, including Council's receipt of the NSW government's City of the Arts funding in 2003-2005. During this period, Council first employed a Cultural Development Officer (1998) and established a *Placemaking and Public Art Policy* (2003). In 2009, on behalf of Council, Griffith University completed the 'Cultural Vision for the Tweed' survey to gauge the community's response to prior cultural development programs delivered across the Tweed Shire community. Additionally, significant investment in the expansion of the Tweed Regional Art Gallery as well as in the Tweed Regional Museum has changed the cultural landscape within the Shire. Combined, these developments established or evolved many of the cultural activities now celebrated as the shire's key cultural strengths.

From 2015 Council's Community Development Officer - Cultural Planning led the cultural policy review, with assistance from Council's Cultural Plan Internal Working Group. The result of this review is the Tweed Shire Council Cultural Plan 2018-2021 which establishes a new vision, goals and strategies to direct the actions of Council toward initiating or supporting cultural programs/activity or cultural asset development. It is envisioned that the monitoring and evaluation of significant projects and programs identified in the Draft Cultural Plan 2018-2021 will be the basis of the implementation plan that is created once the plan is adopted. It is therefore recommended that it replaces the existing Cultural Policy, 2007.

OPTIONS:

1. That Council formally adopts the Tweed Shire Council Cultural Plan 2018-2021 a framework to guide Council's engagement with cultural activities across the shire over the next four years.
2. That Council revokes the existing Cultural Policy Version 1.1 of 13 November 2007.

OR

3. That Council requests additional information regarding the Cultural Plan 2018-2021.

CONCLUSION:

The Cultural Plan 2017-2021 was placed on public exhibition for a period of 28 days from 4 July to 31 July, with submissions being invited until 14 August 2017. Responses from the community were positive with the majority of respondents indicating their support for the Cultural Plan. Minor issues were raised regarding the inclusion of particular Council projects or policies in the Cultural Plan. An account of how the feedback has been addressed and incorporated into the Cultural Plan can be found in Attachment 3 - Table Summarising Submissions.

Further, at the Council meeting of 26 October 2017 Council resolved to defer this report to 16 November 2017. As a result the plan title has been amended from its previous title of Cultural Plan 2017-2021 to Cultural Plan 2018-2021, due to consideration of this item being deferred as any actions will not be able to be implemented until the commencement of 2018.

A recommendation has been put forward that Council adopts the Tweed Shire Council Cultural Plan 2018-2021 as the framework to guide Council's engagement with cultural activities across the shire over the next three years.

COUNCIL IMPLICATIONS:

a. Policy:

Cultural Policy v1.1.

b. Budget/Long Term Financial Plan:

Annual recurrent funding A2247 - Cultural Development Fund with \$25,279 budget for 2017/18.

In addition there has been a request for the rollover of funds of \$60,090 from A2207 Cultural Development Fund 2016 / 17 budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

This report provides an update regarding the recommendation to adopt the Cultural Plan 2018-2021. The Cultural Plan 2018-2021 is the product of significant community consultation undertaken across Tweed Shire in 2016. Hundreds of people contributed to the

plan through focus groups, planning discussions and by completing a community survey. The consultation has informed the definition of culture and the themes adopted for the plan.

The draft plan was then promoted during the period of exhibition (July and August 2017) in electronic and hard copy formats. This includes advertising in the TweedLink, updating Council's website and the distribution of hard copies of the Cultural Plan at key sites such as at Council's Murwillumbah and Tweed Heads offices, as well as at the Tweed Regional Museum, the Tweed Regional Gallery and the Libraries. The Draft Cultural Plan 2018-2021 was also sent to a range of stakeholders, inviting comments from committees, community organisations, and individuals. An account of how the feedback has been addressed and incorporated into the Cultural Plan can be found in Attachment 3 - Table Summarising Submissions.

Monitoring of the plan will be undertaken and a consolidated progress report on significant projects identified in the Cultural Plan will be provided to Council on an annual basis. This will include a review of the Placemaking and Public Art Policy (adopted by Council on 20 February 2014) and public art assets being undertaken.

UNDER SEPARATE COVER/FURTHER INFORMATION:

- | | |
|---------------|---|
| Attachment 1. | Tweed Shire Council Cultural Plan 2018-2021
(ECM4878592) |
| Attachment 2. | Tweed Shire Council Cultural Policy adopted on
13 November 2007 (ECM4811912) |
| Attachment 3. | Table Summarising Submissions (ECM4811839) |
| Attachment 4. | List of Stakeholders invited to Comment (ECM4824251) |
-

19 [CNR-CM] Tweed Regional Museum Tweed Heads - Redevelopment Update

SUBMITTED BY: Community and Cultural Services

mhm



People, places and moving around
Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.2 Places
- 3.2.6 Museum - To preserve and share the history of the Tweed for the benefit and enjoyment of visitors and the community.

ROLE: Collaborator Leader

SUMMARY OF REPORT:

On 1 October 2017, the Tweed Regional Museum (TRM) Tweed Heads reopened to the public, marking completion of the first stage of redevelopment of the Kennedy Drive site. The official reopening of the site (15 October 2017) was attended by approximately eighty people including Mayor Katie Milne and Councillors Ron Cooper and Warren Polglase.

Between 2015 and 2017 key elements of Stage 1 were completed, namely: demolition of the RSL Hall, (subject of a Report to Council in November 2015); construction of a new portable research centre and office to accommodate the Tweed Heads Historical Society (subject of a Report to Council in April 2016); and refurbishment and interpretation of the heritage listed original Tweed Heads Court House.

Later in 2017 work will commence on Stage 2 of the project including: construction of accessibility compliant entry to the Court House, and refurbishment of Boyd's Shed (currently closed to the public). These costs will be met from the existing project budget.

Council has also been awarded a Heritage Activation Grant (\$31,549), under the Heritage Near Me Program, NSW Department of Environment and Heritage, to undertake further documentation and interpretation of the site. This includes development of a smart phone App providing visitors with information about the site and related locations and themes.

The Museum's annual visitor survey is currently underway at TRM Murwillumbah and Tweed Heads. It will provide valuable data about visitors. Extended summer opening hours are in place until the end of January 2018. The Museum is working with local tour operators (Endeavour Cruises and Mount Warning Tours) to develop tours and content drawing on displays and themes featured at the Tweed Regional Museum Tweed Heads.

RECOMMENDATION:

That Council notes progress to date of redevelopment of the Tweed Regional Museum Tweed Heads, and activities planned as part of Stage 2 of the project.

REPORT:

Stage 1 milestones

Historical Society accommodation

In accordance with the commitments made by Council in the 2004 Memorandum of Understanding which established the Tweed Regional Museum, and the subsequent Museum Service Agreement (2014-17), a dedicated research centre and office accommodation, has been provided by Council for the Tweed Heads Historical Society. In accordance with planning requirements, this building is portable and has been designed and constructed in accordance with the recommendations of a Heritage Impact Statement commissioned by the Museum. A Licence between Council and the Historical Society has been executed and sets out terms and conditions for occupancy, including Council's in-kind contribution.

Other arrangements between the Tweed Heads Historical Society (and the Societies of Murwillumbah and Uki & South Arm) regarding support provided to the Societies by Council, and the Societies support for the Tweed Regional Museum, is governed by a Museum Service Agreement. The existing Agreement is due for renewal at the end of 2017 and is currently undergoing review.

Court House refurbishment

The original Tweed Heads Court House was constructed in 1926 as an addition to the original Tweed Heads Police station in Wharf Street Tweed Heads. The Court House was moved to the current location in the mid-1980s (one of four building relocated to the site at various times) and has served as the home of the Historical Society and Museum since that time. Prior to recent refurbishment, the Court House had progressively become a crowded work, storage and display space unsuitable for both public displays and office accommodation.

Restoration and refurbishment has been carried out in accordance with the Heritage Impact Statement commissioned by the Museum, and according to the general principles of conservation and interpretation of heritage buildings. The Court House is now a dedicated public space offering visitors detailed information about the history of the building; development of law and order in the Tweed, and limited displays focussed on maritime history and the northern end of the Tweed Shire and border region.

Site Interpretation

A plan setting out the potential for integrated site interpretation has been developed. This plan focusses on the three heritage buildings forming the Museum precinct (Court House, Boyd's Shed and the Deckhouse) and on opportunities for precinct interpretation and public programs. The Plan formed the basis of Council's successful bid to the NSW Department of Environment and Heritage for a Heritage Activation Grant (\$31,549) to support additional site interpretation and programming.

Stage 2 planned works

Accessibility

Current access to the Court House building is not accessibility compliant and/or is in a deteriorating state. Design and construction of new access and associated site work is underway and will be completed in the first half of 2018.

Program development and sustainability

Over the four months October 2017 - January 2018, during which extended opening hours (Sunday - Wednesday 10am - 4pm) are being trialled at TRM Tweed Heads, records will be kept of visitor numbers. This will include any days preferred by tour groups. This information, combined with Museum staff capacity, will be used to determine ongoing opening hours after 31 January 2018.

Public programs at TRM Tweed Heads, including those developed through grant funding detailed above, will focus on site interpretation. Programs will explore options not wholly reliant on Museum opening hours (including mobile platform content funded through the Heritage Activation Grant) and will focus on group visits, including school and organised tour groups.

OPTIONS:

1. That Council notes progress to date of redevelopment of the Tweed Regional Museum Tweed Heads, and activities planned as part of Stage 2 of the project.
2. That Council notes the report and requests further information.

CONCLUSION:

Following an initial period of redevelopment, the Tweed Regional Museum Tweed Heads is poised to offer visitors valuable insights into the history of development in that part of the Shire and the border region. The project has set a standard for heritage conservation and interpretation in the Shire. New programs, partly supported by grant funding, will offer innovative visitor experiences including through the use of mobile technology. Collaboration with commercial tour operators will see the development of land and water based tours focussed on history and heritage. Ongoing site interpretation and associated programs will seek a balance between visitor demand and available resources.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

Extensive communication and negotiation with Historical Society partners and with other divisions of Council has informed the planning and development of Stage 1 of the Tweed Regional Museum Tweed Heads. Future programming will seek to engage additional

stakeholders and explore the potential for a sustainable and diverse program mix based around the TRM Tweed Heads precinct.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

20 [CNR-CM] Access and Inclusion Plan 2014-2018 - Annual Progress Report 2016-2017

SUBMITTED BY: Community and Cultural Services

mhm



People, places and moving around

Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.1 People
- 3.1.2 Community and Cultural Development - To provide community and cultural development services to foster and improve social and cultural well-being.

ROLE: Provider

SUMMARY OF REPORT:

The *Tweed Access and Inclusion Plan 2014-2018* (the Plan) is Council's four-year integrated plan which links to Council's Community Strategic Plan, the four-year Delivery Program, the annual Operational Plan and associated Budget. The Plan addresses the access and inclusion barriers identified by the community priorities that will help Council to deliver its vision for an inclusive community. The purpose of this report is to provide a progress update on the implementation of the Plan since its adoption on 19 August 2014. This report covers implementation in the 2016-2017 year.

RECOMMENDATION:

That Council receives and notes the Access and Inclusion Plan progress report for the 2016-2017 year.

REPORT:

The current Access and Inclusion Plan 2014-2018 was updated to meet the requirements of the *NSW Disability Inclusion Act 2014* and adopted by Council in June 2017. Minor adjustments were required with no change to the actions.

The Access and Inclusion Plan 2014-2018 includes a total of 52 actions grouped under 5 strategic outcomes. To date 27 actions have been achieved, 4 partially achieved and 15 not achieved. There are 8 actions scheduled for completion in the final year of the Plan. Included in the 52 actions are 26 ongoing actions and progress is reported on these each year. A number of these ongoing actions have been recorded as partially achieved.

Highlights for the 2016-2017 year include:

- Installation of hearing augmentation in Murwillumbah Auditorium, Canvas and Kettle Room, Murwillumbah Council Chambers, Harvard Room, Customer Service Counters Murwillumbah and Tweed Heads and mobile units available for one on one meetings.
- Untold Stories project and exhibition at the Tweed Regional Museum documenting the lives of 10 Tweed residents who live with disability in the Contemporary Voices series.
- 2016 Access and Inclusion Awards with 30 nominations.
- Completion of the review stage of access to foreshores and waterways.
- Highly commended award for the upgrade of accessible public toilet project in the National Local Government Awards for excellence and innovation.
- Facilitation of new Equal Access Advisory Committee.
- Continuation of the work of the Access Standards and Guidelines Working Group until March 2017 with examples including developing protocols for the installation of tactile ground surface indicators in the road reserve and a Universal Design seminar for Council staff and community representatives presented by Jane Bringolf, Director Centre for Universal Design Australia.
- A number of projects in the Pedestrian Access and Mobility Plan.

A number of actions are listed as ongoing work and good progress has continued with these. Some examples include:

- Improving the accessibility of information provided to the public by Council.
- Access upgrades to Council buildings in response to the access audit report from Access Audits Australia.
- Review of transport infrastructure and planned upgrades to bus stops with successful grant funding.
- Working with the business chambers to advocate for and disseminate information on improving access in the business sector.

BACKGROUND:

The *Access and Inclusion Plan* is based on the concepts of access and inclusion to ensure that all people who live in or visit Tweed Shire can live their lives and be involved in the community no matter what their circumstances or abilities. It identifies various sections of Council responsible for the implementation of the plan to ensure a whole-of-Council response to identified access barriers.

The *Access and Inclusion Plan* contains five strategic outcomes to address the issues raised during the community consultation. Some actions identified in the Plan are dependent on access to grant funding and have not proceeded (at this stage) where funding was unavailable. It should be noted that in general there have been sweeping changes to the funding landscape making it far more difficult to source grants to support initiatives.

OPTIONS:

1. That Council receives and notes the Access and Inclusion Plan progress report for the 2016-2017 year.
2. That Council seeks more information on the Access and Inclusion Plan progress report for the 2016-2017 year.

CONCLUSION:

The *Access and Inclusion Plan* is an important strategic document that informs the way Council plans for and develops an accessible and inclusive community and fulfils legislative and policy obligations at all tiers of government as well as internationally. Some lessons have been learned during the implementation of this first Access and Inclusion Plan that will inform the structure and content of the next plan. This includes making sure that the commitments in the plan can be met with the available financial and human resources. While the majority of commitments in the 2014-2018 Plan will be met by the time the plan expires on 30 June 2018 some will need to be considered for roll over into the next plan. Planning for transition from the current plan to the next plan has commenced as there are now legal requirements for local government under the *NSW Disability Inclusion Act 2014*.

COUNCIL IMPLICATIONS:

a. Policy:

Access and Inclusion v1.1

b. Budget/Long Term Financial Plan:

- *Access and Inclusion Plan* Funding - the Long Term Financial Plan allocated \$47,023 in 2017-2018, with an annual CPI increase of 3% for 2015/2016;
- Aged and Disability Community Development - the Long Term Financial Plan allocates an annual salary for the CDO-Ageing and Disability, responsible for the implementation of the *Access and Inclusion Plan* across Council;
- Access Reserve is one of Council's internally restricted cash reserves designated to specific projects to improve access and promote social inclusion across the Shire.
- External funding - to be sought via application as grants become available, is another potential source of funding.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

An extensive internal and community consultation was carried out to develop the current *Access and Inclusion Plan 2014-2018*. For the next Plan 2018-2021 it is a requirement under the NSW *Disability Inclusion Act 2014* to carry out comprehensive consultation in the development of a Disability Inclusion Action Plan. Consultation with Council staff aims to gain cross organisation ownership to fulfil the expectation for a whole of organisation commitment to inclusion.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM THE DIRECTOR ENGINEERING

21 [E-CM] NSW Government Draft Future Transport Strategy 2056

SUBMITTED BY: Roads and Stormwater

mhm



People, places and moving around
Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.3 Moving around
- 3.3.4 Roads, Traffic, Footpaths and Cycleways - To provide and maintain a network of roads and bridges, footpaths and cycleways that is safe, efficient and accessible.

ROLE: Advocate

SUMMARY OF REPORT:

The NSW Government (Transport for NSW) has released their Draft Future Transport Strategy 2056 ("Future Transport") and is seeking public feedback.

Future Transport updates the 2012 Long Term Transport Master Plan. It sets the government's 40-year vision, directions and outcomes for customer mobility in NSW, which will guide transport investment over the longer term. It will be part of a suite of Government Strategies, including the State Infrastructure Strategy (Infrastructure NSW), the Sydney Region Plan (Greater Sydney Commission) and Regional Plans (Department of Planning and Environment). The strategy will be delivered through Service and Infrastructure Plans for Greater Sydney and Regional NSW, and issue or place-based Supporting Plans.

The strategy emphasises the central role that transport and mobility plays in the modern world, in creating liveable, safe, sustainable, affordable and accessible communities. It recognises the potential for technological advancements and innovations to rapidly shape the way we move, communicate and seek information over the next 40 years.

Council officers have prepared a draft submission on the plan (refer to report attachment), addressing the key transport issues facing Tweed and the NSW North Coast for further consideration in Future Transport. These relate to our less Sydney-centric transport patterns and unique cross-border challenges.

RECOMMENDATION:

That the attached the submission to the Draft Future Transport Strategy 2056 be endorsed.

REPORT:

The NSW Government (Transport for NSW) has released their Draft Future Transport Strategy 2056 ("Future Transport") and is seeking public feedback. Submissions close on 1 December 2017. In developing the draft, the Government held several engagement sessions with stakeholder groups including Councils, however the document does not detail any such consultation on the North Coast. On line surveys were available and the Manager Roads and Stormwater made an initial submission in this way.

Future Transport updates the 2012 Long Term Transport Master Plan. It sets the government's 40-year vision, directions and outcomes for customer mobility in NSW, which will guide transport investment over the longer term. The government aims to integrate transport planning with infrastructure investment and town planning strategies through a suite of complementary documents, including the State Infrastructure Strategy (Infrastructure NSW), the Sydney Region Plan (Greater Sydney Commission) and Regional Plans (Department of Planning and Environment). The strategy will be delivered through Service and Infrastructure Plans for Greater Sydney and Regional NSW, and issue or place-based Supporting Plans. Many of these plans are yet to be scoped or consulted on.

The strategy emphasises the central role that transport and mobility plays in the modern world, in creating liveable, safe, sustainable, affordable and accessible communities. It recognises the potential for technological advancements and innovations to rapidly shape the way we move, communicate and access information over the next 40 years. As an example, the strategy cites the rapid growth of ridesharing services (such as Uber) which was not envisaged in the 2012 Master Plan, and that four in five public transport users now use online resources (smartphones, websites) to plan their travel. However, rather than trying to predict the future over such a long time frame, Future Transport emphasises the need for Government to be agile, not over-regulated, and invest in adaptive infrastructure in order to capitalise on future opportunities, with user safety and economic, social and environmental sustainability as long term goals.

Key aspects of Future Transport are:

- The next 40 years will see more technology-led transformation than the past two centuries. This will lead to automated, smart transport networks that can help manage congestion and safety risks. Alternate modes including automated vehicles and e-bikes for personal and mass transit tasks and drones for freight tasks are envisaged.



Figure 36 Customers directly influencing service providers

- Transport will become more customer-focused due to smarter ways to choose and buy services that are customised, adaptive and value for money. Demand-based services connected to smart transport networks will continue to grow, opening opportunities for non-government sector investment and partnerships. “Mobility as a Service” providers will deal direct with the customer, rather than network or service operators.

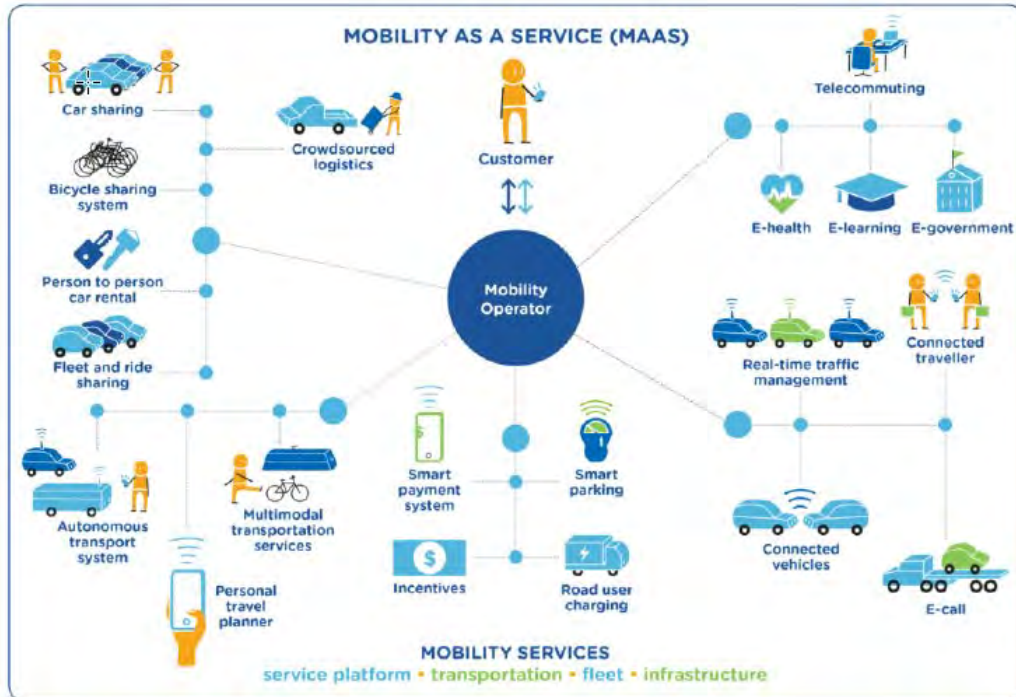


Figure 8 Mobility as a Service

- The move away from a traditional +infrastructure and vehicle focus. Making better use of spare capacity and public transport efficiencies to reduce reliance on single vehicle trips. This has sustainability benefits due to high energy demands of the current transport network.

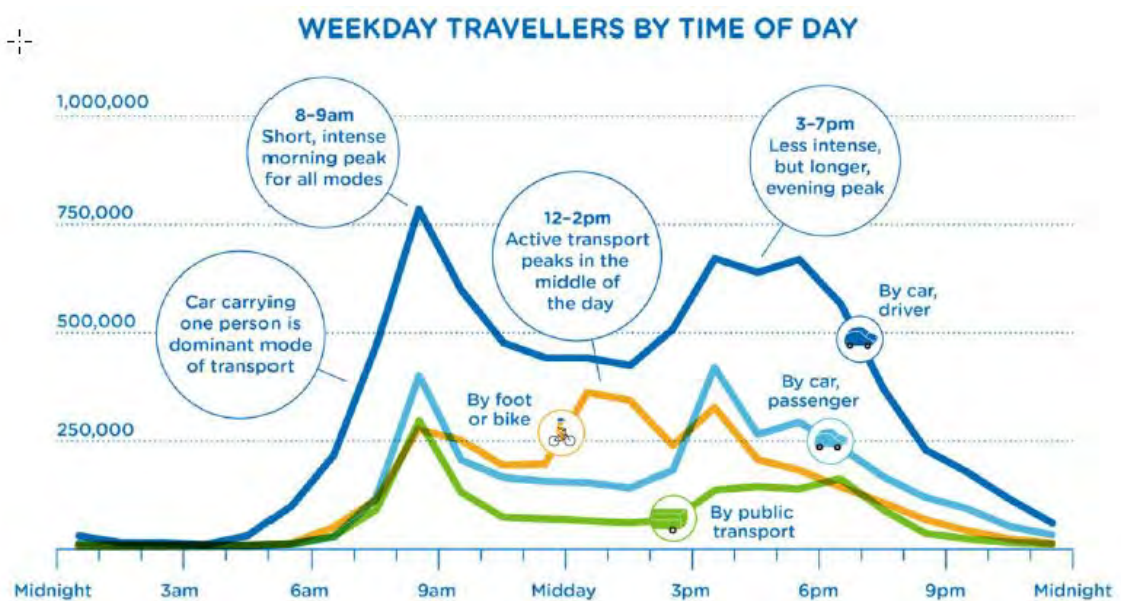


Figure 45 Weekday peaks

- Aim for a “trauma-free” (zero road toll and serious injury) transport network through smart technologies (vehicle automation, adaptive speed controls) and “Safe System” design principles. Regional areas are over-represented in roads fatalities each year. There is a shared responsibility for preventing crashes - transport planners, designers and users must all contribute.



Figure 12 The Safe System approach

- Recognition that public transport revenue in NSW is amongst the lowest in the developed world, with a continuing downward trend. Compared to many global cities, even Sydney has very low population densities to sustain traditional public transport networks, especially outside of limited peak periods. The strategy recognises that the main barrier to public transport uptake in Regional NSW is the availability of frequent and reliable services to take customers where and when they need to go.

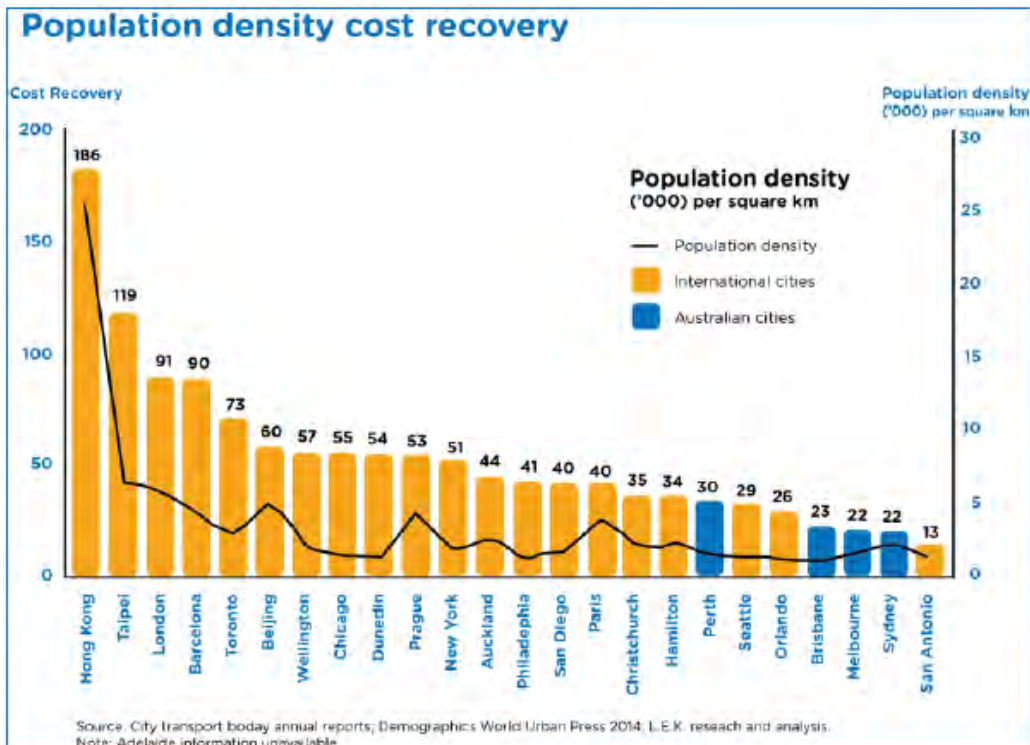


Figure 70 Population density cost recovery

- Environmental benefits of alternate fuels with reducing costs of battery storage, leading to lower emissions, reduced noise, and better energy security.
- Transport access and inclusion for customers with difficulties due to age, disability, income, language, or location. Requires a review of universal design for new infrastructure and vehicles, improved service provision, review of concession policies, and providing alternate ways of accessing information and services.
- Support reconciliation and strengthen Aboriginal communities, to close the gap through transport improvements and tailored programs.

Overall Future Transport is a bold visionary document, which responds well to future uncertainty and opportunities on a high level strategic basis. However there are several Tweed specific concerns that form the basis of the draft submission attached to this report:

- The strategy aims for seamless multi-modal customer focused transport options, and recognises the role of government in creating the right environment for quality service provision, by removing unnecessary regulation and adjusting policy settings. Current cross-border barriers relating to licensing, fares, zoning and ticketing systems need to be overcome as an immediate priority to both NSW and QLD governments.
- The strategy fails to properly recognise the influence of South-East Queensland, specifically Gold Coast and Brisbane on travel modes and trip ends for Tweed and the North Coast generally. This was also a deficiency of the 2012 Master Plan. While Future Transport refers to the influence of Canberra as a “Global Gateway City” on Greater Sydney, there is little regard to the economic drivers north of the border, and the pressures they place on transport networks in Tweed. In particular opportunities to connect to Gold Coast Airport are overlooked, although the plan does refer to investigations into extending the Gold Coast Light Rail to Tweed Heads (the only identified initiative for the Tweed in the strategy). The strategy recognises the importance of air travel for regional tourism on the North Coast, but limits discussion to Ballina, Coffs Harbour and Port Macquarie airports, which are minor facilities compared to the Coolangatta.



Figure 15 Connecting communities

OPTIONS:

Council officers have prepared the draft submission on Future Transport attached to this report.

Option 1 – Council endorses the draft submission.

Option 2 – Council amends the draft submission.

Option 3 – Council makes no submission.

Option 1 is the recommended option of this report.

CONCLUSION:

Council has the opportunity to make a submission on a key State Government Future Transport Strategy, which will set the framework for transport investment for the next 40 years. The transport landscape is expected to move dramatically during this time period due to increased technological advancements and population growth and the NSW North Coast and Tweed Shire can benefit from many of the initiatives. However given our location adjacent to South East Queensland, we are also presented with a range of unique challenges that require further consideration by the Government in Future Transport 2056. These will form the basis of our submission.

COUNCIL IMPLICATIONS:

a. Policy:

Future Transport has potential to influence two key Council strategies over the longer term, being:

- Public Transport Strategy
- Tweed Road Development Strategy

No immediate changes are proposed to these documents, given the different timeframes for each strategy, and the likely lead times before Future Transport and the related suite of plans are implemented in any meaningful way.

b. Budget/Long Term Financial Plan:

Future Transport has no direct consequences for Council's budget, however the previous Long Term Transport Master Plan involved a number of key government funding programs, including Fixing Country Roads, Road Safety, and Transport Access Programs. It is hoped that the strategy and associated plans will include new funding opportunities for Regional NSW.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Tweed Shire Council submission to NSW Government Draft
Future Transport Strategy 2056 (ECM 4876370).

22 [E-CM] Bridges Renewal Program, Round Three - Byrrill Creek Bridge

SUBMITTED BY: Roads and Stormwater

mhm



People, places and moving around
Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.3 Moving around
- 3.3.4 Roads, Traffic, Footpaths and Cycleways - To provide and maintain a network of roads and bridges, footpaths and cycleways that is safe, efficient and accessible.

ROLE: Collaborator Provider

SUMMARY OF REPORT:

In the March 2017 flood event, the timber bridge over the Tweed River on Byrrill Creek Road (known as Byrrill Creek Bridge) was destroyed. While a temporary single lane timber bridge was quickly reinstated by Council using recovered materials, a permanent replacement is necessary.

Council has received an offer for funding from the Commonwealth Government under the Bridges Renewal Program (Round Three) of \$2.175 million – 50% of the estimated cost of a permanent two-lane concrete bridge on an improved alignment and with greater flood immunity than the previous timber bridge.

Council has not been successful to date in attracting further Commonwealth or State funding for the remaining 50% of the cost of the bridge. While officers will continue to pursue funding opportunities, Council is requested to allocate the matching funding to deliver this unplanned but important infrastructure upgrade.

RECOMMENDATION:

That Council:-

1. **Notes the acceptance by the General Manager of the funding offer of \$2.175 million under the Bridges Renewal Program (Round Three) for Byrrill Creek Bridge.**
2. **Allocates matching funding of up to \$2.175 million from the Infrastructure Asset Reserve, unless an alternate funding source can be confirmed.**

- 3 Defers bridge projects identified in years 2018-21 in the Delivery Program by one year to accommodate bringing the Byrrill Creek Bridge replacement forward.**

REPORT:

In the March 2017 flood event, a declared natural disaster, the timber bridge over the Tweed River on Byrill Creek Road (known as Byrill Creek Bridge) was destroyed. While a temporary single lane timber bridge was quickly reinstated by Council using recovered materials, a permanent replacement is necessary.

The cost of the emergency reinstatement is eligible for funding under Natural Disaster Relief and Recovery Arrangements (NDRRA) but is yet to be assessed or approved. Roads and Maritime Services (RMS) have assessed and approved that the bridge replacement is eligible for funding of \$1,152,000. This is on a "like for like" basis, that is, the costs of replacing the previous two-lane timber bridge with an equivalent two-lane timber bridge on the same line, level, width and re-using the existing piles and abutments.

A permanent more flood resilient bridge structure is desired in this location, given the disruption that the last flood, and many events before it, caused the Byrill Creek community. The Byrill Creek Bridge was identified in Council's timber bridge replacement program, but was programmed beyond the current four-year Delivery Plan. Due to the flood damage, it is proposed to bring forward this bridge project, to achieve the permanent replacement. A concept design for a wider concrete bridge on an improved horizontal alignment and with improved flood immunity has been estimated to cost \$4.35 million.

Council submitted this concept design under Round Three of the Federal Government's Bridges Renewal Program (BRP), and the General Manager has recently received and accepted a funding offer for \$2.175 million (due to an acceptance deadline of 10 November) – 50% of the estimated cost for the improved bridge.

Ideally the \$2.175 million BRP funding would be part matched by the \$1.152 million NDRRA funding, leaving Council to fund \$1.023 million. However it is a condition of BRP funding that:

"The Council will only use funding from this program (and no other Australian Government program) to fund any part of the approved project.

(Examples of other Australian Government programs includes but is not limited to: Roads to Recovery, Black Spots, Natural Disaster Recovery funding, Building Better Regions Fund, Stronger Communities or the Community Development Fund)."

Alternate State funding sources have been considered, however the Byrill Creek Bridge project is generally ineligible. For example, Fixing Country Roads is frequently used to match BRP funding, however its eligibility criteria are heavily weighted for freight routes, which Byrill Creek Road cannot meet.

While officers will continue to pursue funding opportunities, Council is requested to allocate the matching funding to deliver this unplanned but important infrastructure upgrade.

OPTIONS:

Option 1 - Council allocates matching funding.

Option 2 – Council declines the funding offer.

Option 1 is the recommendation of this report.

CONCLUSION:

Council has been successful in gaining 50% funding from the Federal Government to complete a \$4.35 million replacement of Byrrill Creek Bridge, which has been brought forward by flood damage in March 2017. To complete the project Council is required to allocate \$2.175 million to the project.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The Financial Services Unit has confirmed that funding is available from the Infrastructure Asset Reserve to provide matching grant funding.

In order to accommodate the Byrrill Creek Bridge project in the Delivery Plan, it is proposed to defer the identified bridge replacement projects from 2018-21 by one year, effectively bringing Byrrill Creek Bridge forward in the program by at least 5 years. This impacts on the following projects:

Capital works			2017-18	2018-19	2019-20	2020-21
(D) Bridges						
1	Crystal Creek	Numinbah Rd	Korns Bridge – RMS Project (dependent on funding)	✓		
2	Dunbible	Richards Dev	50m from Tweed Valley Wy		✓	
3	Terragon	Palmers Rd	Tweed River 50m from Kyogle Rd		✓	
4	Cobaki	Cobaki Rd	Cobaki Ck 0.7km west of Quambie Rd			✓
5	Upper Crystal Creek	Booka Rd	Quambatook Ck 1.4km from Upper Crystal Ck Rd			✓
6	Upper Burringbar	Upper Burringbar Rd	Burringbar Ck 1.8km west of Ophir Glen Rd			✓

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

The Byrrill Creek community was requested for input in the application for funding under the Bridges Renewal Program. Loss sustained in the flood due to isolation by road was the key factor raised in support of the bridge upgrade. Some residents have already been consulted on the proposed bridge upgrade design and alignment. Further consultation will commence following confirmation of funding and detailed design for the project.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

23 [E-CM] Pottsville and District Men's Shed

SUBMITTED BY: Design

mhm



People, places and moving around
Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.1 People
- 3.1.2 Community and Cultural Development - To provide community and cultural development services to foster and improve social and cultural well-being.

ROLE: Collaborator

SUMMARY OF REPORT:

Mr Geoff Provest, the Member for Tweed has forwarded correspondence from the Minister for Lands and Forestry, and Minister for Racing, the Honourable Paul Toole relating to a permanent location for the Pottsville and District Men's Shed group.

This letter has been forwarded to the Pottsville and District Men's Shed for their attention. They have responded by forwarding a letter to the Minister requesting an updated review of the Crown land portfolio.

Copies of these letters are attached to this report.

It is recommended that Council receives and notes this report.

RECOMMENDATION:

That Council receives and notes this report on the Pottsville and District Men's Shed.

REPORT:

Mr Geoff Provest, the Member for Tweed has forwarded correspondence received by him from the Minister for Lands and Forestry, and Minister for Racing, the Honourable Paul Toole relating to a permanent location for the Pottsville and District Men's Shed group.

The letter from the Minister, dated 21 September 2017, covers several issues, including, but not limited to:

- that a desk top review of Crown Land in the immediate area has not identified any suitable land;
- the Men's Shed, to date, have not lodged a request to the Department of Lands and Forestry to identify suitable sites, so the Department does not hold details of any preferred locations or the Men's Shed requirements;
- that should the Men's Shed identify a suitable parcel of Crown land, the Department would investigate its suitability for the group;
- an acknowledgement that suitable land may be difficult to locate, and a suggestion that Council assess its own property portfolio for a suitable site;
- that a suitable site may be identified from any local Crown land vested in Council as a part of the new Crown land legislation; and
- the Memorandum Of Understanding for Men's Sheds is between the Department and the Australian Men's Shed Association.

This letter has been forwarded to the Pottsville and District Men's Shed for their attention. They have responded by forwarding a letter to the Minister requesting an updated review of the Crown land portfolio.

Copies of these letters are attached to this report.

It is recommended that Council receives and notes this report.

OPTIONS:

As there are no issues to consider, the only option available is to note the contents of the letter.

CONCLUSION:

The letter indicates that no Crown land has been identified as a suitable alternative location for the Men's Shed group to operate in the Pottsville area, however the Department will consider any parcels identified by the Men's Shed, and any information provided by the Men's Shed detailing their requirements. In this regard, the letter has been forwarded to Pottsville and District Men's Shed group for their attention and action.

COUNCIL IMPLICATIONS:

a. Policy:

Refer to Council's Resolution from meeting held 16 March 2017. The Resolution is an attachment to this report.

b. Budget/Long Term Financial Plan:

No financial implications arise from this report.

c. Legal:

Council entered into the Licence agreement which commenced on 5 April 2017 and will expire on 4 April 2022.

d. Communication/Engagement:

Inform - We will keep you informed.

There is no requirement to undertake public engagement in this matter, as no actions will emanate from this report.

UNDER SEPARATE COVER/FURTHER INFORMATION:

- | | |
|---------------|---|
| Attachment 1. | Letter from the Hon. Paul Toole to Mr Geoff Provest MP dated 21 September 2017 (ECM 4864153). |
| Attachment 2. | Letter from Pottsville and District Men's Shed Inc. to the Hon. Paul Toole dated 31 October 2017 (ECM 4865871). |
| Attachment 3. | Council Resolution dated 16 March 2017 (ECM 4876261). |
-

24 [E-CM] Proposed Disposal of Council Land - 218 Kennedy Drive, Tweed Heads West

SUBMITTED BY: Design

mhm



Behind the scenes
Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

4	Behind the scenes
4.1	Assurance
4.1.3	Legal Services - To support and advise staff on organisational legal issues and property management of Council controlled assets

ROLE: Leader

SUMMARY OF REPORT:

Council purchased Lot A in DP407658, 218 Kennedy Drive, Tweed Heads West in 2015 for the purpose of constructing stormwater drainage, which involved the creation of an easement and then resale.

All works have now been completed and the easement over the land registered under a transfer granting easement.

It is proposed to dispose of the property at 218 Kennedy Drive, Tweed Heads West, in accordance with Council's Disposal of Land Policy.

RECOMMENDATION:

That:

- 1. Council approves the advertising of its intention to dispose of Council land being Lot A in DP 407658 in accordance with Council's Policy for the Disposal of Land.**
- 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.**
 - (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:

Council purchased Lot A in DP 407658, 218 Kennedy Drive, Tweed Heads West in 2015 for the purpose of constructing stormwater drainage, which involved the creation of an easement and then resale (refer to Diagram 1). A copy of the report dated 19 February 2015 is attached.

Diagram 1 – Lot A DP 407658, 218 Kennedy Drive, Tweed Heads West



To fund the purchase of the property an internal loan was sourced from the Non Domestic Waste Management Concrete Recycling Reserve Fund with the intention of the loan being repaid in full on the resale of the property.

All works have now been completed and the easement over the land registered under a transfer granting easement. Refer to Diagrams 2- 4 over the page.

Diagrams 2 and 3 – Registered Transfer Granting Easement and associated Plan of Easement

Req:R123764 /Doc:DL AK480588 /Rev:26-Aug-2016 /Sts:NO.OK /Pgs:ALL /Prt:02-Aug-2017 13:15 /Seq:1 of 2
 Ref:TWEED-NELAT-kennedy /Src:H



Substitute Dealing
 Time
 Date: 26/7/16
 CSB2

17 AUG 2015

**TRANSFER
 GRANTING EASEMENT**

AK480588B

C790642

PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

RECORDED
 TORRENS TITLE
 2 JUL 2016
 (B) LODGED BY
 TIME: 10.24

Servient Tenement Folio Identifier A/407658	Dominant Tenement TWEED SHIRE COUNCIL EASEMENT IN GROSS
--	---

Document Collection Box IN	Name, Address or DX, Telephone, and Customer Account Number if any Tweed Shire Council Ph: 6670 2400 PO BOX 816, Murwillumbah Reference: AN 8296	CODE TG
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(C) TRANSFEROR

TWEED SHIRE COUNCIL

(D)

The transferor acknowledges receipt of the consideration of \$ _____ and transfers and grants—

(E) DESCRIPTION OF EASEMENT

EASEMENT FOR DRAINAGE 3 WIDE TO DRAIN WATER 3 WIDE AS SHOWN IN PLAN ATTACHED AS ANNEXURE 'A'

out of the servient tenement and appurtenant to the dominant tenement.

(F)

Encumbrances (if applicable): _____

(G) TRANSFEREE

TWEED SHIRE COUNCIL

DATE _____

(H) Certified correct for the purposes of the Real Property Act 1900 by the company named below the common seal of which was affixed pursuant to the authority specified and in the presence of the authorised person(s) whose signature(s) appear(s) below.

Company: TWEED SHIRE COUNCIL
 Authority: BY RESOLUTION DATED 19 MAY 2016

Signature of authorised person: *Katie Milne*
 Name of authorised person: KATIE MILNE
 Office held: MAYOR



Signature of authorised person: *Troy Green*
 Name of authorised person: TROY GREEN
 Office held: GENERAL MANAGER

Certified correct for the purposes of the Real Property Act 1900 by the company named below the common seal of which was affixed pursuant to the authority specified and in the presence of the authorised person(s) whose signature(s) appear(s) below.

Company: TWEED SHIRE COUNCIL
 Authority: BY RESOLUTION DATED 19 MAY 2016

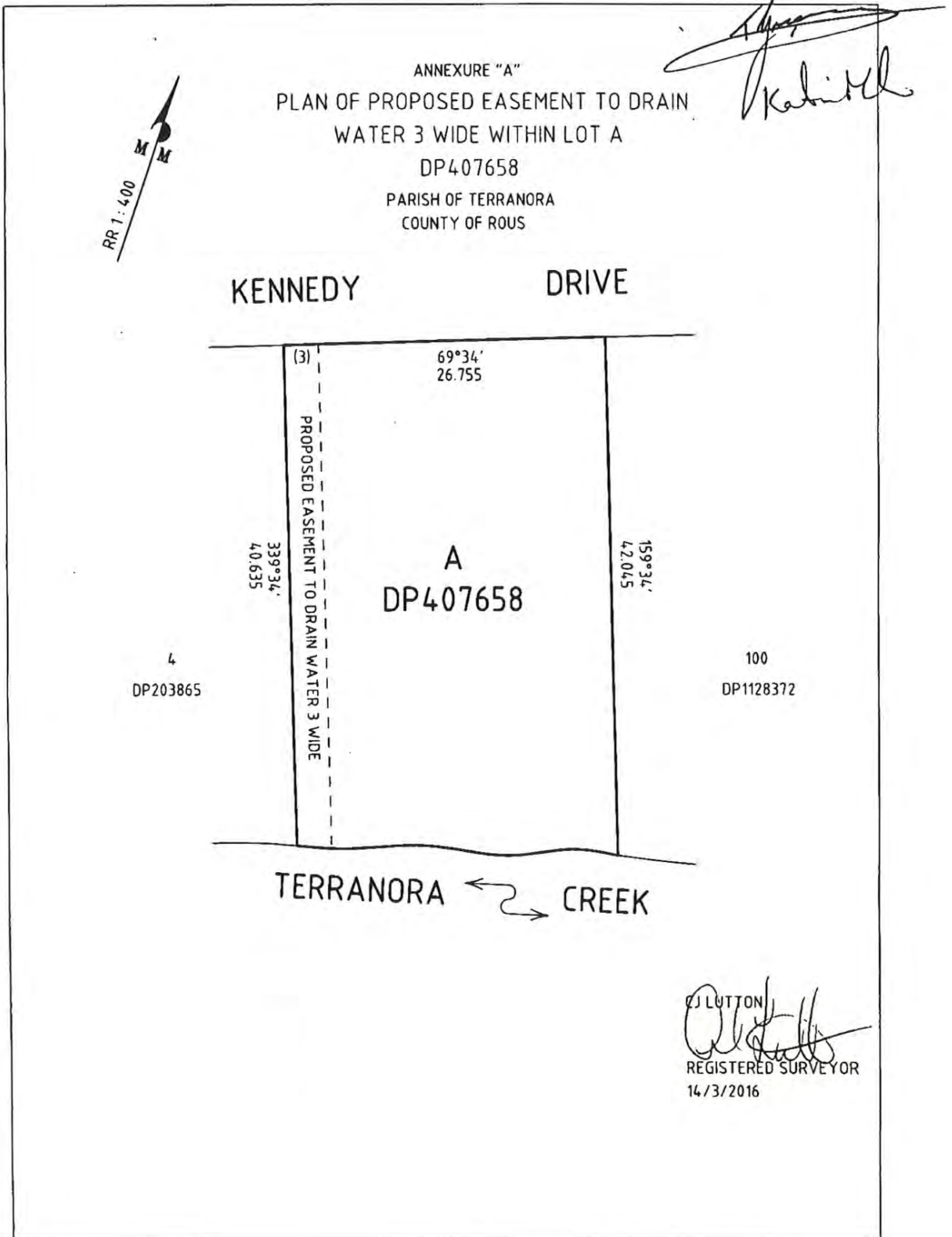
Signature of authorised person: *Katie Milne*
 Name of authorised person: KATIE MILNE
 Office held: MAYOR



Signature of authorised person: *Troy Green*
 Name of authorised person: TROY GREEN
 Office held: GENERAL MANAGER

KM
 Tg
 KATIE MILNE
 TROY GREEN 9/8/2016

Req:R123764 /Doc:DL AK480588 /Rev:26-Aug-2016 /Sts:NO.OK /Pgs:ALL /Prt:02-Aug-2017 13:15 /Seq:2 of 2
Ref:TWEED-NELAT-kennedy /Src:H



As the works have now been completed over Lot A DP 407658, it is proposed to dispose of the property at 218 Kennedy Drive, Tweed Heads West, in accordance with Council's Disposal of Land Policy.

The Policy provides that:

"Council owned land held in fee simple under the Real Property Act, 1900 shall be disposed of in the following ways:

- (a) by public auction, or*
- (b) by public tender,*

except in special circumstances as resolved by Council."

There are no special circumstances relevant to the sale of this property and as such it is proposed to advertise Council's intention to dispose of the land and seek public submissions in relation to the disposal.

OPTIONS:

1. Council approves advertising the intention to dispose of Council land in accordance with Council's Policy for the Disposal of Land.
2. Council does not approve the advertising of the proposed sale of land.

CONCLUSION:

It was the original intention of Council upon purchasing Lot A DP 407658 to construct the necessary stormwater drainage, create an Easement over the land benefiting Council and then place the property on the market for sale. The works have been completed and the Easement registered on Title. It is therefore proposed that Council now advertises its intention to dispose of the land and seek public submissions in relation to the disposal.

COUNCIL IMPLICATIONS:

a. Policy:

Disposal of Land v1.1.

b. Budget/Long Term Financial Plan:

Repayment of the internal loan from the Non Domestic Waste Management Concrete Recycling Reserve Fund. Should the sale of the land return a capital value above the loan amount due, it may be directed to currently unfunded projects or be applied to the purchase of properties by Council. It is recommended that if the disposal is approved that the sale proceeds over and above the loan amount due be directed to the land development reserve.

In the event that the tender process fails to attract offers to meet that financial commitment no offers will be accepted and the option remains for listing the property for sale at a nominated price (current land valuation) with an agent, and ensure that we sell the land for a price that would repay the internal loan. Alternatively the land can be retained.

c. Legal:

Not applicable.

d. Communication/Engagement:

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

The proposed intention to dispose of Lot A DP 407658 will be advertised in the Tweed Link with a submission period of 28 days. Advertising will commence on 21 November 2017 and submissions will close on 19 December 2017.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Confidential Council Report and Resolution dated 19 February 2015 (ECM 4865537).

25 [E-CM] RFO2017082 Special Project A - Road Flood Damage Restoration

SUBMITTED BY: Infrastructure Delivery

Valid



People, places and moving around
Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

3	People, places and moving around
3.3	Moving around
3.3.4	Roads, Traffic, Footpaths and Cycleways - To provide and maintain a network of roads and bridges, footpaths and cycleways that is safe, efficient and accessible.

ROLE: **Provider**

SUMMARY OF REPORT:

At its meeting of 20 July 2017, Council resolved to accept under RFO2017082 a shortlist panel of suitably qualified providers to carry out flood restoration works.

Request for Offer RFO2017082 Special Project A has now been called to engage a suitably qualified and experienced contractor from the previously established panel of providers for the restoration of Tweed Valley Way (Blacks Drain) at South Murwillumbah that was severely damaged during the March 2017 flood event.

Works include:

- Restoration of 2 traffic lanes with road shoulders
- Restoration of pedestrian access (footpath)
- Restoration of permanent water supply
- Restoration of traffic barriers (guardrail)
- Restoration of drainage infrastructure

The offer was uploaded on Tweed Shire Council's Tender site to the selected Panel of Providers as per the requirements of the Local Government Regulation 2005 and was scheduled to close at 4:00pm NSW Local Time on 1 November 2017.

Once offers have been received on 1 November 2017, Council officers will undertake an assessment and provide an Addendum Report to Council to be included in the Agenda for the Council Meeting of 16 November 2017.

RECOMMENDATION:

That Council considers an Addendum report for RFO2017082 Special Project A - Road Flood Damage Restoration.

REPORT:

As per summary.

OPTIONS:

Not applicable.

CONCLUSION:

Not applicable.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Policy v1.6

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.

REPORTS FROM THE DIRECTOR CORPORATE SERVICES

26 [CS-CM] Draft Community Engagement Strategy 2018-2022

SUBMITTED BY: Communication and Marketing

mhm



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Making decisions with you
2.2	Engagement
2.2.2	Communications - To inform, educate and engage the public about Council and community activities.

ROLE: **Communications**

SUMMARY OF REPORT:

Council is required to have a Community Engagement Strategy as part of the Integrated Planning and Reporting Framework (IPRF) legislation to inform the development of the related documentation including the Community Strategic Plan, Delivery Program and Operational Plan along with a Resourcing Management Strategy. In the near future, the legislative requirements for a Community Engagement Strategy will be broadened to cover all council's plans, policies and programs. In anticipation of this the draft Community Engagement Strategy meets that new requirement.

The review of Council's existing Community Engagement Strategy commenced in February 2017. Since this time there has been extensive engagement with Councillors to determine their preferences and direction for Council's community engagement responsibilities, including the use of two external community engagement consultants. The objectives of the draft of the Community Engagement Strategy are to:

1. Continue to strengthen relationships with the community so that engagement activities are ongoing conversations rather than isolated events.
 2. Give Tweed's diverse communities and stakeholders a voice in Council's decision-making, within practical limits of time and resources.
 3. Ensure that people receive timely information that is free of bias, easy to access and understand and helps them to make meaningful contributions on the issues that matter.
 4. Explain why, how and when Council will engage.
-

The result is the Draft Community Engagement Strategy attached to this report for Council's consideration. It is recommended to place the draft On Exhibition and to commence engagement activities with the community before preparing the final Community Engagement Strategy for adoption by Council which is anticipated in February / March 2018.

RECOMMENDATION:

That Council places the Draft Community Engagement Strategy 2018-2022 on exhibition inviting public submissions from Monday 4 December 2017 until Friday 2 February 2018.

REPORT:

Council is required to have a Community Engagement Strategy as part of the Integrated Planning and Reporting Framework (IPRF) legislation to inform the development of the related documentation including the Community Strategic Plan, Delivery Program and Operational Plan along with a Resourcing Management Strategy.

In the near future, the legislative requirements for a Community Engagement Strategy will be broadened to cover all council's plans, policies and programs. In anticipation of this the draft Community Engagement Strategy meets that new requirement.

Council adopted its first Community Engagement Strategy in 2010, which was updated in 2012. Given an increase in legislative requirements, community expectations and the introduction of new engagement tools and techniques it is time to review and update the Engagement Strategy. The new draft Strategy draws on the enthusiasm of both the elected Council and the staff Executive Leadership Team, who have identified improving community engagement as one of their priorities. This is reinforced by the recently adopted Community Strategic Plan 2017-2027 which identifies '*Making Decisions With You – we're in this together*' as one of the key themes.

The review of the Community Engagement Strategy project commenced in February 2017. Since this time there has been extensive engagement with Councillors to determine their preferences and direction for Council's community engagement responsibilities. This has included:

- **4 February 2017 – Councillor Workshop** - Full Day Community Engagement for Councillors and staff. IAP2 Engagement Essentials training tailored to Tweed Shire Council to begin the framework and way forward for reviewing the Community Engagement Strategy. Facilitated by Amanda Newberry from Articulous Communications.
- **March – Council Report** – Since the February workshop, a number of Councillors expressed differing viewpoints of how to proceed. The report aimed to determine the way forward to enable the review of the Community Engagement Strategy to progress. This item was deferred at the March Council meeting and again at the April Council meeting. In the interim, staff commenced preparation of the First Draft Community Engagement Strategy in an effort to put a basic framework together.
- **6 June – Community Engagement Network** – meeting to present the First Draft of the Community Engagement Strategy (CEN) and provide the CEN the opportunity to review and provide feedback on the First Draft prior to its presentation to Councillors.
- **21 June – Corporate Management Team** – presentation for internal engagement with the Corporate Management Team to review and provide feedback on First Draft Community Engagement Strategy.
- **30 June – Councillor Workshop** – Councillors were presented with the First Draft Community Engagement Strategy in a 1hour workshop to discuss and provide feedback. Some Councillors expressed a number of concerns which were taken on board for staff to review and incorporate, to then provide an updated Draft Strategy for Councillors consideration.
- **July** – Appointment of External Consultant Adjunct Professor Graham Sansom to review Councillors responses and coordinate their feedback to the first draft Strategy and prepare this feedback into a revised draft Community Engagement Strategy.

- **August – Councillors and staff meetings** with Professor Graham Sansom regarding community engagement. Each Councillor had a private meeting of 45mins to discuss community engagement with Prof Sansom and provide feedback on the First Draft Community Engagement Strategy and other views on engagement. Prof Sansom also met with a number of staff and key engagement practitioners across the organisation.
- **16 October 2017 – Councillor Workshop (2hrs)** – follow up workshop presented by Professor Graham Sansom summarising his findings from individual discussions with Councillors and staff into a Revised Draft Community Engagement Strategy. This workshop resulted in a number of additional enhancements from Councillors, Professor Sansom and staff, resulting in the Revised Draft Community Engagement Strategy.
- **24 October 2017 - Community Engagement Network** internal engagement meeting to provide an update and opportunity for feedback on the Revised Draft Community Engagement Strategy. This also included a number of other key staff who lead engagement activities.
- **16 November 2017 – Council Meeting** – Presentation of the Draft Community Engagement Strategy for Council's consideration to be placed On Exhibition.

During the past nine months developing this Strategy has included the engagement of two external consultants, Amanda Newberry from Articulous Communications / International Association of Public Participation and Graham Sansom – Adjunct Professor, and industry experts to peer review and guide the development of the new Strategy.

The Draft Community Engagement Strategy is a framework and guiding document that will be implemented over the next four years and reviewed at the end of this period. It will be complemented by a detailed procedural Engagement Tool Kit for staff which will contribute to a "whole of Council" consistent approach to engagement. There will also be a summary of the toolkit for the public to access on Council's website.

The objectives of the draft of the Community Engagement Strategy are to:

1. Continue to strengthen relationships with the community so that engagement activities are ongoing conversations rather than isolated events.
2. Give Tweed's diverse communities and stakeholders a voice in Council's decision-making, within practical limits of time and resources.
3. Ensure that people receive timely information that is free of bias, easy to access and understand and helps them to make meaningful contributions on the issues that matter.
4. Explain why, how and when Council will engage.

The result is the Draft Community Engagement Strategy attached to this report for Council's consideration. It is recommended to place the draft On Exhibition and to commence engagement activities with the community before preparing the final Community Engagement Strategy for adoption by Council which is anticipated in February / March 2018.

While the updated Community Engagement Strategy has identified a range of new and improved initiatives, it is noteworthy to acknowledge Council's past achievements in

community engagement. Since 2010 Tweed has been recognised for excellence and leadership in communication and engagement with the following awards:

2016/2017

- Local Government Professionals of Australia - National Federation Awards 2017 Finalist – Innovative Management Initiative – Community Engagement Network
- Local Government Professionals of Australia - NSW Local Government Excellence Awards 2017 Winner – Excellence in Innovative Leadership and Management – Community Engagement Network.
- RH Dougherty Award 2016- Excellence in Communication - Highly Commended – Community Engagement Network
- 2016 Australian Coastal Council Awards Winner – Community Engagement – The Kingscliff Matters Shopfront for engagement on the Kingscliff Foreshore Revitalisation, the draft Kingscliff Locality Plan and the Kingscliff-Dreamtime Beach Coastal Zone Management Plan.

2014/2015

- RH Dougherty Awards - Reporting to Your Community - Presented by Local Government NSW for online communications, community engagement tools and an internal Corporate Knowledge Base.

2011/2012

- RH Dougherty Award - Excellence in Communication - Community engagement campaign for the Tweed Community Strategic Plan 2011–2016.

2010/2011

- Good Communicators Awards, Government Communications Australia - Best Publication Council's weekly newspaper, the Tweed Link.
- RH Dougherty Award - Reporting to the Community - Council's weekly newspaper, the Tweed Link.

OPTIONS:

That Council:

1. Proceeds with placing the Draft Community Engagement Strategy 2018 – 2022 On Exhibition and the associated community engagement activities.
2. Council does not proceed with putting the Draft Community Engagement Strategy 2018-2022 On Exhibition.

CONCLUSION:

The Draft Community Engagement Strategy attached to this report is the conclusion of an extensive Councillor Engagement exercise encompassing nine (9) months. It is now for Council's consideration to place On Exhibition and to commence the engagement activities with the community before preparing the final Community Engagement Strategy for adoption which is anticipated in February / March 2018.

COUNCIL IMPLICATIONS:

a. Policy:

Once adopted, the Draft Community Engagement Strategy 2018-2022 will replace the current Community Engagement Strategy and be used as Council's model for all engagement across the Integrated Planning and Reporting Framework and other Council programs, policies and services.

It will be complemented by a detailed procedural Engagement Tool Kit for staff which will contribute to a "whole of Council" consistent approach to engagement. There will also be a summary of the toolkit for the public to access on Council's website.

b. Budget/Long Term Financial Plan:

The total cost of two external consultants involved in the review of the Community Engagement Strategy have cost approximately \$30,000 to date.

The implementation of the Community Engagement Strategy will require consideration of suitable resources/budget to coordinate and implement the additional engagement initiatives identified in the Strategy.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

The engagement initiatives for the Community Engagement Strategy include:

- Hosting the first of the Stakeholder Forum in mid-December with a number of other engagement projects to be included.
- Your Say Tweed - Project Page for the Community Engagement Strategy including document libraries and forums and comments.
- Community Engagement Network activities encouraging people to have their say across Tweed public events including Christmas events and markets.
- Digital Marketing Campaign (facebook) to encourage people to Have Their Say on the Community Engagement Strategy.
- Traditional advertising and notifications in the Tweed Link, Daily News and The Weekly.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Draft Community Engagement Strategy 2018 – 2022 (ECM 4873683).

27 [CS-CM] Tweed Shire Council Financial Statements 30 June 2017

SUBMITTED BY: Financial Services

mhm



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Making decisions with you
2.2	Engagement
2.2.5	Financial Services - To collect and manage Council funds and provide information and advice to support sound financial decision-making.

ROLE: Provider

SUMMARY OF REPORT:

Council's Statutory General Purpose and Special Purpose Financial Reports for the financial year ended 30 June 2017, have been completed and audited in accordance with Section 413 of the Local Government Act, 1993. The reports and associated independent Audit Reports from Audit Office of New South Wales, presents Council with a financial overview of its operations for the year 2016/2017.

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

The financial reports for 2016/2017 are now presented to Council for adoption. The Audit Office of New South Wales provided an overview at the October 2017 Council meeting with respect to Council's financial position.

RECOMMENDATION:

That Council adopts the 2016/2017 Statutory General Purpose and Special Purpose Financial Reports.

REPORT:

Background

Council's General Purpose Financial Report for year ended 30 June 2017 has now been completed and the auditor's report received.

These reports were completed by Council and audited by the Audit Office of New South Wales.

Legislation Requirements:

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

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

9. It is a requirement of the Office of Local Government that lodgement of the Audited Financial Statements and the Auditors Report be submitted to the Chief Executive by 31 October of each year. (Note: This requirement has been met with Council submitting the Financial Statements on 31 October 2017).

Council's responsibility

Council is responsible for the preparation of the financial reports and adequate disclosures. This includes the maintenance of adequate accounting records and internal controls, the selection and application of accounting policies, and the safeguarding of the assets of Council. As the Responsible Accounting Officer, the Manager Financial Services, Mr Michael Chorlton, has stated the accounting records have been maintained in accordance with Section 412 of the Act and in a manner that permitted the preparation of the General and Special Purpose Financial Reports for the year ended 30 June 2017.

Update No. 25 to the Local Government Code of Accounting Practice and Financial Reporting was issued in June of this year and is relevant to accounting periods ending 30 June 2017.

Purpose of Annual Financial Reporting

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

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

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

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

Annual Financial Reporting System

General Purpose Financial Reports

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

Income Statement

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

Statement of Comprehensive Income

Components of other comprehensive income are items of income and expense (including reclassification adjustments) that are specifically required or permitted by other Australian Accounting Standards to be included in other comprehensive income and are not

recognised in profit or loss such as changes in the revaluation surplus relating to property, plant and equipment.

Statement of Financial Position

This discloses the assets, liabilities and equity of Council.

Statement of Changes in Equity

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

Statement of Cash Flow

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

Notes to the Financial Statements

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

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

Special Purpose Financial Reports

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

Special Schedules

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

Audit Mandate

The Audit Office of New South Wales, have completed the audit of Council's general purpose financial reports for the year ended 30 June 2017 under Section 417 of the Local Government Act 1993.

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

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

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

Management Responsibility - Audit

The performance of an audit or the provision of an audit report does not in any way absolve or relieve management of its responsibility in the maintenance of adequate accounting policies and the preparation of financial information such as budget preparation and the quarterly budget reviews submitted to Council. Council has strong internal management reporting practices in place that ensures all costs and income are monitored and acted upon.

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

Performance Indicators

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

Performance Indicators	2016/17	2015/16	2014/15
Operating Performance Ratio	11.26%	9.26%	1.63%
Own Source Operating Revenue Ratio	74.40%	78.03%	69.41%
Unrestricted Current Ratio	3.52:1	3.75:1	3.59:1
Debt Service Cover Ratio	3.66	3.26	2.94
Rates and Annual Charges Outstanding	4.35%	4.58%	5.05%
Cash Expense Cover Ratio	20.66 mths	17.59 mths	16.12 mths

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

On a consolidated funds basis Council has achieved all the key financial performance indicator benchmarks for 2016/2017.

OPTIONS:

Not applicable

CONCLUSION:

The financial reports for 2016/2017 are now presented to Council for adoption.

COUNCIL IMPLICATIONS:

a. Policy:

Not Applicable

b. Budget/Long Term Financial Plan:

The 2016/2017 Financial Reports will inform the Long Term Financial Plan.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Statutory General Purpose and Special Purpose Financial Statements and Special Schedules for the year 2016/2017 - Annual Report (ECM 4866384).

28 [CS-CM] Annual Report 2016/2017

SUBMITTED BY: Financial Services

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Behind the scenes
Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

4	Behind the scenes
4.1	Assurance
4.1.1	Governance - To provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE: Collaborator Provider Advocate Leader

SUMMARY OF REPORT:

The 2016/2017 Annual Report has been prepared as required under Sections 428 and 428A of the Local Government Act 1993 and Clause 217 of the Local Government (General) Regulation 2005 and is attached to this report for information of the Council and community.

The Annual Report documentation comprises the following:

- Annual Report 2016/2017 which includes statutory information as prescribed within the Local Government Act and Regulations; and
- Audited Financial Statements 2016/2017;

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

Note: The attached report uses the format of the 2013/2023 Community Strategic Plan. Future reports will follow the new format as provided in the 2017-2027 Community Strategic Plan, "Living and Loving the Tweed"

RECOMMENDATION:

That Council adopts the Annual Report 2016/2017 and makes it available to the public on Council's website and notifies the Minister for Local Government of its availability.

REPORT:

The 2016/2017 Annual Report has been prepared as required under Sections 428 and 428A of the Local Government Act 1993 and Clause 217 of the Local Government (General) Regulation 2005 and is attached to this report for information of the Council and community.

The Annual Report highlights Council's achievements and progress, including any award recognition, against each of the 2013/2023 Community Strategic Plan themes of Civic Leadership, Supporting Community Life, Strengthening the Economy and Caring for the Environment.

The Annual Report documentation comprises the following:

- Annual Report 2016/2017 which includes statutory information as prescribed within the Local Government Act and Regulations;
- Audited Financial Statements 2016/2017;

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

The audited Financial Statements 2016/2017 detail the income and expenditure and financial position of Council over this period as well as specific schedules and the Special Purpose Financial Reports.

OPTIONS:

Not Applicable.

CONCLUSION:

That Council adopts the Tweed Shire Council Annual Report 2016/2017 and makes it available to the public on Council's website and notifies the Minister for Local Government of its availability.

COUNCIL IMPLICATIONS:

a. Policy:

Not Applicable

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

In accordance with the requirements of Sections 428 and 428A of the Local Government Act 1993 and Clause 217 of the Local Government (General) Regulation 2005.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Annual Report 2016/2017 (ECM 4878236)

Also reference Attachment 1 of report titled [CS-CM] Tweed Shire Council Financial Statements Report included in this agenda which contains the Statutory General Purpose and Special Purpose Financial Statements and Special Schedules for the year 2016/2017 - Annual Report (ECM 4866384)

29 [CS-CM] Quarterly Budget Review - September 2017

SUBMITTED BY: Financial Services

Validms



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

This is the first quarter statutory budget review for this financial year and summarises the estimated expenditure and income changes to the 2017/2018 Budget, including the carry over works adopted by Council on 26 October 2017.

This statutory report is prepared in accordance with the Local Government (General) Regulations 2005, sections 202 and 203. Council will have a balanced budget as at 30 June 2018 in all Funds.

RECOMMENDATION:

That the:

1. Quarterly Budget Review Statement as at 30 September 2017 be adopted.
2. Expenditure and income, as summarised below and detailed within the report, be voted and adjusted in accordance with the revised total expenditure and income for the year ending 30 June 2018.

Description	Change to Vote	
	Deficit	Surplus
General Fund		
<u>Expenses</u>		
Employee costs	202,138	0
Materials & Contracts	21,852,737	0
Interest	0	0
Other Operating costs	0	31,697
Capital	29,396,804	0
Loan Repayments	0	0
Transfers to Reserves	0	0
	<hr/>	<hr/>
	51,451,679	31,697

Description	Change to Vote	
	Deficit	Surplus
Income		
Rates and Annual Charges	0	68,165
Interest revenue	0	0
Operating Grants & Conts	0	208,905
Capital Grants & Conts	0	3,505,189
User Charges & Fees	0	100,000
Other Operating Revenue	0	13,422
Loan Funds	0	2,709,666
Recoupments	0	3,256,515
Transfers from Reserves	0	41,558,120
Asset Sales	0	0
	<u>0</u>	<u>51,419,982</u>
Net Surplus/(Deficit)		<u>0</u>
Sewer Fund		
Expenses		
Employee costs	0	0
Materials & Contracts	184,723	0
Interest	0	0
Other Operating costs	0	0
Capital	922,325	0
Loan Repayments	0	0
Transfers to Reserves	3,527,902	0
	<u>4,634,950</u>	<u>0</u>
Income	0	0
Rates and Annual Charges	0	0
Interest revenue	0	1,712,953
Operating Grants & Conts	0	0
Capital Grants & Conts	0	0
User Charges & Fees	0	2,131,816
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	0	405,530
Transfers from Reserves	0	384,651
Asset Sales	0	0
	<u>0</u>	<u>4,634,950</u>
Net Surplus/(Deficit)		<u>0</u>
Water Fund		
Expenses		
Employee costs	0	0
Materials & Contracts	970,246	0
Interest	0	0
Other Operating costs	0	0
Capital	289,889	0
Loan Repayments	0	0
Transfers to Reserves	302,234	0
	<u>1,562,369</u>	<u>0</u>

Description	Change to Vote	
	Deficit	Surplus
<u>Income</u>		
Rates and Annual Charges	0	0
Interest revenue	0	1,075,034
Operating Grants & Conts	0	0
Capital Grants & Conts	0	0
User Charges & Fees	0	0
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	0	569,835
Transfers from Reserves	82,500	0
Asset Sales	0	0
	<hr/>	<hr/>
	82,500	1,644,869
Net Surplus/(Deficit)		<hr/>
		0

REPORT:

Budget Review 30 September 2017 (Quarterly Budget Review)

In accordance with section 203(1) of the Local Government (General) Regulation 2005, a Budget Review Statement and revision of the estimates of income and expenditure must be submitted to council within two months of the close of each quarter.

The Regulation requires that the quarterly financial review must include the following:

- A revised estimate for income and expenditure for the year.
- A report as to whether or not such statements indicate that the financial position of the Council is satisfactory and if the position is unsatisfactory, make recommendations for remedial action.

Report by Responsible Accounting Officer – Quarterly Budget Review Statements

The Quarterly Budget Review Reports are prepared to provide Council and the community with information in relation to Council's financial performance and proposed amendments to its budget and forward estimates. The reports are prepared under accrual accounting principles in accordance with the requirements of the Local Government Act 1993.

New South Wales councils are required to prepare a Quarterly Budget Review Statement, which includes the following information:

- The original budget
- Approved changes to the original budget
- Recommendations by Council officers regarding changes to the revised budget
- A projected year end result
- Actual year to date figures
- Key Performance Indicators
- New contracts entered into during the quarter
- Consultancy and legal expenses

This information is presented in the following reports:

- List of changes which will impact on revenue, i.e. will affect the Operational Plan (budget) or Long Term Financial Plan
- Detailed list of recommended changes, including those recommended by officers and those adopted by Council
- Income and Expenses Statement, consolidated and by fund
- Funding Statement, consolidated and by fund, which gives the total budget result
- Capital Budget Review Statement
- Cash & Investments Budget Review Statement
- Budget Review Key Performance Indicators Statement
- Budget Review Contracts (part A) and Other Expenses (part B)

Impacts on the Operational Plan and/or Long Term Financial Plan

Some recommended changes will have no net effect on the Operational Plan (1 year budget). Others will have long term effects and will need to be reflected in the next revision of the Long Term Financial Plan. The changes which will have such an effect are listed below:

Description	\$	\$
	Net Effect on 2017/2018 Budget	Net Effect on LTFP
General Fund		
Regional organisations	-5,000	-5,000
Emergency Services contributions	-19,038	-19,038
Murwillumbah Community Centre	6,203	6,203
Art Gallery electricity		-18,862
Community Development	11,000	11,000
Buchanan St caretakers house rent	9,000	
Recruitment costs	30,000	30,000
Building Control	90,000	90,000
Environmental Health income	-100,000	-100,000
Affordable Housing study	16,000	
Rates revenue	-68,165	-68,165
Community engagement	30,000	30,000
Energy projects officer		50,000
Western Drainage Scheme	115,000	115,000
Roads Unallocated rehabilitation	-115,000	-115,000
	0	6,138

Detailed list of changes

In/Ex	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
1. Proposed Variations						
General Fund						
Ex	1	Ex-Op	Regional Organisations	40,498	-5,000	NOROC invoice received
Ex	2	Ex-Op	Subscriptions	17,590	35,000	Reflecting recent costs
Ex	2	Ex-Op	Postage	122,168	-35,000	Reflecting recent costs
Ex	3	Ex-Op	Contact Centre Software and Equipment	1,216,371	15,000	Bpoint
In	3	In-TFR	reserve		-15,000	Funding for above
Ex	4	Ex-OpOther	Fire and Rescue contributions	393,463	2,987	Advice received
Ex	4	Ex-OpOther	Rural Fire Service contributions	243,940	-202	Advice received
Ex	4	Ex-OpOther	SES contributions	171,109	-21,823	Advice received
Ex	5	Ex-OpOther	Murwillumbah Community Centre	117,355	6,203	Lease payment - Department of Industry Business investment and marketing package
Ex	6	Ex-Op	Economic Development - Internal	355,187	45,455	
In	6	In-OG&C	Regional Growth and Marketing Fund		-45,455	Dept of Planning funding
Ex	7	Ex-Op	Koala habitat restoration in Richmond		19,200	Site planning
Ex	7	Ex-Op	Koala habitat restoration in Richmond		132,000	Restoration

In/Ex	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
In	7	In-OG&C	Improving Your Local Parks and Environment program		-151,200	Dept of Industry, Innovation and Science funding
Ex	8	Ex-Op	Vertebrate Pest Management		5,292	Restructure Pest Management budget
Ex	8	Ex-Op	Invertebrate and Building Pest Management	115,771	-5,292	Restructure Pest Management budget
Ex	9	Ex-OpEmp	Emergency Management Plan implementation	76,500	-76,500	Restructure of emergency management salaries budget
Ex	9	Ex-OpEmp	Environmental Health officers	740,007	76,500	Restructure of emergency management salaries budget
Ex	10	Ex-Capital	Knox Park toilets		10,000	Demolition costs
Ex	10	Ex-Capital	Public toilets capital	100,000	-10,000	Funding for above
Ex	11	Ex-Capital	Art Gallery solar project	120,841	18,862	Cost adjustment
Ex	11	Ex-OpOther	Art Gallery electricity	201,588	-18,862	Funding for above
Ex	12	Ex-Capital	Roads to Recovery projects	1,251,202	1,251,202	Additional funds received
In	12	In-CG&C	Roads to Recovery funding	-1,251,202	-1,251,202	Funding for above
Ex	13	Ex-OpEmp	Community Development	284,278	11,000	Correct salary budgeted hours
Ex	14	Ex-Capital	Tweed Valley Way Tumbulgum		1,167,735	Wire rope barrier and shoulder widening
Ex	14	Ex-Capital	Kyogle Road Uki		752,772	Surface improvement and roadside barriers
Ex	14	Ex-Capital	Numinbah Kynnumboon		333,480	Realignment, widening, and guardrail
In	14	In-CG&C	Black Spot program		-2,253,987	Funding for above
Ex	15	Ex-Op	Tweed Coast koala habitat contribution fund		4,584	Adjust Koala management budget
Ex	15	Ex-Op	Koala Management Plan Buchanan St caretakers house	134,147	-4,584	Adjust Koala management budget
Ex	16	In-OpOther	rent	-17,365	9,000	Untenanted for flood restoration work
Ex	17	Ex-OpEmp	Recruitment costs	30,848	30,000	LinkedIn and Fit2Work costs
Ex	18	Ex-Op	Communications	636,772	29,342	Rationalise communications budget
Ex	18	Ex-Op	Community engagement	29,342	-29,342	Rationalise communications budget
Ex	19	Ex-Capital	Old Ferry Road Banora Point	520,000	-200,000	Split roads rehab job
Ex	19	Ex-Capital	Mariners Court Banora Point		200,000	Split roads rehab job
Ex	20	Ex-OpEmp	Building Control	1,498,486	90,000	Planner position not in original budget
In	21	In-Fees	Health approvals	-236,428	-41,000	Revised projections
In	21	In-Fees	Environmental Health income	-96,991	-32,000	Revised projections
In	21	In-Fees	On-site sewage management income	-299,000	-27,000	Revised projections
Ex	22	Ex-Op	Noxious weeds	186,442	12,250	Bitou Bush control
In	22	In-OG&C	NSW Department of Primary Industries		-12,250	Funding for above
Ex	23	Ex-Op	Affordable Housing study		32,000	Notice of motion July
Ex	23	Ex-Op	Strategic Planning projects	53,743	-16,000	Funding for above
				57,693,36	-	
In	24	In-Rates	Rates revenue	2	-68,165	Revised projections
					-30,000	
			Sewer Fund			
Ex	25	Ex-Op	Operations		184,723	Revisions and carry forward works
In	25	In-Interest	Interest on investments		-1,712,953	Adjustment due to budget changes
In	25	In-Fees	Fees & Charges		-2,131,816	Revision of Sewerage Charge budget
Ex	25	Ex-Capital	Capital works		922,325	Revisions and carry forward works
In	25	In-TFR	Transfers from reserves		-384,651	Funding adjustments
In	25	In-Recoup	Recoupment from s64		-405,530	Funding adjustments
Ex	25	Ex-TTR	Transfers to reserves		3,527,902	Funding adjustments
					0	

In/Ex	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
Water Fund						
Ex	26	Ex-Op	Operations		970,246	Revisions including Weir options
In	26	In-Interest	Interest on investments		-1,075,034	Adjustment due to budget changes
Ex	26	Ex-Capital	Capital works		289,889	Revisions and carry forward works
In	26	In-TFR	Transfers from reserves		82,500	Funding adjustments
In	26	In-Recoup	Recoupment from s64		-569,835	Funding adjustments
Ex	26	Ex-TTR	Transfers to reserves		302,234	Funding adjustments
					0	
2. Variations Arising from Council Resolutions						
Ex	27	Ex-Op	Public art maintenance	7,267	25,000	Resolution 15 June 2017 Item 27
In	27	In-TFR	Community Facilities Asset Management Reserve		-25,000	Funding for above
Ex	28	Ex-Op	Communications - community engagement	666,114	30,000	Resolution 15 June 2017 Item 27
Ex	29	Ex-Op	Renewable Energy Action Plan (General fund projects)		211,495	Resolution 2 November 2017
In	29	In-TFR	Revolving Energy fund		-211,495	Resolution 2 November 2017
Ex	29	Ex-OpEmp	Climate Change Fund - energy projects officer	27,578	22,422	Resolution 2 November 2017
In	29	In-OpOther	Contribution from Water and Sewer		-22,422	Resolution 2 November 2017
Ex	30	Ex-Op	Western Drainage reed bed/landscaping/revegetation		652,913	Resolution 26 October 2017 Item 38.2
In	30	In-Recoup	Contribution Plan 2		-652,913	Resolution 26 October 2017 Item 38.2
Ex	30	Ex-Op	Western Drainage maintenance/weed harvesting	112,450	80,000	Resolution 26 October 2017 Item 38.3
Ex	30	Ex-Op	Western Drainage community group funding		35,000	Resolution 26 October 2017 Item 38.5
Ex	30	Ex-Capital	Roads Unallocated rehabilitation	2,586,046	-115,000	Funding for above
Ex	31	Ex-Op	Carry over works - materials & contracts		20,583,42	
Ex	31	Ex-OpEmp	Carry over works - employee costs		4	Resolution 26 October 2017
Ex	31	Ex-OpEmp			48,716	Resolution 26 October 2017
Ex	31	Ex-Capital	Carry over works - capital works		25,987,75	
In	31	In-TFR	Carry over works funding - reserves, unexpended grants		3	Resolution 26 October 2017
In	31	In-Recoup	Carry over works funding - s94		-	
In	31	In-Loan	Carry over works funding - unexpended loans		41,306,62	Resolution 26 October 2017
					5	
					-2,603,602	Resolution 26 October 2017
					-2,709,666	Resolution 26 October 2017
					30,000	
Summary of Votes by Type						
					2017/18 Variations	-30,000
					Council Resolutions	30,000
					0	
Key to Category codes						
Ex-OpEmp	Employee costs					
Ex-Op	Materials & contracts					
Ex-Interest	Interest on loans					
Ex-OpOther	Other operating expenses					
Ex-Capital	Capital works					
Ex-Loan	Repayment on principal on loans					
Reps						

In/Ex	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
	Ex-TTR		Transfers to reserves			
	Ex-Dep		Depreciation			
	Ex-Deprev		Depreciation reversal			
	In-Rates		Rates & annual charges			
	In-Interest		Interest income			
	In-OG&C		Operating grants & contributions			
	In-CG&C		Capital grants & contributions			
	In-Fees		User charges & fees			
	In-OpOther		Other operating income			
	In-Loan		Loan funds			
	In-Recoup		Recoupment from s64 & s94 funds			
	In-TFR		Transfers from reserves			
	In-Sales		Proceeds from sale of assets			
			<u>Expenses</u>			
			Employee costs		202,138	
					23,007,70	
			Materials & Contracts		6	
			Interest		0	
			Other Operating costs		-31,697	
					30,609,01	
			Capital		8	
			Loan Repayments		0	
			Transfers to Reserves		3,830,136	
					57,617,30	
					1	
			<u>Income</u>			
			Rates and Annual Charges		-68,165	
			Interest revenue		-2,787,987	
			Operating Grants & Conts		-208,905	
			Capital Grants & Conts		-3,505,189	
			User Charges & Fees		-2,231,816	
			Other Operating Revenue		-13,422	
			Loan Funds		-2,709,666	
			Recoupments		-4,231,880	
					-	
					41,860,27	
			Transfers from Reserves		1	
			Asset Sales		0	
					-	
					57,617,30	
					1	
			Net		0	
			Summary of Votes - by Division			
			Corporate Services		-108,703	
			Planning & Regulation		82,500	
			Community & Natural Resources		17,203	
			Engineering		9,000	
			General Manager		0	
					0	

Results by fund:

General Fund

The General Fund is expected to remain as a “balanced budget”.

Water Fund

The Water Fund is expected to remain as a “balanced budget”.

Sewer Fund

The Sewer Fund is expected to remain as a “balanced budget”.

Quarterly Budget Review Statements

Income and Expense - Consolidated Budget Review Statement for the quarter ended 30 September 2017

Original Budget (000's)				Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
	Sep Review (000's) *	Dec Review (000's)	Revised Budget (000's)			

Income

Rates and Annual Charges	106,898	-	-	106,898	68	106,966	26,905
User Charges and Fees	42,491	-	-	42,491	2,232	44,723	10,746
Interest and Investment Revenue	9,084	-	-	9,084	2,788	11,872	2,896
Other Revenues	2,651	-	-	2,651	13	2,664	976
Grants & Contributions - Operating	17,583	-	-	17,583	209	17,792	2,795
Grants and Contributions - Capital	3,070	-	-	3,070	3,505	6,575	601
- Contributions (S94)	14,079	-	-	14,079	-	14,079	3,512
Net gain from the disposal of assets	-	-	-	-	-	-	5
Total Income	195,856	-	-	195,856	8,815	204,671	48,436

Expense

Employee costs	54,269	-	-	54,269	202	54,471	13,298
Borrowing Costs	12,153	-	-	12,153	-	12,153	3,039
Materials & Contracts	47,069	-	-	47,069	23,009	70,078	8,681
Depreciation	41,503	-	-	41,503	-	41,503	10,376
Legal Costs	463	-	-	463	-	463	240
Consultants	436	-	-	436	-	436	25

Original Budget (000's)				Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)	
	Sep Review (000's)*	Dec Review (000's)	Revised Budget (000's)				
Other Expenses	16,093	-	-	16,093	(32)	16,061	4,381
Net Loss from Disposal of Assets	-	-	-	-	-	-	-
Total Expenses	171,986	-	-	171,986	23,179	195,165	40,040

Net Operating Result	23,870	-	-	23,870	(14,364)	9,506	8,396
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Net Operating Result before capital items	6,721	-	-	6,721	(17,869)	(11,148)	4,283
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Funding Statement - Consolidated - Source & Application of Funds

Operating Result (Income Statement)	23,870	-	-	23,870	(14,364)	9,506
Add Back non-funded items:						
Depreciation	41,503	-	-	41,503	-	41,503
		-	-	-	-	-
Add non-operating funding sources						
Transfers from Externally Restricted Cash	33,346	-	-	33,346	4,233	37,579
Transfers from Internally Restricted Cash	9,074	-	-	9,074	41,860	50,934
Proceeds from sale of assets	2,174	-	-	2,174	-	2,174
Loan Funds Utilised	1,976	-	-	1,976	2,710	4,686
Repayments from Deferred Debtors	-	-	-	-	-	-
Funds Available	111,943	-	-	111,943	34,439	146,382
Funds were applied to:						
Purchase and construction of assets	57,110	-	-	57,110	30,609	87,719
Repayment of principal on loans	8,453	-	-	8,453	-	8,453
Transfers to Externally Restricted Cash	42,243	-	-	42,243	-	42,243
Transfers to Internally Restricted Cash	4,137	-	-	4,137	3,830	7,967
Funds Used	111,943	-	-	111,943	34,439	146,382
Increase/(Decrease) in Available Working Capital	-	-	-	-	-	-

* Includes Carry over works

Income and Expense- General Fund Budget Review Statement for the quarter ended 30 September 2017

Original Budget (000's)				Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
	Sep Review (000's) *	Dec Review (000's)	Revised Budget (000's)			

Income

Rates and Annual Charges	69,860	3		69,863		69,863	54,326
User Charges and Fees	20,042	41	30	20,113	40	20,153	16,453
Interest and Investment Revenue	4,178		-	4,178	-	4,178	4,002
Other Revenues	1,693	210	30	1,933	43	1,976	1,522
Grants & Contributions - Operating	19,506	18	706	20,230	816	21,046	15,234
Grants and Contributions - Capital	3,759	10,811	1,290	15,860	-	15,860	3,915
- Contributions (S64/S94)	1,792			1,792		1,792	5,623
Net gain from the disposal of assets				-		-	
Total Income	120,830	11,083	2,056	133,969	899	134,868	101,075

Expense

Employee costs	42,172	741	33	42,946	20	42,966	29,858
Borrowing Costs	5,894		-	5,894	-	5,894	3,650
Materials & Contracts	30,216	21,099	564	51,879	509	52,388	24,837
Depreciation	25,629			25,629		25,629	19,221
Legal Costs	460			460		460	547
Consultants	268			268		268	127
Other Expenses	11,663	10	(19)	11,654	(5)	11,649	8,825
Net Loss from Disposal of Assets				-		-	
Total Expenses	116,302	21,850	578	138,730	524	139,254	87,065

Net Operating Result

	4,528	(10,767)	1,478	(4,761)	375	(4,386)	14,010
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Net Operating Result before capital items

	(1,023)	(21,578)	188	(22,413)	375	(22,038)	4,472
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Funding Statement - General Fund - Source & Application of Funds

Operating Result (Income Statement)	4,528	(10,767)	1,478	(4,761)	375	(4,386)
Add Back non-funded items:						
Depreciation	25,629			25,629	-	25,629

	Original Budget (000's)			Revised Budget (000's)	Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
		Sep Review (000's) *	Dec Review (000's)				
Add non-operating funding sources							
Transfers from Externally Restricted Cash	2,819	4,111	(228)	6,702	-	6,702	
Transfers from Internally Restricted Cash	375	33,337	118	33,830	178	34,008	
Proceeds from sale of assets	1,457			1,457	-	1,457	
Loan Funds Utilised	1,976	6,501		8,477	-	8,477	
Internal charges				-		-	
Repayments from Deferred Debtors				-		-	
Funds Available	36,784	33,182	1,368	71,334	553	71,887	
Funds were applied to:							
Purchase and construction of assets	24,797	33,162	1,368	59,327	553	59,880	
Repayment of principal on loans	4,012			4,012	-	4,012	
Transfers to Externally Restricted Cash	2,569			2,569		2,569	
Transfers to Internally Restricted Cash	5,406	20		5,426	-	5,426	
Funds Used	36,784	33,182	1,368	71,334	553	71,887	
Increase/(Decrease) in Available Working Capital	-	-	-	-	-	-	

* Includes Carry over works

Income and Expense- Sewer Fund Budget Review Statement for the quarter ended 30 September 2017

Original Budget (000's)	Previously approved			Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
	Sep Review (000's)	Dec Review (000's)	Revised Budget (000's)			

Income

Rates and Annual Charges	29,433		29,433	-	29,433	7,140
User Charges and Fees	1,437		1,437	2,132	3,569	694
Interest and Investment Revenue	2,296		2,296	1,713	4,009	692
Other Revenues	16		16	-	16	22
Grants & Contributions - Operating	491		491	-	491	29
Grants and Contributions - Capital			-		-	
- Contributions (S64/S94)	4,021		4,021	-	4,021	667
Net gain from the disposal of assets			-		-	
Total Income	37,694	-	37,694	3,845	41,539	9,244

Expense

Employee costs	6,908		6,908	-	6,908	1,769
Borrowing Costs	2,124		2,124	-	2,124	531
Materials & Contracts	9,666		9,666	186	9,852	892
Depreciation	10,112		10,112	-	10,112	2,528
Legal Costs			-	-	-	
Consultants	154		154	-	154	
Other Expenses	2,673		2,673	-	2,673	324
Net Loss from Disposal of Assets			-		-	
Total Expenses	31,637	-	31,637	186	31,823	6,044

Net Operating Result

	6,057	-	6,057	3,659	9,716	3,200
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Net Operating Result before capital items

	2,036	-	2,036	3,659	5,695	2,533
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Original Budget (000's)	Previously approved			Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
	Sep Review (000's)	Dec Review (000's)	Revised Budget (000's)			

Funding Statement - Sewer Fund - Source & Application of Funds

Operating Result (Income Statement)	6,057	-	-	6,057	3,659	9,716
Add Back non-funded items:						
Depreciation	10,112	-	-	10,112	-	10,112
Add non-operating funding sources						
Transfers from Externally Restricted Cash	9,799			9,799	406	10,205
Transfers from Internally Restricted Cash				-	385	385
Proceeds from sale of assets				-	-	-
Loan Funds Utilised				-	-	-
Repayments from Deferred Debtors				-	-	-
Funds Available	25,968	-	-	25,968	4,450	30,418
Funds were applied to:						
Purchase and construction of assets	7,278			7,278	922	8,200
Repayment of principal on loans	2,772			2,772	-	2,772
Transfers to Externally Restricted Cash	15,918			15,918	-	15,918
Transfers to Internally Restricted Cash				-	3,528	3,528
Internal charges				-		-
Funds Used	25,968	-	-	25,968	4,450	30,418
Increase/(Decrease) in Available Working Capital	-	-	-	-	-	-

Income and Expense- Water Fund Budget Review Statement for the quarter ended 30 September 2017

Original Budget (000's)	Previously approved			Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
	Sep Review (000's)	Dec Review (000's)	Revised Budget (000's)			

Income

Rates and Annual Charges	5,497			5,497	-	5,497	1,429
User Charges and Fees	23,498			23,498	-	23,498	4,942
Interest and Investment Revenue	1,643			1,643	1,075	2,718	847
Other Revenues	300			300	-	300	141
Grants & Contributions - Operating	399			399	-	399	
Grants and Contributions - Capital				-		-	
- Contributions (S64/S94)	8,234			8,234	-	8,234	1,281
Net gain from the disposal of assets				-		-	
Total Income	39,571	-	-	39,571	1,075	40,646	8,640

Expense

Employee costs	5,128			5,128	-	5,128	1,208
Borrowing Costs	4,347			4,347	-	4,347	1,087
Materials & Contracts	11,630			11,630	970	12,600	987
Depreciation	7,348			7,348	-	7,348	1,837
Legal Costs				-	-	-	14
Consultants	154			154	-	154	
Other Expenses	1,408			1,408	-	1,408	353
Net Loss from Disposal of Assets				-		-	
Total Expenses	30,015	-	-	30,015	970	30,985	5,486

Net Operating Result	9,556	-	-	9,556	105	9,661	3,154
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Net Operating Result before capital items	1,322	-	-	1,322	105	1,427	1,873
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Funding Statement - Water Fund - Source & Application of Funds

Operating Result (Income Statement)	9,556	-	-	9,556	105	9,661
Add Back non-funded items:						
Depreciation	7,348	-	-	7,348	-	7,348

	Original Budget (000's)	Previously approved			Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
		Sep Review (000's)	Dec Review (000's)	Revised Budget (000's)			
Add non-operating funding sources							
Transfers from Externally Restricted Cash	12,705			12,705	570	13,275	
Transfers from Internally Restricted Cash				-	(83)	(83)	
Proceeds from sale of assets				-		-	
Loan Funds Utilised				-	-	-	
Repayments from Deferred Debtors				-		-	
Funds Available	29,609	-	-	29,609	592	30,201	
Funds were applied to:							
Purchase and construction of assets	7,687			7,687	290	7,977	
Repayment of principal on loans	1,447			1,447	-	1,447	
Transfers to Externally Restricted Cash	20,475			20,475	-	20,475	
Transfers to Internally Restricted Cash				-	302	302	
Internal charges				-		-	
Funds Used	29,609	-	-	29,609	592	30,201	
Increase/(Decrease) in Available Working Capital	-	-	-	-	-	-	

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 30 September 2017 and should be read in conjunction with other documents in the QBRs.

Capital Budget Review Statement - Consolidated - for the quarter ended 30 September 2017

Original Budget (000's)	Previously approved			Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
	Sep Review (000's) *	Dec Review (000's)	Revised Budget (000's)			

Capital Funding **

Rates and other untied funding	30,207		30,207	18	30,225	4,973
Capital Grants & Contributions	4,226		4,226	3,505	7,731	1,272
Internal Restrictions (Reserves)	21,178		21,178	22,245	43,423	7,144
External Restrictions				237	237	39
- s64 & s94 funds	5,801		5,801	2,682	8,483	1,396
Other Capital Funding Sources						
- loans	1,976		1,976	2,037	4,013	660
Income from sale of assets						
- plant and equipment	2,174		2,174		2,174	358
- Land,Buildings,Furniture,Fittings						
Total Capital Funding	65,562		65,562	30,724	96,286	15,842

Capital Expenditure

New Assets

- Plant and Equipment	78		78	93	171	156
- Land,Buildings,Furniture,Fittings	9,854		9,854	2,731	12,585	1,121
- Roads, Bridges, Footpaths	2,500		2,500	1,969	4,469	50
- Drainage						
- Water & Sewer Infrastructure	6,663		6,663	74	6,737	838
- Other	9,860		9,860	737	10,597	

Renewals (Replacement)

- Plant and Equipment	7,537		7,537		7,537	2,389
- Land,Buildings,Furniture,Fittings	100		100	1,779	1,879	785
- Roads, Bridges, Footpaths	10,982		10,982	9,377	20,359	3,205
- Drainage	436		436		436	8
- Water & Sewer Infrastructure	3,085		3,085	1,080	4,165	457
- Other				7,634	7,634	3,901

Upgrades

- Plant and Equipment						
- Land,Buildings,Furniture,Fittings				154	154	2
- Roads, Bridges, Footpaths	2,064		2,064	4,194	6,258	1,497
- Drainage	950		950	426	1,376	341
- Water & Sewer Infrastructure	3,000		3,000	59	3,059	209
- Other				302	302	
Loan Repayments (principal)	8,453		8,453		8,453	883
Total Capital Expenditure	65,562		65,562	30,609	96,171	15,842

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 30 September 2017 and should be read in conjunction with other documents in the QBRs.

* Note: Includes Carry over works

**Note: Figures in the Actual YTD column of capital funding are estimates only. Detailed calculations of funding results are performed annually.

Cash and Investments Budget Review Statement for the quarter ended 30 September 2017

Original Budget (000's)	Previously approved			Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual * YTD (000's)
	Sep Review (000's)	Dec Review (000's)	Revised Budget (000's)			
Unrestricted	10,240		10,240		10,240	5,847
Externally restricted						
RTA Contributions			0		0	
Developer contributions	39,608		39,608	(3,257)	36,351	37,675
Domestic waste management	7,662		7,662		7,662	8,000
Special Rates	240		240		240	286
Unexpended grants & contributions	5,626		5,626	(5,626)	0	5,000
Water Supplies	64,900		64,900	(185)	64,715	57,504
Sewerage Services	91,069		91,069	2,738	93,807	88,890
Other	23,301		23,301		23,301	20,000
Total Externally restricted	232,406	0	232,406	(6,330)	226,076	217,355
Internally restricted						
Employee Leave entitlements	8,274		8,274		8,274	8,274
Unexpended untied grants	3,779		3,779	(3,779)	0	3,000
Unexpended loans	3,760		3,760	(2,710)	1,050	3,000
7 Year Plan	2,528		2,528	(2,392)	136	2,500
Works Carried Forward	8,274		8,274	(6,464)	1,810	8,000
Replacement of Plant and Vehicles	2,723		2,723		2,723	2,500
Tip improvements	5,857		5,857		5,857	6,000
Asset renewals	31,038		31,038	(10,983)	20,055	31,000
Other	13,533		13,533	(12,312)	1,221	13,000
Total Internally restricted	79,766	0	79,766	(38,640)	41,126	77,274
Total Restricted	312,172	0	312,172	(44,970)	267,202	294,629
Total cash and investments	322,412	0	322,412	(44,970)	277,442	300,476
Available cash	10,240	0	10,240	0	10,240	5,847

* Note: Figures in the Actual YTD are estimates only. Detailed calculations of funding results and cash restrictions are performed annually.

The available cash position excludes restricted funds. External restrictions are funds that must be spent for a specific purpose and cannot be used by council for general operations. Internal restrictions are funds that council has determined will be used for a specific purpose.

Statement of compliance with investment policy:

Council's investments have been made in accordance with Council's investment policies.

Reconciliation of restricted funds with current investment report:

	(000's)
Total restricted funds	294,629
Total invested funds as per September Investment Report	300,960
Note, some restricted funds are held as cash as they will be utilised in the current period.	

Statement of bank reconciliation:

Cash has been reconciled with the bank statement. Bank reconciliations are up to date.

Reconciliation of cash and investments:

	(000's)
Cash and investments as per above	300,476
Cash on hand and at bank	(484)
Investments	<u>300,960</u>
	300,476

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 30 September 2017 and should be read in conjunction with other documents in the QBRs.

Key Performance Indicators Budget Review Statement for the quarter ended 30 September 2017

Note that KPIs may be distorted by the fact that detailed calculations are only prepared on an annual basis.

These ratios should therefore be viewed with caution.

	Amounts	Indicator
1. Unrestricted Current Ratio		
	(000's)	
<u>Current assets less all external restrictions</u>	<u>90,966</u>	3.4:1
Current liabilities	26,466	
Target:		2:1

Purpose:

To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

	Amounts	Indicator
2. Debt Service Ratio		
	(000's)	
Debt Service Cost	3,922	9.16%
Selected operating income	42,835	
Target:		15%

Purpose:

To assess the impact of loan principal and interest repayments on the discretionary revenue of Council.

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 30 September 2017 and should be read in conjunction with other documents in the QBRs.

Budget Review Contracts and Other Expenses for the quarter ended 30 September 2017

PART A-Contracts Listing		Contract value	Award	Duration of	Budgeted
Contractor	Contract Title	Contract Value \$	Award Date	Duration of Contract	Budgeted (Y/N)
BD Plumbing & Roofing (ABN 68 605 343 851)	RFO2017001 - Hastings Point Wastewater Treatment Plant - Sludge Lagoon Upgrade	\$1,000,000.00	20-Jul-17	16 weeks	Y
Desire Contractors Pty Ltd (ABN 77 167 694 055)	RFO2017077 - Office Refurbishment Buchanan Street Depot	\$155,914.54	20-Jul-17	12 weeks	Y
GEO Stabilise Pty Ltd (ABN 47 166 054 842)	RFO2017067 - Tumbulgum Road Murwillumbah Riverbank Stabilisation	\$485,639.88	20-Jul-17	9 weeks	Y
Desire Contractors Pty Ltd (ABN 77 167 694 055)	RFO2017079 - Youth Recreation Upgrade at Les Burger Cabarita	\$143,790.00	17-Aug-17	12 weeks	Y
Reline Solutions Pty Ltd (ABN 53 119 222 267)	RFO2017047 - Rehabilitation of Gravity Sewerage Reticulation Mains	\$1,051,156.45	17-Aug-17	20 weeks	Y
Zurvas Earthmoving Pty Ltd Trading as GWT Earthmoving (ABN 62 612 104 499)	RFO2017106 - Oxley River Bank Erosion Stabilisation Project	\$186,075.00	17-Aug-17	9 weeks	Y
East Coast Asphalt and Concrete Edging Pty Ltd (ABN 51755877285)	RFO2017100 - Quarry Road Pavement Rehabilitation	\$382,147.36	17-Aug-17	3 weeks	Y

PART B - Consultancy and Legal expenses

Expense	Expenditure YTD \$	Budgeted (Y/N)
Consultancies	29,626	Y
Legal expenses	171,480	Y

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 30 September 2017 and should be read in conjunction with other documents in the QBRs.

**Statutory Statement – Local Government (General) Regulations 2005
(Sections 202 & 203) by “Responsible Accounting Officer”**

202 Responsible accounting officer to maintain system for budgetary control

The responsible accounting officer of a council must:

- (a) *establish and maintain a system of budgetary control that will enable the council's actual income and expenditure to be monitored each month and to be compared with the estimate of the council's income and expenditure, and*
- (b) *if any instance arises where the actual income or expenditure of the council is materially different from its estimated income or expenditure, report the instance to the next meeting of the council.*

203 Budget review statements and revision of estimates

- (1) *Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the Statement of the council's revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.*
- (2) *A budget review statement must include or be accompanied by:*
 - (a) *a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and*
 - (b) *if that position is unsatisfactory, recommendations for remedial action.*
- (3) *A budget review statement must also include any information required by the Code to be included in such a statement.*

Statutory Statement

It is my opinion that the Quarterly Budget Review Statement for Tweed Shire Council for the quarter ended 30 September 2017 indicates that Council's projected financial position at 30 June 2018 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.



M A Chorlton 3 November 2017
“Responsible Accounting Officer”
Manager Financial Services
Tweed Shire Council

OPTIONS:

Not Applicable.

CONCLUSION:

Refer to Statutory Statement above.

COUNCIL IMPLICATIONS:

a. Policy:

Not Applicable.

b. Budget/Long Term Financial Plan:

As detailed within the report.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

30 [CS-CM] Corporate Quarterly Performance Report - 1 July to 30 September 2017

SUBMITTED BY: Financial Services

mhm



Behind the scenes
Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Behind the scenes
- 4.1 Assurance
- 4.1.1 Governance - To provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE: Collaborator Provider Advocate Leader

SUMMARY OF REPORT:

The Corporate Quarterly Report for the period 1 July to 30 September 2017 is presented to Council for consideration.

This report and accompanying attachments detail the progress of the 2017/2018 Operational Plan activities up to 30 September 2017.

RECOMMENDATION:

That Council receives and notes the Corporate Quarterly Performance Report as at 30 September 2017.

REPORT:

At the Council meeting held 6 April 2017, Council adopted the Community Strategic Plan 2017/2027 “Living and Loving the Tweed”. At the Council meeting held 15 June 2017, the Delivery Program 2017-2021/Operational Plan 2017-2018 was adopted by Council. Both of these documents contained a revised reporting structure which is based upon the following four principal streams:



Leaving a legacy: *Looking out for future generations*

The Tweed features an environment of world-significant biodiversity and natural beauty, and distinct cultural and built heritage – Council and the community values its protection.

The Tweed community respects and actively participates in the sustainable management of the natural and built environment so we can not only thrive and enjoy it today, but we look after this place we are proud to call home, so future generations can live and love it as well.

Council’s role is to work with the community and others to plan strategically for sustainable growth and change, and to support initiatives that help the Tweed retain and enhance its diverse natural and built environments, and to deliver sustainable essential services such as water, sewer and sanitation to meet community needs now and into the future.



Making decisions with you: *We’re in this together*

Council and the community working together will shape a better Tweed for the future.

The Tweed is a very proud and diverse community, and understands the importance of open information to enable community participation in steering the direction, decision-making and long-term goals of the Shire.

Council values these conversations that help to deliver sustainable development outcomes, balancing future population and economic growth with the protection and enhancement of natural, cultural and built environments.



People, places and moving around: *Who we are and how we live*

Some residents were lucky to be born in the Tweed, others have made the fortunate choice to make this region their home – all of us have a role to play in shaping a safe, liveable community and to respect and value the unique characteristics that make the Tweed so special.

Together we can work to create a Tweed where people are welcomed, healthy and connected, with opportunities to prosper in their individual pursuits.

Council’s role is to work to meet the present and future infrastructure demands of the Tweed whilst providing community and cultural services and employment opportunities to retain and improve the quality of community life.



Behind the scenes: *Providing support to make it happen*

To look after the Tweed, now and into the future, a great deal of work happens behind the scenes to ensure there are planned, resourced, efficient and transparent systems in place to enable our community to function and prosper.

The community expects responsible and transparent decision making with a focus on public conversations and ownership.

Council's role as visionary regional leader, service provider, partner and promoter draws together the skills and resources of other government agencies, businesses and community organisations to contribute to making the Tweed of tomorrow even better than it is today.

Section 404(5) of the Local Government Act 1993 provides that:

"The general manager must ensure that regular progress reports are provided to the council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months."

Consistent with previous practice, the General Manager has elected to report more frequently (on a quarterly basis) to Council on its progress in meeting activities and targets of the Operational Plan.

This is the first quarterly report on the progress of the 2017/2018 plan and following adoption by Council will be made available via the Integrated Planning and Reporting Framework page on Council's website.

OPTIONS:

Not Applicable.

CONCLUSION:

That Council receives and notes the Corporate Quarterly Performance Report as at 30 September 2017.

COUNCIL IMPLICATIONS:

a. Policy:

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

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

In line with the impacts of the adopted Operational Plan.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Corporate Quarterly Performance Report for the period 1
July to 30 September 2017 (ECM 4861679)

31 [CS-CM] Credit Card Surcharges

SUBMITTED BY: Financial Services

mhm



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Making decisions with you
2.2	Engagement
2.2.5	Financial Services - To collect and manage Council funds and provide information and advice to support sound financial decision-making.

ROLE: **Provider**

SUMMARY OF REPORT:

The Reserve Bank of Australia has defined a new credit card surcharging standard effective 1 September, 2017.

Under this new standard, and the Competition and Consumer Amendment (Payment Surcharges) Act 2016, customers using Visa, MasterCard, EFTPOS and American Express cards cannot be charged an amount higher than the cost to the Merchant (TSC) of accepting that particular card.

Different merchant service fee (MSF) structures charged by Council's bank cannot be averaged (as we do now at 0.70%) and the lowest MSF must be used to calculate the cost to the Merchant of accepting credit card payments. No additional costs associated with acceptance of credit cards such as electricity or labour can be recovered through the surcharge.

Taking these factors into consideration, the new Credit Card Surcharge for Tweed Shire Council, effective from Wednesday **1 November, 2017** will be **0.45%**.

RECOMMENDATION:

That the Credit Card Surcharge fee in the 2017/2018 Fees and Charges – Revenue Policy, be amended to 0.45% effective 1 November 2017 to comply with the Competition and Consumer Amendment (Payment Surcharges) Act 2016 and that the exhibiting of this change is not required.

REPORT:

The Reserve Bank of Australia has defined a new credit card surcharging standard effective 1 September, 2017.

Under this new standard, and the Competition and Consumer Amendment (Payment Surcharges) Act 2016, customers using Visa, MasterCard, EFTPOS and American Express cards cannot be charged an amount higher than the cost to the Merchant (TSC) of accepting that particular card.

Different merchant service fee (MSF) structures charged by Council's bank cannot be averaged (as we do now at 0.70%) and the lowest MSF must be used to calculate the cost to the Merchant of accepting credit card payments. No additional costs associated with acceptance of credit cards such as electricity or labour can be recovered through the surcharge.

Taking these factors into consideration, the new Credit Card Surcharge for Tweed Shire Council, effective from Wednesday **1 November, 2017** will be **0.45%**.

OPTIONS:

There are no options available to Council.

CONCLUSION:

Council must comply with the Competition and Consumer Amendment (Payment Surcharges) Act 2016 and reduce the current surcharge to the lowest cost of acceptance. Councils current receipting system does not provide the ability to apply surcharges based on the credit card being used.

COUNCIL IMPLICATIONS:

a. Policy:

Not Applicable

b. Budget/Long Term Financial Plan:

The budget estimates \$104,926 in Merchant Service Fee income for 2017/2018. The change in the charge from 0.70% to 0.45% will reduce income by approximately \$25,000 for 2017/2018 and \$37,500 for future years.

c. Legal:

Competition and Consumer Amendment (Payment Surcharges) Act 2016.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1

Australian Competition & Consumer Commission –
Payment surcharges – only charge what it costs you
(ECM 4861089)

32 [CS-CM] Monthly Investment and Section 94 Development Contribution Report for Period ending 31 October 2017

SUBMITTED BY: Financial Services

mhm



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Making decisions with you
- 2.2 Engagement
- 2.2.5 Financial Services - To collect and manage Council funds and provide information and advice to support sound financial decision-making.

ROLE: **Leader**

SUMMARY OF REPORT:

The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested. The Manager Financial Services, being the Responsible Accounting Officer, certifies that investments have been made in accordance with Section 625 of the Local Government Act (1993), Clause 212 of the Local Government (General) Regulations and Council policies. Council had **\$293,894,609** invested as at **31 October 2017** and the accrued net return on these funds was **\$775,682** or **3.17%** annualised for the month.

RECOMMENDATION:

That in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 31 October 2017 totalling \$293,894,609 be received and noted.

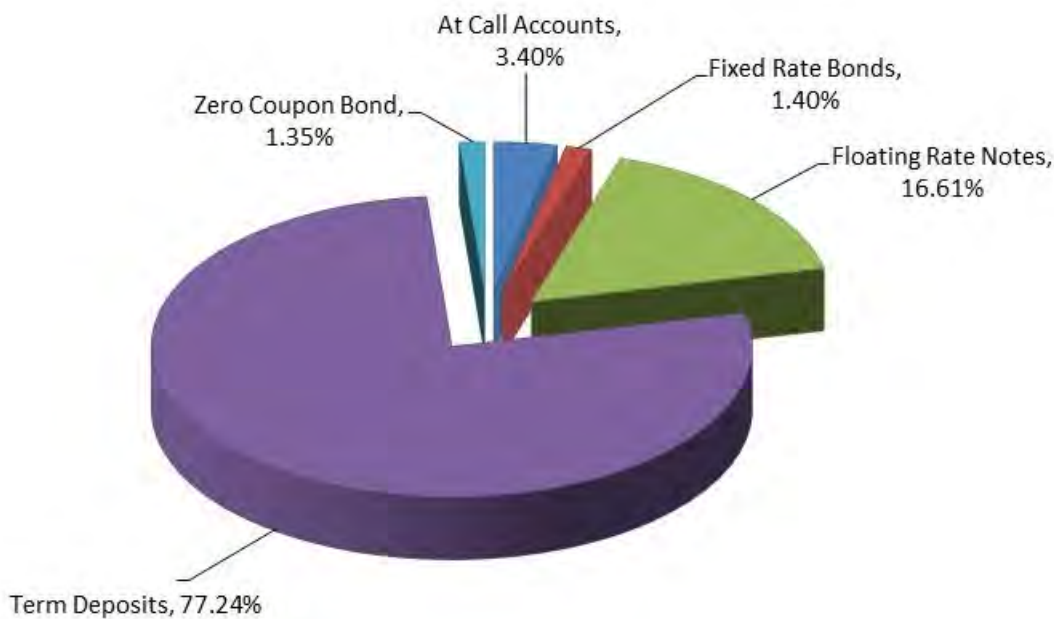
REPORT:

1. Restricted Funds as at 1 September 2016

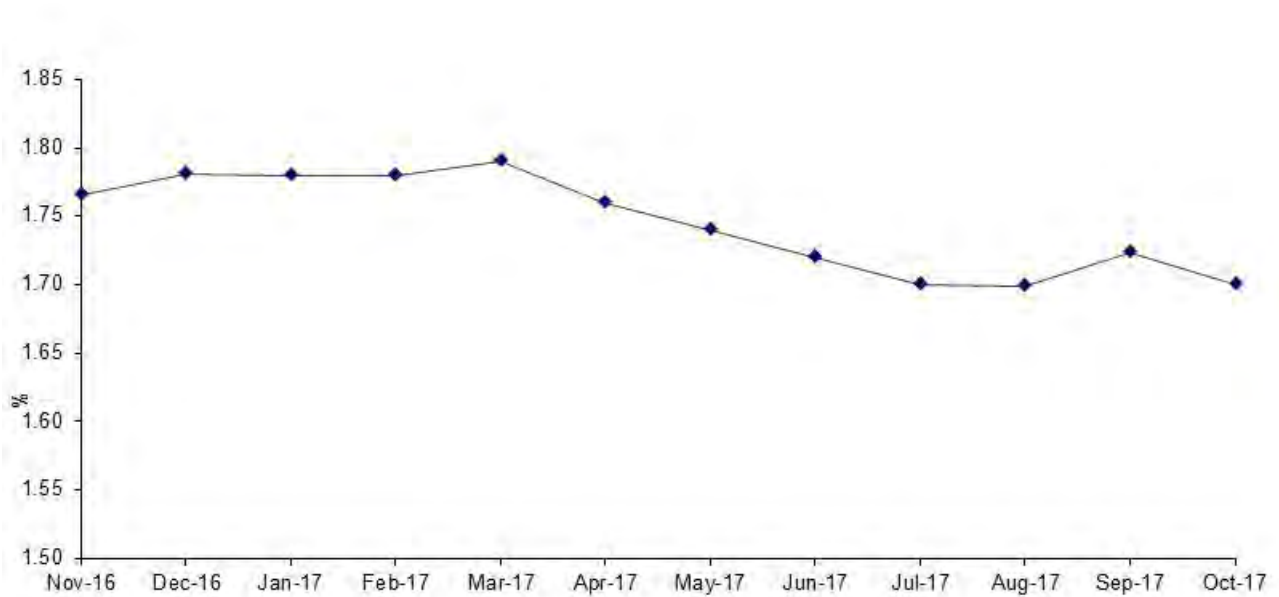
Description	(\$'000)			
	General Fund	Water Fund	Sewer Fund	Total
Externally Restricted (Other)	4,871	52,870	80,785	138,526
Crown Caravan Parks	17,330			17,330
Developer Contributions	36,111			36,111
Domestic Waste Management	15,354			15,354
Grants	3,255			3,255
Internally Restricted (Other)	64,574			64,574
Employee Leave Entitlements	12,903			12,903
Grants	3,760			3,760
Unexpended Loans	3,779			3,779
Total	161,937	52,870	80,785	295,592

Note: Restricted Funds Summary updated September 2017, corresponding with the Annual Financial Statements as at 30 June 2017

2. Investment Portfolio by Category



3. Investment Rates - 90 Day Bank Bill Rate



4. Bond and Floating Rate Note Securities

	Counterparty	Face Value	Market Value	% Return on Face Value	Investment Type	Maturity Date
*	ME Bank (ANZ) (11/17)	2,000,000.00	2,011,460.00	2.70	FRN	17-Nov-17
*	CUA (12/17)	1,000,000.00	1,004,110.00	2.92	FRN	22-Dec-17
	ANZ					
	CBA/Merrill Lynch Zero Coupon Bond (01/18)	4,000,000.00	3,966,800.00	7.17	Fixed Rate Bond	22-Jan-18
	NPBS (Morgans) (02/18)	1,000,000.00	1,006,070.00	2.81	FRN	27-Feb-18
*	ME Bank (04/18)	1,000,000.00	1,002,890.00	3.00	FRN	17-Apr-18
*	Heritage (Morgans) (05/18)	3,000,000.00	3,024,180.00	2.84	FRN	07-May-18
	AMP (Morgans) (6/18)	1,000,000.00	1,007,010.00	2.60	FRN	06-Jun-18
*	BOQ (06/18)	1,000,000.00	1,026,020.00	4.00	Fixed Rate Bond	12-Jun-18
*	BOQ (06/18)	1,000,000.00	1,007,140.00	2.74	FRN	12-Jun-18
	Macquarie (ANZ) (10/18)	1,000,000.00	1,006,970.00	2.74	FRN	26-Oct-18
*	Bendigo (RBS) (11/18)	1,000,000.00	1,014,460.00	2.96	FRN	14-Nov-18
*	CUA (04/19)	1,900,000.00	1,967,784.00	3.31	FRN	01-Apr-19
*	CUA (04/19)	2,000,000.00	1,967,784.00	3.31	FRN	01-Apr-19

Counterparty	Face Value	Market Value	% Return on Face Value	Investment Type	Maturity Date
CBA (04/19)	1,000,000.00	1,008,390.00	2.58	FRN	24-Apr-19
CBA Bond (04/19)	1,000,000.00	1,030,680.00	4.25	Fixed Rate Bond	24-Apr-19
* ME Bank (ANZ) (07/19)	1,000,000.00	1,007,330.00	3.15	FRN	18-Jul-19
* Suncorp (CBA) (08/19)	1,000,000.00	1,011,690.00	2.63	FRN	20-Aug-19
CBA (10/19)	2,000,000.00	2,018,380.00	2.55	FRN	18-Oct-19
* TMB (NAB) (10/19)	1,250,000.00	1,252,525.00	3.09	FRN	28-Oct-19
Rabo (Morgans) (02/20)	2,000,000.00	2,035,280.00	2.74	FRN	11-Feb-20
* Bendigo Bank FRN (CBA) (02/20)	1,000,000.00	1,011,500.00	2.79	FRN	21-Feb-20
Macquarie (RIMSEC) (03/20)	2,000,000.00	2,029,940.00	2.84	FRN	03-Mar-20
* NPBS (Westpac) (04/20)	2,000,000.00	2,007,000.00	3.05	FRN	07-Apr-20
ANZ (04/20)	1,600,000.00	1,614,592.00	2.52	FRN	17-Apr-20
* ANZ Green Bond (06/20)	2,000,000.00	2,065,980.00	3.25	Fixed Rate Bond	03-Jun-20
* Bendigo (Westpac) (08/20)	1,000,000.00	1,012,160.00	2.79	FRN	18-Aug-20
* Suncorp (NAB) (10/20)	3,000,000.00	3,051,540.00	2.95	FRN	20-Oct-20
* BOQ (10/20)	2,500,000.00	2,519,575.00	2.86	FRN	20-Oct-20
* Westpac (WBC) (10/20)	1,000,000.00	1,015,040.00	2.77	FRN	28-Oct-20
CBA (01/21)	1,000,000.00	1,017,030.00	2.85	FRN	18-Jan-21
* Rabo (ANZ) (03/21)	2,000,000.00	2,063,800.00	3.24	FRN	04-Mar-21
* Suncorp (04/21)	2,000,000.00	2,044,580.00	3.09	FRN	12-Apr-21
* Bendigo Bank (04/21)	3,000,000.00	3,054,240.00	3.16	FRN	20-Apr-21
* NPBS (WBC) (01/22)	2,000,000.00	2,010,680.00	3.35	FRN	24-Jan-22
	56,250,000.00	56,894,610.00	3.10		

LEGEND

Investment Type

ABS = Asset Backed Security
 Bond = Fixed Rate Bond
 FRN = Floating Rate Note

Counterparty

AMP = AMP Bank
 ANZ = ANZ Bank
 BOQ = Bank of Queensland
 CBA = Commonwealth Bank
 CUA = Credit Union Australia

Bendigo = Bendigo & Adelaide Bank
 Heritage = Heritage Bank
 ING = ING Bank
 Investec = Investec Bank
 Macquarie = Macquarie Bank
 NAB = National Australia Bank

NPBS - Newcastle Permanent Building Society
 ME = Members Equity Bank
 RaboDirect = Rabo Bank
 Rural = Rural Bank (previously Elders Bank)
 Suncorp = Suncorp Metway Bank
 WBC = WBC Banking Corporation

5. Term Deposits

	Counterparty	Lodged or Rolled	Interest Due	Maturity Date	Principal	% Yield
	NAB (Feb 2020)	03-Aug-17	03-Nov-17	03-Feb-20	1,000,000.00	2.71
*	IMB (Nov 2017)	08-Aug-17	06-Nov-17	06-Nov-17	1,000,000.00	2.54
	ING (RIMSEC) (Feb 2020)	11-Aug-17	13-Nov-17	11-Feb-20	1,000,000.00	2.64
	NAB (Feb 2020) annual interest	14-Aug-17	13-Nov-17	12-Feb-20	2,000,000.00	2.84
	CBA (Feb 2020)	14-Aug-17	13-Nov-17	13-Feb-20	1,000,000.00	2.64
*	Suncorp (May 2017)	02-May-17	14-Nov-17	14-Nov-17	2,000,000.00	2.62
*	Suncorp (May 2017)	02-May-17	14-Nov-17	14-Nov-17	2,000,000.00	2.62
*	Westpac (Feb 2022)	15-Aug-17	15-Nov-17	15-Feb-22	3,000,000.00	3.00
*	Westpac (Curve) (Feb 2021)	17-Aug-17	17-Nov-17	17-Nov-21	1,000,000.00	2.90
*	Westpac (Feb 2021)	17-Aug-17	17-Nov-17	17-Nov-21	1,000,000.00	3.00
	CBA (May 2020)	21-Aug-17	20-Nov-17	19-May-20	1,000,000.00	2.41
	CBA (May 2020)	20-Aug-17	20-Nov-17	19-May-20	2,000,000.00	2.56
*	Westpac (Feb 2021)	18-Aug-17	20-Nov-17	18-Feb-21	2,000,000.00	2.92
	Rabo (RIMSEC) (Feb 2018)	21-Aug-17	21-Nov-17	20-Feb-18	3,000,000.00	3.00
	NAB (May 2018)	21-Aug-17	22-Nov-17	22-May-18	2,000,000.00	2.67
	Defence Bank (Curve) (Nov 2018)	23-Nov-16	23-Nov-17	27-Nov-18	2,000,000.00	3.00
	Rabo (Curve) (Jul 2018)	26-Nov-16	26-Nov-17	03-Jul-18	3,000,000.00	3.10
*	Westpac (Aug 2020)	25-Aug-17	27-Nov-17	25-Aug-20	2,000,000.00	2.44
	CBA (Aug 2021)	31-Aug-17	30-Nov-17	31-Aug-21	6,000,000.00	2.77
	ING (RIMSEC) (Dec 2018)	05-Jun-17	05-Dec-17	05-Dec-18	3,000,000.00	2.65
*	Bendigo Bank (Curve) (Dec 2017)	07-Dec-16	12-Dec-17	12-Dec-17	2,000,000.00	2.85
*	Bendigo Bank (Dec 2017)	15-Dec-15	18-Dec-17	18-Dec-17	2,000,000.00	3.15
*	IMB (Mar 2020)	18-Sep-17	18-Dec-17	17-Mar-20	2,000,000.00	2.77

	Counterparty	Lodged or Rolled	Interest Due	Maturity Date	Principal	% Yield
	Police SA (Curve)	21-Mar-17	19-Dec-17	19-Dec-17	2,000,000.00	2.85
*	Suncorp (March 2017)	28-Mar-17	19-Dec-17	19-Dec-17	1,000,000.00	2.60
	NAB (Dec 2019)	19-Sep-17	19-Dec-17	17-Dec-19	2,000,000.00	2.77
*	IMB (Jan 2020)	06-Oct-17	08-Jan-18	06-Jan-20	1,000,000.00	2.70
	Westpac (Apr 2021)					
*	quarterly interest	09-Oct-17	08-Jan-18	07-Apr-21	1,000,000.00	3.00
*	Westpac (Jan 2021)	11-Oct-17	11-Jan-18	12-Jan-21	6,000,000.00	2.81
*	BOQ (Jan 2017)	17-Jan-17	15-Jan-18	15-Jan-19	2,000,000.00	3.05
	RaboDirect (Curve) (Jan 2019)	15-Jan-17	15-Jan-18	15-Jan-19	1,000,000.00	4.00
*	CUA (Curve) (Feb 2017)	14-Feb-17	16-Jan-18	16-Jan-18	2,000,000.00	2.80
*	MyState (Curve) (July 2017)	04-Jul-17	16-Jan-18	16-Jan-18	2,000,000.00	2.70
*	Suncorp Bank (Jan 2018)	01-Aug-17	16-Jan-18	16-Jan-18	2,000,000.00	2.40
	NAB (Jan 2020)	16-Oct-17	16-Jan-18	21-Jan-20	2,000,000.00	2.83
*	Westpac (Oct 2022)	18-Oct-17	18-Jan-18	18-Oct-22	2,000,000.00	2.98
*	Rural (Curve) ME Bank (Curve) (Jan 2020)	28-Mar-17	23-Jan-18	23-Jan-18	1,000,000.00	2.70
*	ING (RIMSEC) (Jan 2019)	30-Oct-17	29-Jan-18	29-Jan-19	2,000,000.00	2.54
	Bankwest (Jan 2017)	29-Aug-17	30-Jan-18	30-Jan-18	4,000,000.00	2.45
*	Westpac (July 2018)	31-Oct-17	31-Jan-18	31-Jul-18	4,000,000.00	2.57
	AMP (RIMSEC) (May 2017)	09-May-17	13-Feb-18	13-Feb-18	3,000,000.00	2.70
*	Auswide Bank (Curve) (Feb 2017)	07-Feb-17	13-Feb-18	13-Feb-18	1,000,000.00	2.80
*	Bendigo (Curve) (Feb 2017)	14-Feb-17	13-Feb-18	13-Feb-18	2,000,000.00	2.70
*	Bendigo Bank (Feb 2018)	16-Feb-17	13-Feb-18	13-Feb-18	3,000,000.00	3.10
*	Suncorp Bank (Feb 2018)	13-Jun-17	13-Feb-18	13-Feb-18	5,000,000.00	2.60

	Counterparty	Lodged or Rolled	Interest Due	Maturity Date	Principal	% Yield
*	BOQ (Feb 2017)	28-Feb-17	27-Feb-18	27-Feb-18	2,000,000.00	2.70
	Defence Bank (Curve) (Mar 2019)	28-Feb-17	28-Feb-18	05-Mar-19	1,000,000.00	3.00
*	Bendigo Bank (Curve) (Mar 2018)	31-Aug-17	06-Mar-18	06-Mar-18	2,000,000.00	2.70
	CBA (Mar 2018)	07-Mar-17	06-Mar-18	06-Mar-18	4,000,000.00	2.71
*	MEB (Curve) (Mar 2018)	01-Mar-17	06-Mar-18	06-Mar-18	2,000,000.00	3.13
*	Rural Bank (Curve) (Mar 2018)	28-Feb-17	06-Mar-18	06-Mar-18	4,000,000.00	2.70
	BCU (Curve) (Mar 2018)	07-Mar-17	07-Mar-18	13-Mar-18	1,000,000.00	2.85
*	Rural Bank (Curve) (Mar 2017)	07-Mar-17	07-Mar-18	13-Mar-18	1,000,000.00	2.70
	RaboBank (RIMSEC)	07-Mar-17	07-Mar-18	10-Mar-20	2,000,000.00	3.00
	BOQ (Mar 2017)					
*	quarterly interest	28-Mar-17	20-Mar-18	20-Mar-18	2,000,000.00	2.65
	Westpac (Curve) (Mar 2018)	14-Mar-17	20-Mar-18	20-Mar-18	4,000,000.00	2.65
*	BOQ (Mar 2018)	22-Aug-17	27-Mar-18	27-Mar-18	4,000,000.00	2.60
*	Suncorp (Mar 2017)	19-Sep-17	17-Apr-18	17-Apr-18	4,000,000.00	2.52
	AMP (Curve) (Aug 2017)	09-Aug-17	08-May-18	08-May-18	2,000,000.00	2.60
	Rabo Bank (Curve) (May 2020)	20-May-16	19-May-18	19-May-20	2,000,000.00	3.20
*	Bendigo Bank (Curve) (May 2018)	22-May-17	22-May-18	22-May-18	2,000,000.00	3.05
	QLD PCU (Curve) May 2018)	17-May-17	22-May-18	22-May-18	2,000,000.00	3.15
	Police SA (Curve) (May 2019)	23-May-17	23-May-18	28-May-19	2,000,000.00	3.00
	Defence Bank (Curve) (June 2019)	23-May-17	23-May-18	04-Jun-19	2,000,000.00	3.00
*	Westpac Bank (May 2021)	23-May-17	24-May-18	24-May-21	3,000,000.00	2.75
	Defence Bank (Curve) (May 2018)	28-May-17	28-May-18	28-May-18	1,000,000.00	3.05

	Counterparty	Lodged or Rolled	Interest Due	Maturity Date	Principal	% Yield
	Rabobank (Curve) (June 2021)	30-May-17	30-May-18	01-Jun-21	3,000,000.00	3.10
*	Bendigo Bank (Curve) (June 2019)	01-Jun-17	01-Jun-18	04-Jun-19	2,000,000.00	3.15
	Defence Bank (Curve) (June 2018)	01-Jun-17	05-Jun-18	05-Jun-18	1,000,000.00	3.05
	Australian Military Bank (Curve) (July 2017)	11-Jul-17	10-Jul-18	10-Jul-18	1,000,000.00	2.70
	RaboDirect (Curve) (Jul 2021)	27-Jul-17	27-Jul-18	27-Jul-21	1,000,000.00	3.30
*	BOQ (Aug 2017)	08-Aug-17	07-Aug-18	07-Aug-18	1,000,000.00	2.65
*	BOQ (Aug 2018)	08-Aug-17	07-Aug-18	07-Aug-18	5,000,000.00	2.65
	RaboDirect (Curve) (Aug 2019)	07-Aug-17	07-Aug-18	13-Aug-19	2,000,000.00	4.30
*	BOQ (Aug 2020)	11-Aug-17	13-Aug-18	11-Aug-20	5,000,000.00	3.20
*	BOQ (Aug 2018)	16-Aug-17	14-Aug-18	14-Aug-18	5,000,000.00	2.65
	MMBS (Curve) (Aug 2018)	16-Aug-17	16-Aug-18	21-Aug-18	2,000,000.00	3.00
	Rabo Bank (Curve) (Aug 2018)	21-Aug-17	21-Aug-18	21-Aug-18	2,000,000.00	4.10
*	Bendigo Bank (Aug 2019)	23-Aug-17	23-Aug-18	27-Aug-19	5,000,000.00	2.90
	CBA (Oct 2019)	23-Aug-17	23-Aug-18	23-Oct-19	1,999,999.00	3.20
	Westpac (Aug 2022)	24-Aug-17	24-Aug-18	23-Aug-22	5,000,000.00	3.00
	CBA (Aug 2019)	23-Aug-17	27-Aug-18	27-Aug-19	3,000,000.00	2.73
	Rabo (Curve) (Aug 2018)	26-Aug-17	28-Aug-18	28-Aug-18	3,000,000.00	3.10
	Rabo Bank (Curve) (Sept 2019)	01-Sep-17	01-Sep-18	03-Sep-19	1,000,000.00	4.05
*	Bendigo Bank (Sept 2019)	03-Sep-17	03-Sep-18	03-Sep-19	1,000,000.00	4.15
	QLD PCU (RIMSEC) (Sept 2018)	04-Sep-17	04-Sep-18	04-Sep-18	1,000,000.00	3.05
	NAB (Sept 2019)	12-Sep-18	12-Sep-18	10-Sep-19	3,000,000.00	2.73
	ING (Curve) (Sept 2017)	12-Sep-17	12-Sep-18	17-Sep-19	4,000,000.00	2.75

Counterparty	Lodged or Rolled	Interest Due	Maturity Date	Principal	% Yield
* Mystate (Curve) (Sept 2018)	12-Sep-17	25-Sep-18	25-Sep-18	3,000,000.00	2.67
Rabobank (Curve) (Sept 2022)	26-Sep-17	26-Sep-18	18-Dec-18	3,000,000.00	2.70
NAB (Oct 2017)	17-Oct-17	17-Oct-18	16-Oct-20	4,000,000.00	3.05
Defence Bank (Curve) (Oct 2018)	24-Oct-17	30-Oct-18	24-Oct-18	1,000,000.00	2.70
ING Bank (Curve) (Sept 2017)	26-Sep-17	18-Dec-18	18-Dec-18	1,000,000.00	2.70
ING (Curve) (Sept 2019)	29-Aug-17	03-Sep-19	03-Sep-19	4,000,000.00	2.75
* Bendigo (Oct 2017)	17-Oct-17	20-Oct-20	20-Oct-20	4,000,000.00	3.15
Total				226,999,999.00	2.89
LEGEND					
Counterparties					
AMP = AMP Bank		Macquarie = Macquarie Bank		WBC = Westpac Bank	
ANZ = ANZ Bank		NAB = National Australia Bank			
Auswide = Auswide Bank		ME = Members Equity Bank			
BOQ = Bank of Queensland		NPBS = Newcastle Permanent Building Society			
CBA = Commonwealth Bank		P&N = P&N Bank			
Heritage = Heritage Bank		RaboDirect = Rabo Bank			
ING = ING Bank		Rural = Rural Bank			
Investec = Investec Bank		Suncorp = Suncorp Metway Bank			

6. Ethical Investments

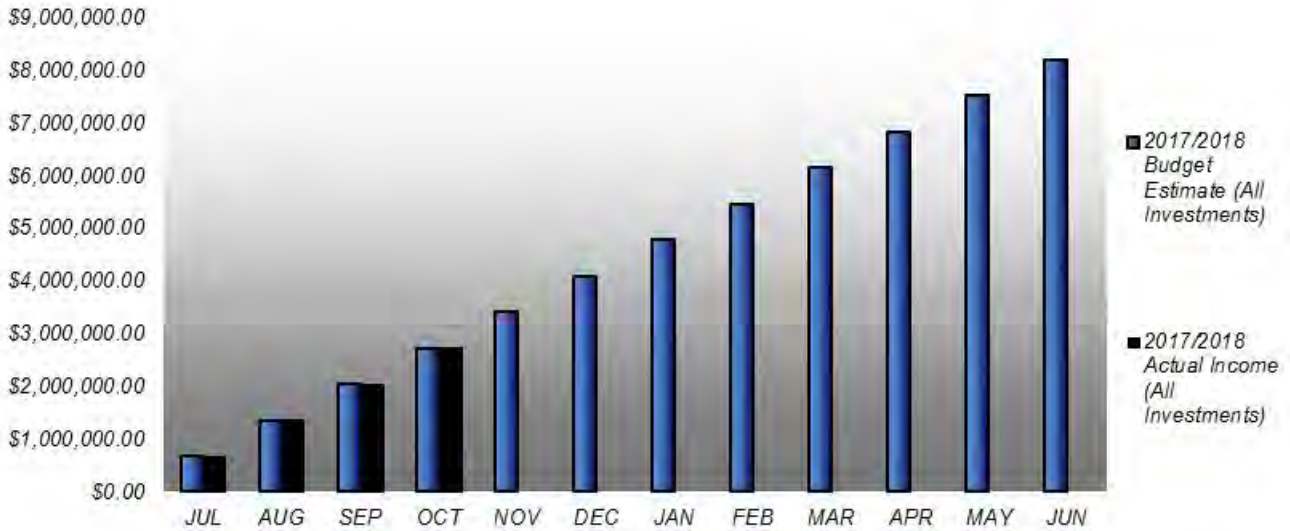
* Ethical Financial Institutions highlighted
\$158,125,155 which represents **53.80%** of the total portfolio
 Source: Australian Ethical - www.australianethical.com.au

7. Performance by Category

Performance by Category Compared with Benchmark



8. Total Portfolio Income v Budget



9. Investment Policy Diversification and Credit Risk

Total Portfolio Credit Limits Compared to Policy Limits					
Long-Term Credit Ratings	Investment Policy Limit	Actual Portfolio	Short-Term Credit Ratings	Investment Policy Limit	Actual Portfolio
AAA Category	100%	0.00%	A-1+	100%	23.59%
AA Category	100%	9.22%	A-1	100%	19.60%
A Category	60%	9.27%	A-2	60%	26.92%
BBB Category	20%	7.08%	A-3	20%	1.00%
Unrated	10%	0.00%	Unrated	10%	3.32%

Market Value by Security Rating Group (Long Term)



Market Value by Security Rating Group (Short Term)



10. Term to Maturity

Maturity Profile	Actual % Portfolio	Policy Limits
Less than 365 days	50.85%	Minimum 40%
More than 365 days and less than 3 years	31.93%	Maximum 60%
3 years and less than 5 years	17.22%	Maximum 35%
Total	100.00%	

Market Value by Term Remaining

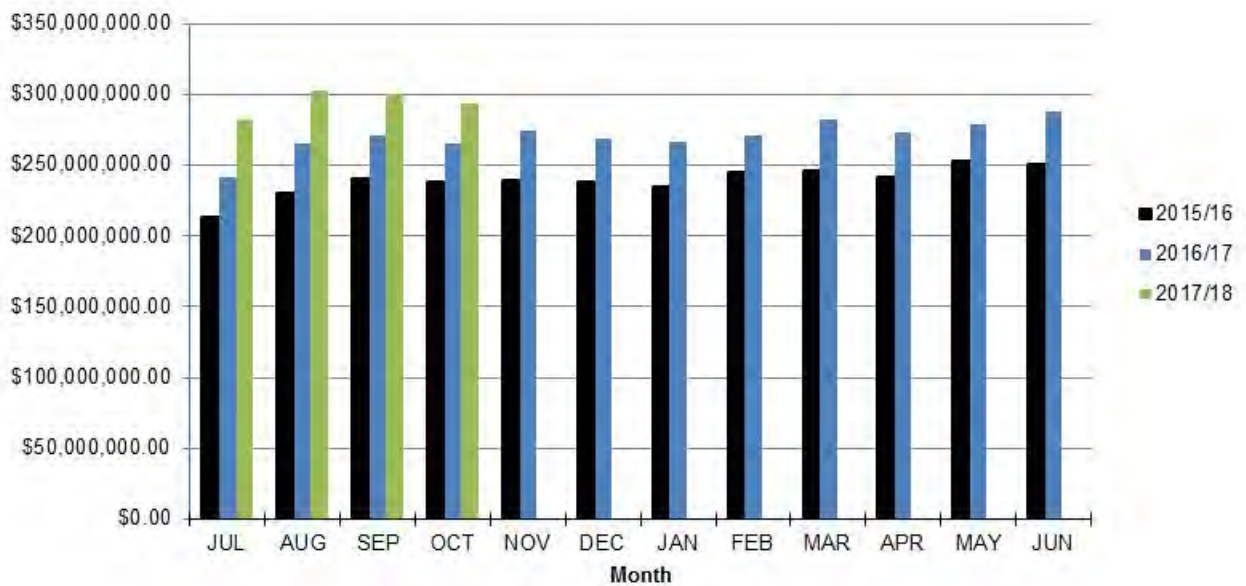


11. Investment Alternatives Explained

Investment Product	Maturity Range	Usual term to maturity	Major Benefits	Major risks
At Call Cash	At Call	Immediate to a few months	Highly liquid - same day access to funds with no impact on capital	Not a capital growth asset
			Highly secure as a bank deposit	Underperforms other asset classes in the long term
Bank Bill	1 - 180 days	Less than 1 year	Medium liquidity - generally some notice to access funds, usually with no or minimal impact on capital	Not a growth asset
			Highly secure (bank risk)	Underperforms other asset classes in the long term
				May incur a small loss for early redemption
Term Deposit	Up to 5 years	Less than 2 years	Not liquid - generally 31 days to access to funds	Will incur a significant capital loss for early termination
			Highly secure as a bank deposit	Underperforms growth assets in the longer term
Floating Rate Note Bond	1 - 5 years	Greater than 2 years	Increased yield over bank bills	Not a growth asset
			Can accrue capital gain if sold ahead of maturity and market interest rates have fallen	Can incur capital losses is sold ahead of maturity and market interest rates have risen
			Coupon interest rate resets quarterly based on 90 day bank bill swap rate	Credit exposure to company issuing the paper
			Relatively liquid	May not be bank guaranteed
			Less administration than bank bills	Underperforms other asset classes in the long term

Investment Product	Maturity Range	Usual term to maturity	Major Benefits	Major risks
Fixed Rate/Bond	1 - 5 years	Greater than 3 years	Can accrue capital gain if sold before maturity and market interest rates have fallen	Can incur capital losses if sold before maturity and market interest rates have risen
			Fixed return - semi annual coupons	Credit exposure to company issuing paper
			Generally liquid	
			Can be government or corporate issuer	

12. Monthly Comparison of Total Funds Invested



13. Section 94 Developer Contributions - Monthly Balances & Receipts

Contribution Plan	Plan Description	End of Month Balance	Contributions Received for Month
1	DCP3 Open Space	4,846,872	86,707
2	Western Drainage	652,913	
3	DCP3 Community Facilities	1,767	
4	TRCP Road Contributions	16,819,441	217,910
5	Open Space	583,869	1,742
6	Street Trees	233,795	9,207
7	West Kingscliff	922,123	
10	Cobaki Lakes	-1,462	
11	Libraries	1,339,975	36,231
12	Bus Shelters	137,044	2,755
13	Cemeteries	151,359	5,294
14	Mebbin Springs	97,723	
15	Community Facilities	1,829,164	15,556
16	Surf Lifesaving	112,994	3,503
18	Council Administration/Technical Support	1,669,396	83,182
19	Kings Beach	938,124	
20	Seabreeze Estate	815	
21	Terranora Village	36,472	1,305
22	Cycleways Shirewide	307,989	16,265
23	Carparking Shirewide	1,708,556	45,044
25	SALT	1,154,565	
26	Open Space Shirewide	2,933,328	212,877
27	Tweed Heads Masterplan	365,703	
28	Seaside City	781,704	37,876
91	DCP14	116,949	
92	Public Reserve Contributions	146,498	
95	Bilambil Heights	571,888	
	Total	38,459,566	775,454

14. Economic Commentary

Australian and World Economy and Cash Rate

At its 7 October, 2017 meeting the Reserve Bank of Australia (RBA) is expected to leave the cash rate unchanged at 1.50 per cent.

The RBA noted that the Australian economy had grown by 0.8 per cent in the June quarter, in line with the Bank's forecast. Growth in consumption and the contribution from net exports had been higher than in the March quarter, partly reflecting the unwinding of temporary factors. Members noted that the effect of the decline in mining investment had mostly

passed and, with resource exports increasing, recently the mining sector had been contributing to overall growth. Growth in public demand and non-mining business investment had picked up and private sector investment intentions for 2017/18, as recorded in the June quarter ABS capital expenditure survey, had been revised higher.

There had been a pick-up in household consumption growth in the June quarter despite ongoing weakness in household disposable income growth. Members noted that consumption growth had increased in most states, although it had remained noticeably weaker in Western Australia than in the eastern states, consistent with weaker income growth in that state. Recent strong growth in employment across all the states was expected to support income growth, and therefore consumption growth, in the period ahead.

Residential construction appeared to have plateaued, with dwelling investment largely unchanged in the June quarter. The pipeline of work already approved or under way was expected to continue supporting dwelling investment around current levels over the subsequent year or so; the peak of apartment completions was expected to occur during this period. At the current level of dwelling investment, growth of the housing stock was expected to outstrip that of the population, as it had done in the preceding few years.

Established housing market conditions had continued to ease in Sydney and Melbourne, but had been broadly unchanged in other cities. This pattern was evident in revised housing price data released by CoreLogic in September, as well as in auction clearance rates. Housing prices had continued to decline gradually in Perth. Nationwide measures of housing prices had increased by around 9 per cent over the year to September.

Recent data had pointed to subdued price pressures across the economy in the June quarter. Retail electricity prices were expected to increase significantly in the September quarter and liaison with businesses had suggested that a number of firms, particularly in the retail and manufacturing sectors, were largely absorbing increases in energy costs into margins rather than passing them through to final prices.

The RBA noted that indicators of global economic conditions had remained consistent with growth continuing around recent rates. Indicators of industrial production had picked up in many of Australia's trading partners since 2016, which had contributed to a rise in investment growth and investment intentions in many of these economies. Members noted that growth in exports of electronics and conditions in the electronics-manufacturing sector had increased significantly. This had been particularly stimulatory for the high-income Asian economies. Labour markets had continued to tighten in the major advanced economies, but nominal wage growth had remained low. Headline inflation had increased modestly over the previous month, in line with an increase in oil prices, but core inflation had remained subdued and had even declined lately in the United States.

In China, growth in output appeared to have moderated a little in recent months following stronger-than-expected growth in the first half of 2017. Growth in industrial production and fixed asset investment had eased a little in recent months, while growth in consumption had been relatively resilient. Property price inflation in China had continued to moderate, but a range of other indicators of activity in the housing sector had been more resilient than expected.

GDP growth in the major advanced economies had increased over the preceding year, driven by continued strong growth in consumption and, in some cases, investment.

Members noted that this had been accompanied by a further tightening in labour markets. In the United States and Japan, unemployment rates had been at multi-decade lows and were below most estimates of full employment. The euro area unemployment rate had declined to its lowest rate in eight years, although there was significant variation across member economies. Nominal wage growth and core inflation had remained low. Inflation in the major advanced economies was expected to increase towards central banks' targets over the next few years, as the lack of spare capacity started to put upward pressure on wages and prices.

Council's Investment Portfolio

Council's investment portfolio is conservatively structured in accordance with NSW Office of Local Government guidelines with approximately 80.64% of the portfolio held in cash and term deposits. Term deposits and bonds are paying average margins over the 90 day bank bill rate.

Bank demand for term deposit funds is waning as investors require higher returns due to an uncertain interest rate outlook. The imposition of mortgage lending restrictions is also crimping bank demand for depositors funds.

Conversely, new Australian Prudential Regulation Authority regulations increasing the amount of capital required to be held by banks is marginally increasing bank demand for depositors funds.

Many "cash at call" rates remain at levels below the RBA cash rate. The historic low cash rate is still translating to lower total investment yields. This continues to present difficulties obtaining reasonable investment income without risking capital.

All investment categories out-performed the UBS 90 day bank bill benchmark this month. The investment portfolio again benefited this month from some longer-dated, higher yielding bonds and term deposits purchased before interest rate margins began contracting, however these securities are maturing. As these longer-dated bonds and term deposits mature and are replaced with lower yielding investments the total portfolio return will decrease. Overall, the investment portfolio has returned a **weighted average 1.19% pa** above the 90 day UBS bank bill index for the last month.

Source: RBA Monetary Policy Decision

15. Investment Summary

GENERAL FUND

CORPORATE FIXED RATE		
BONDS	8,089,480.00	
FLOATING RATE NOTES	48,805,130.00	
ASSET BACKED SECURITIES	0.00	
FUND MANAGERS	0.00	
TERM DEPOSITS	87,999,999.00	
CALL ACCOUNT	10,000,000.00	154,894,609.00

WATER FUND

TERM DEPOSITS	52,000,000.00	
FUND MANAGERS	0.00	52,000,000.00

SEWERAGE FUND

TERM DEPOSITS	87,000,000.00	
FUND MANAGERS	0.00	87,000,000.00
	TOTAL INVESTMENTS	<u>293,894,609.00</u>

It should be noted that the General Fund investments of \$154 million are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

All Water and Sewerage Fund investments can only be expended in accordance with Government regulation and Council resolution.

Statutory Statement - Local Government (General) Regulation 2005 Clause 212

I certify that Council's investments have been made in accordance with the Local Government Act 1993, the Local Government (General) Regulations and Council's investment policies.


Responsible Accounting Officer

Manager Financial Services
Tweed Shire Council

OPTIONS:

Not Applicable.

CONCLUSION:

Not Applicable.

COUNCIL IMPLICATIONS:**a. Policy:**

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

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

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

- (a) *must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:*
 - (i) *if only one ordinary meeting of the council is held in a month, at that meeting, or*
 - (ii) *if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and*
 - (b) *must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies.*
- (2) *The report must be made up to the last day of the month immediately preceding the meeting."*

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

33 [CS-CM] 2017/2018 Events Sponsorship Funding - Cancellation of 2017 Carols at the College

SUBMITTED BY: Director

mhm



People, places and moving around
Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.1 People
- 3.1.7 Events - To develop, attract and support events that showcase the Tweed's unique characteristics and identity.

ROLE: Provider

SUMMARY OF REPORT:

At its meeting of 20 July 2017, Council allocated \$2,000 to the Tweed Valley Adventist College and Murwillumbah Churches Together (ABN 68 107 046 846) for the conduct of Carols at the College on Sunday 10 December 2017.

Council was advised by the event organiser via email on Monday 30 October 2017, *“due to un-foreseen circumstances and lack of available funds, the Carols at the College event will not be taking place in 2017, therefore will not require the event sponsorship funds from Tweed Shire Council.”* The advice also stated that the College *“took a massive hit from the flood and many of our sponsor businesses also took a hit, so funding was certainly more difficult to secure this year.”*

This advice is submitted for the information of Councillors.

RECOMMENDATION:

That Council notes the cancellation of the Tweed Valley Adventist College and Murwillumbah Churches Together (ABN 68 107 046 846) Carols at the College on Sunday 10 December 2017.

REPORT:

As per summary.

OPTIONS:

Not applicable.

CONCLUSION:

That Council notes the cancellation of the Tweed Valley Adventist College and Murwillumbah Churches Together (ABN 68 107 046 846) Carols at the College on Sunday 10 December 2017.

COUNCIL IMPLICATIONS:

a. Policy:

Events Strategy v1.0

Events Sponsorship Policy v1.0

b. Budget/Long Term Financial Plan:

Council allocated funding under the 2017/2018 Event Sponsorship Policy funding round at its meeting of 20 July 2017.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

Council was advised by the event organiser via email on Monday 30 October 2017 that the Carols at the College event will not be taking place in 2017.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

34 [CS-CM] Draft Events Sponsorship Policy, Version 3.0 and Draft Events Sponsorship Guidelines, Version 2.0

SUBMITTED BY: Director

nhm



People, places and moving around

Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.1 People
- 3.1.7 Events - To develop, attract and support events that showcase the Tweed's unique characteristics and identity.

ROLE: Provider

SUMMARY OF REPORT:

The process of providing both financial assistance and resource support to event organisers was reviewed last year in accordance with the actions outlined in the Tweed Shire Events Strategy 2016-2020 Action Plan, adopted by Council on 18 February 2016.

This review resulted in the adoption of the Events Sponsorship Policy Version 1.0, which provided a framework for Council to offer financial assistance to event organisers to develop, host and grow festivals and events in the Tweed Shire.

One year on from implementation, and following the assessment and awarding of two rounds of sponsorship applications 2016/2017 and 2017/2018, the Policy (refer Attachment 1) was reviewed and updated.

The draft Events Sponsorship Policy, Version 2.0 was tabled at Council's meeting of 20 July 2017, where it was resolved that Council:

- "1. Places the draft Events Sponsorship Policy, Version 2.0 on public exhibition for a period of 28 days, commencing Monday 24 July 2017, and accepts public submissions for a period of 42 days, up until Monday 4 September 2017 as per Section 160 of the Local Government Act 1993....."*

The draft Events Sponsorship Policy, Version 2.0 was placed on public exhibition for 28 days, commencing 29 August 2017, with submissions accepted for 42 days up until 9 October 2017. Two (2) public submissions were received. A summary of these submissions are included in the report for the information of Councillors.

RECOMMENDATION:

That Council adopts the:

1. Events Sponsorship Policy, Version 3.0, which includes the following Guiding Principles:

“All applicants are to give consideration to the following guiding principles in the conduct of their event:

- **Collaboration**

Working together with Council, local residents, business community, other agencies and organisations as required.

- **Respect**

Event organisers are respectful and considerate of the physical space they occupy and people and businesses around them. They function in a way that local residential amenity is protected.

- **Responsive and Adaptable**

Flexible to function with changing circumstances and emerging issues if and when they arise.

- **Safe and Accessible**

Provide a safe and easy to access event layout that ensures the safety and well-being of attendees.

- **Social and Cultural Enhancement**

Supporting and enhancing the cultural integrity and values of the community including capacity for social interactions, music and entertainment.

- **Sustainability**

Introduce practices that minimise the impact on the local environment including waste minimisation and disposal. For example, the separation of compost and recycling from general waste, and elimination of unsustainable waste, including but not limited to plastic bags, single use water bottles and containers, plastic lined takeaway coffee cups, individual condiment portion packs, plastic straws and polystyrene containers etc.”

2. Events Sponsorship Guidelines, Version 2.0, which includes the above Guiding Principles.

REPORT:

The process of providing both financial assistance and resource support to event organisers was reviewed last year in accordance with the actions outlined in the Tweed Shire Events Strategy 2016-2020 Action Plan, adopted by Council on 18 February 2016.

This review resulted in the adoption of the Events Sponsorship Policy which provided a framework for Council to offer financial assistance to event organisers to develop, host and grow festivals and events in the Tweed Shire.

The aims and objectives of the draft Events Sponsorship Policy are to:

- Drive social, community, environmental and economic outcomes for the Tweed Region (noting the important link between community outcomes and economic benefits).
- Generate local economic activity and development within the Tweed Shire.
- Further develop the region's capacity to deliver authentic and well-organised events.
- Attract external visitation to The Tweed.
- Enhance and honour the personality of the region and desires of the community.

One year on from implementation, and following the assessment and awarding of two rounds of sponsorship applications 2016/2017 and 2017/2018, the Policy (refer Attachment 1) was reviewed and updated as follows:

- Community Strategic Plan year changed from 2013/2023 to 2017-2027;
- Reference to 'Civic' event was removed as it is considered a Council event and officers would not make application for funding;
- In-kind support now referenced as resource support; and
- Eligibility categories – Location; Previous funding from Council; and Timing of Application removed as they are reflected in the Events Sponsorship Application Form.

The updated draft Events Sponsorship Policy, Version 2.0 was tabled at Council's meeting of 20 July 2017, where it was resolved that Council:

- "1. Places the draft Events Sponsorship Policy, Version 2.0 on public exhibition for a period of 28 days, commencing Monday 24 July 2017, and accepts public submissions for a period of 42 days, up until Monday 4 September 2017 as per Section 160 of the Local Government Act 1993....."*

The draft Events Sponsorship Policy, Version 2.0 was placed on public exhibition for 28 days, commencing 29 August 2017, with submissions accepted for 42 days up until 9 October 2017. Two (2) public submissions were received.

Summary of Submissions

The submissions request consideration is given to the reduction of waste at events - refer below:

No	Submission Summary	TSC Comment
1	<ul style="list-style-type: none"> ▪ Express interest, support and ideas about Draft Events Sponsorship Policy. ▪ Suggest inclusion of sustainability condition similar to the Markets Policy V2 with wording such as: <i>“Sustainable event management practices that minimise the impact on the local environment including waste minimisation and disposal. For example, the separation of compost and recycling from general waste, and elimination of unsustainable waste, including but not limited to plastic bags, single use water bottles and containers, plastic lined takeaway coffee cups, individual condiment portion packs, plastic straws and polystyrene containers etc.</i> <i>Event organisers are required to report on their event’s waste outcomes ie: the quantity of resources diverted from landfill. This is to assist event organisers to continually improve systems and outcomes in their waste and resource management. More information on waste wise events, including an event waste audit tool can be found online at EPA NSW.”</i> ▪ Other resources like water and electricity use should also be monitored and minimised. ▪ The Tweed Shire has an opportunity to demonstrate best practice in sustainable event delivery both for small community events and large commercial events. 	<p>Comments noted. It is recommended that the draft Events Sponsorship Policy and Guidelines be amended to include a Sustainability principle.</p> <p>The 2017/2018 Events Sponsorship Application Form (Section B2) did include reference to:</p> <ul style="list-style-type: none"> • Involvement of community organisations and local businesses • Accessibility • Social and Cultural Enhancement • Sustainability
2	<ul style="list-style-type: none"> ▪ Concerned about the ever increasing amount of plastic water bottles that are ending up in landfill. ▪ Encourage local event organisers to provide free water points as an alternative to purchasing plastic bottled water at events, with the aim being a complete ban on the purchase of plastic water bottles at all future events. ▪ Offer souvenir bottles for the equivalent price of commercial bottled water, with the bottles carrying a message to promote further plastic free festivals and community events. ▪ Suggest initiative be rolled out to local markets, events and festivities throughout the Tweed Shire, with the Tweed region becoming a plastic bottle free zone at public events. ▪ Caloundra Music Festival successfully implemented a completely disposable plastic bottle free zone last year. 	<p>Comments noted. It is recommended that the draft Events Sponsorship Policy and Guidelines be amended to include a Sustainability principle.</p> <p>The 2017/2018 Events Sponsorship Application Form (Section B2) did include reference to:</p> <ul style="list-style-type: none"> • Involvement of community organisations and local businesses • Accessibility • Social and Cultural Enhancement • Sustainability

Giving consideration to the inclusion of a Sustainability Principle into the draft Events Sponsorship Policy and the Events Sponsorship Guidelines, other guiding principles from the Markets Policy, Version 2.0 were also regarded relevant to the conduct of events. Therefore it is recommended that the following be included in the draft Events Sponsorship Policy, Version 3.0 and the draft Events Sponsorship Guidelines, Version 2.0:

"All applicants are to give consideration to the following guiding principles in the conduct of their event:

- **Collaboration**

Working together with Council, local residents, business community, other agencies and organisations as required.

- **Respect**

Event organisers are respectful and considerate of the physical space they occupy and people and businesses around them. They function in a way that local residential amenity is protected.

- **Responsive and Adaptable**

Flexible to function with changing circumstances and emerging issues if and when they arise.

- **Safe and Accessible**

Provide a safe and easy to access event layout that ensures the safety and well-being of attendees.

- **Social and Cultural Enhancement**

Supporting and enhancing the cultural integrity and values of the community including capacity for social interactions, music and entertainment.

- **Sustainability**

Introduce practices that minimise the impact on the local environment including waste minimisation and disposal. For example, the separation of compost and recycling from general waste, and elimination of unsustainable waste, including but not limited to plastic bags, single use water bottles and containers, plastic lined takeaway coffee cups, individual condiment portion packs, plastic straws and polystyrene containers etc."

OPTIONS:

That Council:

1. Adopts the Events Sponsorship Policy, Version 2.0, as exhibited.
2. Adopts the Events Sponsorship Policy, Version 3.0 and the Events Sponsorship Guidelines, Version 2.0, which include six (6) guiding principles.
3. Does not adopt the Events Sponsorship Policy, Version 3.0, and re-exhibits the Policy for comment on the introduction of six (6) guiding principles.

CONCLUSION:

As actions from the Tweed Shire Events Strategy are implemented over the Strategy's four-year implementation period, further reviews and updates may be required of the Events

Sponsorship Policy, Events Sponsorship Guidelines and the Events Sponsorship Application Form.

The Guidelines and Form will require further updating in May 2018 to reflect the dates the funding round opens and closes.

COUNCIL IMPLICATIONS:

a. Policy:

Events Strategy v1.0

Events Sponsorship Policy, v1.0 will be replaced with the Event Sponsorship Policy, Version 3.0, if adopted at this meeting.

Events Sponsorship Guidelines v1.1 will be replaced with the Events Sponsorship Guidelines, Version 2.0 if adopted at this meeting.

b. Budget/Long Term Financial Plan:

Council allocated funding under the 2017/2018 Event Sponsorship Policy funding round at its meeting of 20 July 2017.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

The draft Events Sponsorship Policy was on public exhibition for 28 days, commencing 29 August 2017, with submissions accepted for 42 days up until 9 October 2017.

The exhibition period of the draft Policy was advertised in the Tweed Link 29 August 2017, and a copy of the draft Policy was available from Council's website.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Draft Events Sponsorship Policy, Version 3.0
(ECM 4868391)

Attachment 2. Draft Events Sponsorship Guidelines, Version 2.0
(ECM 4868509)

35 [CS-CM] Legal Services Report for Period 1 July 2017 to 30 September 2017

SUBMITTED BY: Corporate Governance

mhm



Behind the scenes
Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

4	Behind the scenes
4.1	Assurance
4.1.3	Legal Services - To support and advise staff on organisational legal issues and property management of Council controlled assets

ROLE: **Leader**

SUMMARY OF REPORT:

The Legal Services Register Report 1 July to 30 September 2017 provides the status of legal instructions for the current or recently completed matters which have been issued to legal panel providers. This Report includes payments to various legal providers, as well as payments for barristers and consultants where applicable.

The amount paid for legal services for the period 1 July to 30 September 2017 is \$168,972.

The principal legal instructions that relate to this quarter include:

Legal Matter	Amount
• 2794 – DA15/0201 – 40 Creek Street – 17 Lot Subdivision	(\$68,688)
• 2795 – Soorley Street – Unauthorised Works	\$41,129
• 2801 – Tanglewood Estate Sewerage Treatment Plant	\$2,490
• 2802 – 3222 Kyogle Road – Unauthorised Activities	\$5,813
• 2815 – DA15/1064 – 1-3 Tweed Coast Road – Waterslide	\$15,760
• 2816 – DA15/0641 – 768 Casuarina Way -Two Lot Subdivision	\$1,030
• 2821 – DA16/0059 – Tweed Valley Way Service Station	\$59,286
• 2822 – DA16/0355 – 26 Tringa Street – 60 Lot Subdivision	\$64,210
• 2824 – Zara Road – Unauthorised Works	\$3,269
• 2825 – 1110 Urliup Road- Unauthorised Works	\$2,427
• 2826 - DA16/0742 – 2 Cambridge Court- 2 Lot Subdivision	\$9,812
• 2827 – DA10/0737 – Highway Service Centre Chinderah	\$14,031
• 2830 – DA17/0358 – 136-150 Dry Dock Road Tweed Heads South	\$4,499
• Cobaki Development – Provision of Water & Sewerage Services	\$13,904

RECOMMENDATION:

That the Legal Services Register Report for the period 1 July to 30 September 2017 be received and noted.

REPORT:

Expenditure incurred on legal instructions for the period 1 July to 30 September 2017 follows:

Category 1 Planning and Environmental Law	Category 2 Local Government Law	Category 3 Commercial/Property Law	Category 4 District/Local Court
\$155,068	\$13,904	\$0	\$0

A summary of payments to each of the Legal Service Providers including barristers and consultants where applicable, for current or recently completed matters is as follows:

Category 1 Planning and Environmental Law	Year to Date	Current Period 1 July to 30 September 2017
DLA Piper Australia	\$15,760	\$15,760
HWL Ebsworth Lawyers	\$59,286	\$59,286
Lindsay Taylor Lawyers	\$23,527	\$23,527
Maddocks Lawyers	\$105,339	\$105,339
Marsdens Law Group	(\$54,657)	(\$54,657)
Sparke Helmore Lawyers	\$5,813	\$5,813
Wilshire Webb Staunton Beattie Lawyers	\$0	\$0
Sub Total	\$155,068	\$155,068

Category 2 Local Government Law (litigation and advice)	Year to Date	Current Period 1 July to 30 September 2017
DLA Piper Australia	\$0	\$0
Lindsay Taylor Lawyers	\$13,904	\$13,904
Local Government Legal	\$0	\$0
Maddocks Lawyers	\$0	\$0
Marsdens Law Group	\$0	\$0
Prevention Partners NSW	\$0	\$0
Sub Total	\$13,904	\$13,904

Category 3 Commercial/Property Law	Year to Date	Current Period 1 July to 30 September 2017
HWL Ebsworth Lawyers	\$0	\$0
Local Government Legal	\$0	\$0
Maddocks Lawyers	\$0	\$0
Marsdens Law Group	\$0	\$0
Sparke Helmore Lawyers	\$0	\$0
Stacks /The Law Firm	\$0	\$0
Wilshire Webb Staunton Beattie Lawyers	\$0	\$0
Sub Total	\$0	\$0

Category 4 District/Local Court	Year to Date	Current Period 1 July to 30 September 2017
Attwood Marshall Lawyers	\$0	\$ 0
Minter Ellison – Gold Coast	\$0	\$ 0
Peter O'Donnell	\$0	\$ 0
Sub Total	\$0	\$ 0
Total	\$168,972	\$168,972

LEGAL SERVICES MATTERS INITIATED PRIOR TO 1 NOVEMBER 2016

Category 1 - Planning and Environmental Law					
Provider (Reference)	Description	General instructions	Costs	Comments	Current Status as at 1 November 2017
Marsdens Law Group (2794)	DA15/0201 40 Creek Street, Hastings Point – 17 Lot Subdivision.	Council at its Meeting held on 6 August 2015 resolved to defend the Class 1 Appeal in the Land & Environment Court.	<i>Prev. Years</i> \$76,473 16/17 \$126,986 17/18 (\$68,688) Total \$134,771	Proceedings were listed for a directions hearing on 10 September and 21 December 2015, where applicant was requested to provide further information.	Completed. Court at a directions hearing on 24 May 2016, listed the appeal for a hearing on 17, 18, 21, 22, 23 November 2016. Notice of Discontinuance was filed in the Land and Environment Court on 22 November 2016. Applicant advised that it is prepared to enter into negotiations in relation to payment of Council's costs in the proceedings. Applicant has paid the settlement offer of \$70,000, recommended by Council Solicitors.

Category 1 - Planning and Environmental Law					
Provider (Reference)	Description	General instructions	Costs	Comments	Current Status as at 1 November 2017
Maddocks Lawyers (2795)	Unauthorised works - Existing use rights - Soorley Street, Tweed Heads South.	Provide legal opinion on existing use rights.	<i>Prev. Years</i> \$17,203 16/17 \$139,522 17/18 \$ 41,129 Total \$197,854	Letter was sent to solicitors for property owner seeking an answer to existing use rights questions. - No answer was received. Council at its meeting held on 7 April 2016 resolved to commence legal proceedings to stop unauthorised activities and seek any punitive measures.	In Progress. Class 4 proceedings in the Land and Environment have commenced to remedy and restrain further unauthorised works. Documentation has been produced. Matter listed for hearing on 6-8 November 2017.
Lindsay Taylor Lawyers (2801)	Tanglewood Estate Sewerage Treatment Plant (2801)	Provide advice in respect to the potential resolution of the issues concerned with the Sewerage Treatment Plant.	16/17 \$6,781 17/18 \$2,490 Total \$9,271	Solicitor drafted settlement proposal, which was sent to property owner's Solicitor. Ongoing discussions and negotiations in progress between all parties.	In Progress Further negotiation advice sent to Council on 22 September 2017. Solicitor waiting on further instructions.
Sparke Helmore Lawyers (2802)	3222 Kyogle Road Mt Burrell – Unauthorised activities.	Council at its Meeting held on 7 April 2016 resolved to engage solicitors to commence proceedings pertaining to unauthorised activities and seek legal advice regarding options for punitive action.	<i>Prev. Years</i> \$23,532 16/17 \$92,159 17/18 \$5,813 Total \$121,504	Significant correspondence has occurred. Council has now commenced legal proceedings, through issuing a summons in the Land and Environment Court against the property owner for breaches of the Environment and Assessment Act 1979.	In Progress A number of directions hearings have been conducted during the months of October, November and on 9 December 2016. The Registrar of the Land and Environment Court on 7 April 2017, made " <i>consent orders</i> " to resolve the unlawful occupation of the property- now completed. The matter of costs in the proceedings has commenced against the property owner. Cost have not been paid, company placed into Administration.

Category 1 - Planning and Environmental Law					
Provider (Reference)	Description	General instructions	Costs	Comments	Current Status as at 1 November 2017
Lindsay Taylor Lawyers (2813)	Environmental damage & unauthorised works and vegetation clearing – Lot 12 Fraser Drive Tweed Heads South.	Council at its Meeting held on 6 October 2016 resolved that it engages solicitors to seek advice on options for action in respect of alleged unauthorised removal of vegetation.	16/17 \$13,221	Solicitors engaged, detailed advice was provided, Council unable to take enforcement action, implemented by Department of Planning and Environment.	In Progress Council at its Meeting held on 2 February 2017 resolved that it endorses its solicitors to write to the proponent seeking removal of the unauthorised structure within 14 days, or otherwise Council will commence Class 4 civil proceedings in the NSW Land and Environment Court. Council Officers having discussions with proponent regarding compliance with Council resolution without requirement for court action.
Lindsay Taylor Lawyers (2813)	Environmental damage & unauthorised works and vegetation clearing – Lot 469 Henry Lawson Drive.	Council at its Meeting held on 6 October 2016 resolved that it engages solicitors to seek advice on options for action in respect of alleged unauthorised earthworks and stockpiles.	16/17 Included in above amount.	Solicitors engaged, detailed advice was provided. Recommended Council not pursue further action regarding acid sulphate soil matter.	In Progress Council at its Planning Committee Meeting held on 2 March 2017, resolved that it seek further advice from council's solicitors in terms of enforcement options and commence enforcement proceedings based on the advice. Council Officers having discussions with proponent regarding compliance with Council resolution without requirement for court action.
TOTAL 2016/2017			(\$19,256)		

COUNCIL INITIATED LEGAL SERVICES AFTER 1 NOVEMBER 2016

Category 1 - Planning and Environmental Law					
Provider (Reference)	Description	General instructions	Costs	Comments	Current Status as at 1 November 2017
DLA Piper Lawyers (2815)	DA15/1064 1-3 Tweed Coast Road Hastings Point - Redevelopment of Waterslide Playground.	Council at its meeting of 15 December 2016 resolved that it refuses the Review of Determination and advises the applicant in writing of its determination and defends any appeal lodged by the applicant in the Land and Environment Court.	<p style="text-align: right;">16/17 \$120,190 17/18 \$15,760 Total \$135,950</p>	Class 1 Appeal lodged by the applicant in the Land and Environment Court – Solicitors engaged to defend the appeal.	In Progress Directions hearing held on 10 February 2017. Case was heard on 10 & 11 May 2017, commencing with an onsite inspection. Closing addresses were conducted on 8 June 2017. Judgement reserved.
Lindsay Taylor Lawyers (2816)	DA15/0641 Two Lot subdivision at 768- 770 Casuarina Way Casuarina.	Council at its meeting held on 7 July 2016 resolved to refuse the development application.	<p style="text-align: right;">16/17 \$24,914 17/18 \$1,030 Total \$25,944</p>	Council at its meeting held on 2 February 2017, resolved that it engages solicitors and consultant experts (if required) to defend the Class 1 Appeal. Solicitors engaged to defend the appeal.	Completed Directions hearing conducted on 21 February 2017, draft consent conditions prepared and filed with the Land and Environment Court. Appeal heard on 12 May. On 31 August 2017 appeal was upheld, with development application being approved, with conditions of consent.

Category 1 - Planning and Environmental Law					
Provider (Reference)	Description	General instructions	Costs	Comments	Current Status as at 1 November 2017
Wilshire Webb Lawyers (2817)	DA16/0527 204 Marine Parade Kingscliff - Erection of a residential flat building (7 units).	Council at its meeting held on 1 December 2016, resolved to refuse the development application.	16/17 \$16,607	Solicitors engaged to defend the appeal. Directions hearing held on 13 February 2017, S34 conciliation conference on site conducted on 30 May 2017, with a further directions hearing conducted on 5 June 2017.	Completed Amended plans filed with the Land and Environment Court on 14 July 2017. Appeal heard on 25 and 26 September 2017, which commenced with an onsite inspection. 16 October 2017, Court upheld the appeal, with amended DA16/0527 being approved. Council costs of \$5,000 were required to be paid by the applicant as a result of amended plans.
HWL Ebsworth Lawyers (2821)	DA16/0059 Erection of Service Station in Tweed Valley Way and Roadworks in Alma Street, Hayes Lane and Tweed Valley Way, South Murwillumbah.	Council at its Meeting held on 16 March 2017 resolved that Council's solicitors be instructed and consultants engaged to defend the Class 1 Appeal against Council's refusal of DA16/0059. External consultants will be required to defend the appeal as the officers recommended approval of the application.	16/17 \$20,704 17/18 \$59,286 Total \$79,990	Solicitors engaged to defend the Appeal, now commenced in the Land and Environment Court, documentation produced.	In Progress Directions hearing held 4 May 2017. Appeal heard on 1 and 2 August 2017, which commenced with an onsite inspection. Judgement reserved.

Category 1 - Planning and Environmental Law					
Provider (Reference)	Description	General instructions	Costs	Comments	Current Status as at 1 November 2017
Maddocks Lawyers (2822)	DA16/0355 26 Tringa Street Tweed Heads West - 60 Lot subdivision	Council at its Meeting held on 16 March 2017 resolved that it instructs solicitors to defend the Class 1 Appeal in the Land and Environment Court.	16/17 \$49,392 17/18 \$64,210 Total \$113,602	Solicitors engaged to defend the appeal. Appeal commenced in the Land and Environment Court, documentation filed with the Court.	In Progress Amended plans and reports served on Council on 12 July 2017, S34 conciliation conference was conducted on 19 July 2017, matter unresolved, proceeding to a hearing – 12 to 15 December 2017.
Lindsay Taylor Lawyers (2824)	Unauthorised Works at the Crown Road off Zara Road Limpinwood.	Council at its Planning Committee Meeting held on 6 April 2017, resolved that it engages solicitors to provide advice regarding the continuing investigation of the unauthorised works.	16/17 \$14,889 17/18 \$3,269 Total \$18,158	Solicitors engaged and have provided appropriate advice.	In Progress Advice being reviewed by Council Officers. Matter under investigation.
Lindsay Taylor Lawyers (2825)	Unauthorised Works at 1110 Urliup Road Urliup.	Council at its Planning Committee Meeting held on 6 April 2017, resolved that it engages solicitors to provide advice regarding the continuing investigation of the unauthorised works.	16/17 \$8,008 17/18 \$2,427 Total \$10,435	Solicitors engaged and have provided appropriate advice.	In Progress Council has requested Solicitor for property owner to respond to a S119J Notice under the EP & A Act 1979.

Category 1 - Planning and Environmental Law					
Provider (Reference)	Description	General instructions	Costs	Comments	Current Status as at 1 November 2017
Lindsay Taylor Lawyers (2826)	DA16/0742 2 Cambridge Court Kingscliff 2 Lot Subdivision.	Council at its Meeting held on 18 May 2017, refused the DA 16/0742. Council also resolved to engage legal representation in relation to the Land and Environment Court appeal proceedings.	16/17 \$4,949 17/18 \$9,812 Total \$14,761	Solicitors engaged, documentation lodged with the Land and Environment Court, s34 joint planning conference was held on 28 June 2017.	Completed Matter heard on 23 August 2017, appeal was upheld. Development application was approved, with conditions of consent.
Marsdens Law Group (2827)	DA10/0737 Alterations to Existing Highway Service Centre Chinderah.	Council at its Meeting held on 20 April 2017 resolved that it engages legal representation to the Land and Environment Court Class 1 Appeal.	16/17 \$5,625 17/18 \$14,031 Total \$19,656	Solicitors engaged in relation to the appeal, which commenced in the Land and Environment Court. At first directions hearing on 10 May 2017, Court directed that it would be appropriate for the matter to proceed to a s34 conciliation conference.	Completed S34 conciliation conference held on 14 August, which started with an onsite inspection. 18 August parties reached an agreement as to the terms of a decision. Formal orders were issued on 24 August by the Court, appeal upheld, development application was approved, with conditions of consent.
TOTAL 2017/2018			\$169,825		

LEGAL SERVICES PROTOCOL INITIATED AFTER 1 NOVEMBER 2016

Category 1 - Planning and Environmental Law					
Provider (Reference)	Description	General instructions	Costs	Comments	Current Status as at 1 November 2017
Lindsay Taylor Lawyers (2830)	DA17/0358 Integrated Development Manufactured Home Estate 136-150 Dry Dock Road Tweed Heads South.	Provide preliminary advice to determine permissibility of the proposal.	17/18 4,499	Detailed advice received, with development application to be reported to Council.	Completed
TOTAL 2017/2018			\$4,499		

LEGAL SERVICES PROTOCOL INITIATED AFTER 1 NOVEMBER 2016

Category 2 - Local Government Law					
Provider (Reference)	Description	General instructions	Costs	Comments	Current Status as at 1 November 2017
Marsdens Law Group	7 Year Special Rate Variation.	Class 4 Appeal Land and Environment Court.	<i>Prev. Years</i> \$493,120	Appeal dismissed by Land and Environment Court 30/12/08. Court of Appeal dismissed 5/2/10 part costs awarded. Application to High Court for special leave dismissed with costs, not assessed.	In Progress. Recovery of assessed costs of \$134,058 being pursued.
Lindsay Taylor Lawyers	Cobaki Development.	Provide advice on the provision of Water & Sewerage Services to a Private Sector Provider.	16/17 \$3,009 17/18 13,904 Total \$16,913	Detailed letters of advice provided to Council.	Completed
TOTAL 2017/2018			\$13,904		

LEGAL SERVICES PROTOCOL INITIATED AFTER 1 NOVEMBER 2016

Category 3 - Commercial/Property Law					
Provider (Reference)	Description of Matter	General Instructions	Costs to Date	Comments	Current Status as at 1 November 2017
TOTAL 2017/2018			\$0		

LEGAL SERVICES PROTOCOL INITIATED AFTER 1 NOVEMBER 2016

Category 4 – District/Local Court					
Provider (Reference)	Description of Matter	General Instructions	Costs to Date	Comments	Current Status as at 1 November 2017
TOTAL 2017/2018			\$0		

OPTIONS:

Reporting as per Legal Services Procedure requirements.

CONCLUSION:

Legal expenses for the quarter related primarily to actions instigated in previous periods.

COUNCIL IMPLICATIONS:

a. Policy:

Legal Services Procedure

b. Budget/Long Term Financial Plan:

Total legal services budget - \$430,414.

Total legal expenditure 1 July 2017 to 30 September 2017 - \$168,972

	Total Cost 2017/2018
Matters Initiated prior to 1 November 2016	
Category 1 -Planning and Environmental Law	(\$19,256)
Council Initiated Legal Services after 1 November 2016	
Category 1 - Planning and Environmental Law	\$169,825
Legal Services Protocol Initiated after 1 November 2016	
Category 1 - Planning and Environmental Law	\$4,499
Category 2 - Local Government Law	\$13,904
Category 3 - Commercial/Property Law	\$0
Category 4 - District/Local Court	\$0
TOTAL	<u>\$168,972</u>

c. Legal:

Solicitors engaged from the appointed Legal Services Panel, or engaged for a specific legal matter.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

36 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held Monday 14 August 2017

SUBMITTED BY: Recreation Services

mhm



People, places and moving around
Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.2 Places
- 3.2.9 Sporting Fields - To provide a range of accessible sports facilities and major event venues to promote an active and healthy lifestyle.

ROLE: **Leader**

SUMMARY OF REPORT:

The Minutes of the Sports Advisory Committee Meeting held Monday 14 August 2017 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 14 August 2017 be received and noted.

REPORT:

The Minutes of the Sports Advisory Committee Meeting held Monday 14 August 2017 are reproduced as follows for the information of Councillors.

Venue:

Banora Point Community Hall

Time:

5.30pm

Present:

Cr Warren Polglase, Cr Pryce Allsop, Matt McCann, Merv Edwards, Rob Nienhuis, Gillian Austin, Linton Alford, Bruce Campbell, Dion Andrews, Tracey Stinson

Apologies:

Helen Rigney

Minutes of Previous Meeting:

Moved: Linton Alford

Seconded: Pryce Allsop

RESOLVED that the Minutes of the Sports Advisory Committee meeting held Monday 19 June 2017 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

1. Assets Reserves Trust Fund - Murwillumbah Cricket Club

Still awaiting requested information for development plan application through Assets Reserves trust fund.

2. Tweed United Football Club

Still awaiting requested information for development plan application through Assets Reserves trust fund.

Agenda Items:

1. NSW State of Origin Team Photo - Attachment 1

A copy of the photo was distributed to all committee members in attendance, Matt McCann will deliver a copy to Helen Rigney.

2. Draft Sports Field Strategy - Tweed Regional Soccer Complex - Attachment 2

The original letter request from Bruce Campbell dated 1 December 2014 to explore a Tweed Regional Soccer Complex will be registered with Council and investigated and responded to by an appropriate Council officer.

Action Item: Council to investigate the opportunities for suitable land acquisitions.

3. Black Rocks Sports Field Plan of Management

The committee were provided with an overview of Councils adopted Plan of Management for Black Rocks Sports Field. The committee discussed and agreed to promote a 'Family Fun Day' be hosted at this facility to promote its availability to the Tweed sporting community. Local community associations and sporting groups will be consulted and engaged to promote and participate in the event with a date to be confirmed.

4. Strategic Plans for Sports Clubs

The committee discussed Phil Jackwitz's offer to assist Council with the development of strategic plans/five year business plans for sporting clubs. Committee members will be provided with some examples of Phil's previous work and will decide whether Phil has the capacity to provide his services which would be subject to Councils Purchasing Procurement Protocols.

5. Presentation by Scott Clark - CEP of Seagulls Rugby League Club

Seagulls provided a presentation outlining the clubs future vision explaining they would like to implement broader community involvement in the use of the Piggabeen Sporting Complex. The club has engaged a consultant to develop and design a more modern facility and amenities at their own expense. The club wish to work with Council to secure any future government grant opportunities. The committee supports the direction Seagulls are proposing with no financial commitment expected from Council.

6. Sports Field Assets Reserves Trust Fund Applications

Seagulls Rugby League Club

Seagulls Rugby League Club has requested \$1,500 in contribution from the Assets Reserves Trust Fund towards the development of a strategic plan for the Redevelopment of Piggabeen Sports Complex to assist with facilitating growth and sustainability of their club. Seagulls is contributing \$1,625 to the overall project cost of \$3,125. The committee requests a final copy of the plan.
Approved \$1,500.

General Business:

1. Reg Dalton Oval - Gillian Austin

A meeting was held between Kingscliff Football Club and Council officers to discuss opportunities to relocate all football matches in winter season 2018 from Reg Dalton to Walter Peate Reserve. The club are investigating the procurement of demountable buildings to be located at Walter Peate Field to be used as change rooms for home and away teams. The move was to address concerns raised from both the Kingscliff and opposition clubs about the welfare of players playing on the Reg Dalton surface which incorporates a turf cricket wicket. Concerns over the unevenness of the playing service was more prevalent than the hardness of the wicket.

Council will conduct an audit of all sports field lights to ensure they meet relevant compliance.

Next Meeting:

The next meeting of the Sports Advisory Committee will be held 9 October 2017.

The meeting closed at 7.25pm.

EXECUTIVE LEADERSHIP TEAM'S COMMENTS:

Nil.

EXECUTIVE LEADERSHIP 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.

37 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held 19 October 2017

SUBMITTED BY: Roads and Stormwater

mhm



People, places and moving around
Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.3 Moving around
- 3.3.4 Roads, Traffic, Footpaths and Cycleways - To provide and maintain a network of roads and bridges, footpaths and cycleways that is safe, efficient and accessible.

ROLE: Advocate

SUMMARY OF REPORT:

The Minutes of the Local Traffic Committee Meeting held Thursday 19 October 2017 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 19 October 2017 be received and noted; and**
- 2. The Executive Leadership Team's recommendations be adopted as follows:**

AA1. [LTC] Proudfoots Lane, Murwillumbah

To allow more manoeuvring space for delivery vehicles the blister and seating opposite the car park adjacent to 30 - 34 Murwillumbah Street on Proudfoots Lane be removed and the space marked as a 'No Stopping' area, subject to budgetary constraints.

A1. [LTC] Seaview Street, Kingscliff

That the existing "No Stopping" zone on Seaview Street between Sutherland Street and Hungerford Lane be reduced by approximately 20m and replaced with "2P 9-5 Mon-Fri and 9.00 - 12.00 midday Saturday".

REPORT:

The Minutes of the Local Traffic Committee Meeting held Thursday 19 October 2017 are reproduced as follows for the information of Councillors.

VENUE:

Mt Warning Meeting Room

TIME:

Commencing at 9.30am

PRESENT:

Committee Members: Cr James Owen (via phone conference), Snr Constable Tony Darby, NSW Police, Mr Alan Eichmann, Roads and Maritime Services of NSW (comments via email), Mr Col Brooks on behalf of Mr Thomas George MP, Member for Lismore. (It is noted that Cr James Owen participated in the meeting via a telephone hook up through BlueJeans and was also able to view the recommendations as they appeared to the members in the room).

Informal: Mr Ray Clark (Chairman), Ms Alana Brooks, Mr Nick Tzannes, Ms Judith Finch (Minutes Secretary).

APOLOGIES:

Mr Thomas George MP, Member for Lismore, Mr Geoff Provest MP, Member for Tweed, Snr Constable David Brigg, NSW Police.

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED that the Minutes of the Local Traffic Committee Meeting held 21 September 2017 be adopted as a true and accurate record of proceedings of that meeting.

SCHEDULE OF OUTSTANDING RESOLUTIONS

[LTC-SOR] Schedule of Outstanding Resolutions 19 October 2017

[LTC] Boyd Street, Tweed Heads (Item A6)

ORIGIN:

Roads & Stormwater

FILE NO: ECM 4406755; Traffic - Committee; Pedestrian Safety; Local Area Traffic Management; Boyd Street, Tweed Heads

SUMMARY OF REPORT:

At the Local Traffic Committee Meeting on 8 September 2016 the Committee supported upgrading the existing kerb extensions on Boyd Street to a refuge, to allow pedestrians to cross in two stages. This proposed upgrade would create a slow point in the traffic to assist pedestrians but will reduce on street parking. Approximately six spaces would need to be removed to allow sufficient sight distance at the crossing point.

RECOMMENDATION TO COUNCIL:

That the installation of a refuge and slow point on Boyd Street, near the Tweed Day Surgery be deferred subject to community consultation with adjacent residents and business operators.

RMS Comments - Meeting held 17 August 2017:

Consideration to be given to allow cyclists safe passage in travel lanes with the proposed refuge. Has cyclists been given thought? Width?

Current Status: *That Item A6 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 19 October 2017 remain on the list of Outstanding Resolutions.*

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 16 February 2017 (Item A6).

[LTC] Berkleys Lane, Pottsville

ORIGIN:

Roads & Stormwater

FILE NO: ECM 4616799; Traffic - Committee; Traffic - Parking Zones; Disability/Accessibility Issues; Berkleys Lane

SUMMARY OF REPORT:

Request received for a designated disabled car parking space outside the ATM on Berkleys Lane, Pottsville.

Currently an accessible parking space is provided in the car park close to Coronation Avenue and this request is to remove that space and install it adjacent to the newsagency.

RECOMMENDATION TO COUNCIL:

That:

1. The installation of an accessible car space in the Berkleys Lane carpark, adjacent to the newsagency is supported, subject to funding and support of the adjacent businesses.
2. The existing accessible car space in the Berkleys Lane carpark adjacent to Coronation Avenue be removed, subject to Item 1 above.

At the Council meeting held 17 August 2017 an amendment was made and carried to Item 2 of the Recommendation which became:

2. Consultation be held with Council's Access and Inclusion Committee and Pottsville Community Association to seek their concurrence for the removal of the existing accessible car space in the Berkleys Lane carpark adjacent to Coronation Avenue.

Since then a further email (dated 7 September 2017) has been received from the Pottsville Community Association advising that:

"I am to understand Council has approved the addition of a parking spot on the shop side of Berkley's lane. Previously we had identified out the front of the newsagency as a suitable location, however at our August meeting the membership clarified it would be better suited for ease of access and less congestion to be at the parking bay area closest to Coronation Avenue, on the Berkley's Lane shop side.

Unfortunately it appears our previous committee incorrectly advised this additional disabled parking space was to replace the current parking space on the Ambrose Brown Oval side of Berkley's Lane. The membership discussed this error in our August meeting and agreed the Association write to you to clarify that our intention was to maintain the Ambrose Brown Oval side disabled parking bay AND request an additional disabled parking space as per details above. So in effect there would be two disabled parking bay spaces in Berkley Lane due to the need, and lack of suitable spaces nearby.

I apologise for this miscommunication and await your advice on the basis of this email."

From meeting held 19 October 2017:

The Road Safety Officer advised that this item and the similar request to reallocate the accessible parking bay in Murwillumbah Street was discussed at the Equal Access Advisory Committee meeting held on 18 October 2017. The members advised that a review of all CBD accessible parking should be carried out and that individual spaces should remain in place until the review has been completed.

Current Status: *That Item A4 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 19 October 2017 remain on the list of Outstanding Resolutions.*

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 21 September 2017 (Item A4).

BUSINESS ARISING

Nil.

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES - MURWILLUMBAH

AA1 [LTC] Proudfoots Lane, Murwillumbah

ORIGIN:

Roads & Stormwater

FILE NO: ECM 4713126; Traffic - Committee; Parking Zones; Proudfoots Lane, Murwillumbah

SUMMARY OF REPORT:

Request received in relation to Proudfoots Lane parking behind businesses at 30 - 34 Murwillumbah Street and adjacent to the car park which leads to Wollumbin Street, Murwillumbah.

It is reported that cars have been parking between the trees and the laneway, as there is no signage to prevent them from doing so. As a result, the laneway becomes even narrower and this creates difficulty for delivery trucks arriving and departing for deliveries at the rear of 34 Murwillumbah Street.

Shop owners affected by this are requesting that 'No Parking' signs be erected on the southern side of Proudfoots Lane, adjacent to the carpark, to ease arrival and departure of delivery trucks for businesses in this area.

RMS COMMENTS:

Council decision, but see no real issue. Video that Council took may give further clarity.

The Chairperson requested that this item be moved from B Section - General Traffic Advice - Murwillumbah to the A section of the minutes - Delegations for Regulatory Devices - Murwillumbah.

The removal of the parking space was not supported and it was noted by the Committee that the kerb extension and blister adjacent to the business was not well utilised and its removal could improve heavy vehicle access to the site.

RECOMMENDATION TO COUNCIL:

That the blister and the seating opposite the car park adjacent to 30 – 34 Murwillumbah Street on Proudfoots Lane be removed to allow more manoeuvring space for delivery vehicles and the space be marked accordingly as a "No Stopping" area.

FOR VOTE - Cr James Owen (via phone conf), Mr Alan Eichmann, RMS (comments received via email), Mr Col Brooks on behalf of Mr Thomas George, MP Member for Lismore, Snr Constable Tony Darby, NSW Police.

DELEGATIONS FOR REGULATORY DEVICES - TWEED HEADS

A1 [LTC] Seaview Street, Kingscliff

ORIGIN:
Roads & Stormwater

FILE NO: ECM 4801536; Traffic- Committee; Parking Zones; Seaview Street, Kingscliff

SUMMARY OF REPORT:

Request received regarding the "No Stopping" zone in Seaview Street between Sutherland Street and Hungerford Lane. A complaint has been received that current signage is unclear and some distance apart with an obsolete driveway which is no longer in use and is now a business.

RMS COMMENTS:
No objection.

RECOMMENDATION TO COUNCIL:

That the existing "No Stopping" zone on Seaview Street between Sutherland Street and Hungerford Lane be reduced by approximately 20m and replaced with "2P 9-5 Mon-Fri and 9.00 - 12.00 midday Saturday".

FOR VOTE - Cr James Owen (via phone conf), Mr Alan Eichmann, RMS (comments received via email), Snr Constable Tony Darby, NSW Police.

B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE - MURWILLUMBAH

B1 Proudfoots Lane was moved to Section A - Item AA1

GENERAL TRAFFIC ADVICE - TWEED HEADS

B2 [LTC] Machinery Drive, Tweed Heads South and Bambery Street, Fingal

ORIGIN:
Roads & Stormwater

FILE NO: ECM 4786507; Traffic – Committee; Traffic – Safety; Traffic – Lights; Traffic – Linemarking; Machinery Drive, Bambery Street

SUMMARY OF REPORT:

Request received in relation to:

1. Machinery Drive, Tweed Heads South

It is reported that traffic flowing into and out of Machinery Drive is slow due to the two sets of traffic lights on Minjungbal Drive and Amber Road, plus the increase in number of

businesses. The traffic in this light industrial area of Machinery Drive, in particular the 'crescent' part, is now experiencing articulated vehicles that are double parking due to the restraints of ingress and egress to properties along the drive.

A suggestion has been received to allow Machinery Drive 'crescent' to be a 'One Way' road and to strategically place a set of traffic lights at the western end of the 'crescent' to synchronise with the Amber Road traffic lights when north/south bound is activated.

A name change has also been requested for consideration for easier 'user friendly' ingress/egress from Greenway Drive to commence from Minjungbal Drive.

Changing Machinery Drive to a one-way configuration may result in unintended consequences e.g. excessive queues turning right into the 'crescent' at the eastern end. Installing traffic signals at the western end of Machinery Drive / Machinery Drive is not currently planned or funded.

Nick Tzannes left the meeting at 10.20am.

COMMITTEE ADVICE:

That:

1. Machinery Drive has ample width and is an industrial area, and the request for designating this as a one way street is not supported. It is also noted that designating Machinery Drive as a one way street would place extra demand on the eastern end for vehicles trying to enter Machinery Drive, which could affect the through and right turn traffic approaching Minjungbal lights.
 2. Another set of signals at the western end of Machinery Dr would be very expensive for Council and is currently unfunded. The proposed location is only 140m from the next intersection (signals) at Amber Road, which may create stop start and restrict through traffic movements.
 3. Advice from Council's property officer is that renaming Machinery Drive would have significant impact on existing property owners and would not be supported.
2. Bambery Street, Fingal Head

Request received for:

1. A centre median on Fingal Road to prevent right turns into Bamberry Street and
2. To close access from Bamberry Street into Fingal Road.
3. Installation of audible centre lines on Fingal Road west of Bamberry Street to alert drivers.

The installation of a centre median on Fingal Road has been assessed previously and advice provided to the customer was that with the limited space available this was not achievable.

It is noted that there is no crash history in the vicinity of Bamberry Street and Fingal Road intersection and it would be difficult to justify the closure of the road.

Audible centre lines are generally unsuitable for residential areas because of their impact on amenity due to the noise generated.

COMMITTEE ADVICE:

That:

1. A form of centre median on Fingal Road on the approaches to Bamberry Street is not supported as the intersection is well sign posted, prohibiting right turn movements in and out, and there is no recorded crash history.
2. Due to there being no reported crashes at the intersection of Bamberry Street and Fingal Road the proposal to close off Bamberry Street at Fingal Road is not supported.
3. Due to there being no reported crashes on Fingal Road in relation to drivers inadvertently crossing the undivided centre line and potential issues in relation to noise generation, the installation of audible centre lines is not supported.

RMS COMMENTS:

Machinery Drive, Tweed Heads

1. Machinery Drive has ample width and is an industrial area, thus don't agree with one way street.
2. One way street would place extra demand on eastern end for vehicles trying to enter Machinery Drive, which could affect the through and right turn traffic approaching Minjungbal lights.
3. Another set of lights at western end of Machinery Dr would be very expensive for Council and sits only 140m from the next intersection (lights) at Amber Road, which may create stop start and restricting through traffic movements.

Bambery Street, Fingal

1. Agree with Committee advice on agenda, signposting already exists for no right turn and no crash history.

NEXT MEETING:

The next meeting of the Local Traffic Committee will be held Thursday 16 November 2017 in the Mt Warning Meeting Room commencing at 9.30am.

There being no further business the Meeting terminated at 10.25am.

EXECUTIVE LEADERSHIP TEAM COMMENTS:

AA1. [LTC] Proudfoots Lane, Murwillumbah

That the recommendation:

That the blister and the seating opposite the car park adjacent to 30 – 34 Murwillumbah Street on Proudfoots Lane be removed to allow more manoeuvring space for delivery vehicles and the space be marked accordingly as a "No Stopping" area.

be amended to:

Given that budgetary constraints may limit the ability to carry out this recommendation, the recommendation should be modified to:

"To allow more manoeuvring space for delivery vehicles the blister and seating opposite the car park adjacent to 30 - 34 Murwillumbah Street on Proudfoots Lane be removed and the space marked as a 'No Stopping' area, subject to budgetary constraints."

A1. [LTC] Seaview Street, Kingscliff

Nil.

EXECUTIVE LEADERSHIP TEAM RECOMMENDATIONS:

SECTION A - FORMAL ITEMS SECTION - DELEGATIONS FOR REGULATORY DEVICES FOR ENDORSEMENT BY COUNCIL:

AA1. [LTC] Proudfoots Lane, Murwillumbah

Given that budgetary constraints may limit the ability to carry out the recommendation of the committee, the recommendation to Council be modified to:

"To allow more manoeuvring space for delivery vehicles the blister and seating opposite the car park adjacent to 30 - 34 Murwillumbah Street on Proudfoots Lane be removed and the space marked as a 'No Stopping' area, subject to budgetary constraints."

A1. [LTC] Seaview Street, Kingscliff

That the existing "No Stopping" zone on Seaview Street between Sutherland Street and Hungerford Lane be reduced by approximately 20m and replaced with "2P 9-5 Mon-Fri and 9.00 - 12.00 midday Saturday".

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.

CONFIDENTIAL ITEMS FOR CONSIDERATION

MAYORAL MINUTE IN COMMITTEE

C1 [MM-CM] Mayoral Minute - General Manager Annual Review for 2016/17 and determination of the General Managers Performance Agreement for 2017/18

REASON FOR CONFIDENTIALITY:

This report details the outcomes of the 2016/17 annual review of the General Manager's Performance Agreement under his Contract of Employment.

It also contains details of the General Managers 2017/18 Performance Agreement for formal confirmation by Council.

In accordance with the terms of the Guidelines for the Appointment and Oversight of General Manager's issued by the Office of Local Government, it is to be considered in a Confidential Meeting

Local Government Act

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (a) personnel matters concerning particular individuals (other than councillors).

mhm



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Making decisions with you
- 2.2 Engagement
- 2.2.4 Councillor and Civic Business - To make informed decisions in the best interest of the community.

ROLE: **Leader**

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C2 [PR-CM] Wardrop Valley Workshop Outcomes Report

REASON FOR CONFIDENTIALITY:

Council is in a joint venture with the adjoining land owner.

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.

mhm



Leaving a Legacy

Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.4 Managing Community Growth
- 1.4.1 Strategic Land-Use Planning - To plan for sustainable development which balances economic environmental and social considerations. Promote good design in the built environment.

ROLE: **Collaborator** **Leader**

REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C3 [E-CM] Tumbulgum Road - Road Widening

REASON FOR CONFIDENTIALITY:

This report discusses compensation matters and should not be disclosed to the public.

Local Government Act

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (a) personnel matters concerning particular individuals (other than councillors).

mhm



People, places and moving around
Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.3 Moving around
- 3.3.2 Construction Services - To manage the construction of Council assets such as transport, drainage, water supply and other infrastructure.

ROLE: **Provider**

REPORTS FROM THE DIRECTOR CORPORATE SERVICES IN COMMITTEE

C4 [CS-CM] Bilambil Sports Club

REASON FOR CONFIDENTIALITY:

Local Government Act

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (a) personnel matters concerning particular individuals (other than councillors).

mhm



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Making decisions with you
- 2.2 Engagement
- 2.2.5 Financial Services - To collect and manage Council funds and provide information and advice to support sound financial decision-making.

ROLE: **Provider**

C5 [CS-CM] Live Streaming of Council Meetings

REASON FOR CONFIDENTIALITY:

Report contains commercial costs supplied in confidence by other parties.

Local Government Act

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

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

mhm



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Making decisions with you
- 2.2 Engagement
- 2.2.4 Councillor and Civic Business - To provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE: **Leader**

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