



TWEED
SHIRE COUNCIL

Mayor: Cr K Milne

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

Agenda

Ordinary Council Meeting Thursday 18 May 2017

held at **Harvard Room, Tweed Heads Administration Building, Brett Street, Tweed Heads** commencing at 5.00pm

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.

Items for Consideration of Council:

ITEM	PRECIS	PAGE
	CONFIRMATION OF MINUTES	7
1	[CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 20 April 2017	7
2	[CONMIN-EXT] Confirmation of Minutes of the Extraordinary Council Meeting held Tuesday 2 May 2017	9
	SCHEDULE OF OUTSTANDING RESOLUTIONS	11
3	[SOR-CM] Schedule of Outstanding Resolutions as at 18 May 2017	11
	MAYORAL MINUTE	14
4	[MM-CM] Mayoral Minute for April 2017	14
	RECEIPT OF PETITIONS	18
5	[ROP-CM] Receipt of Petitions as at 18 May 2017	18
	REPORTS THROUGH THE GENERAL MANAGER	20
	REPORTS FROM THE GENERAL MANAGER	20
6	[GM-CM] Telecommunications Facilities on Council Owned Land Policy Version 1.1	20
7	[GM-CM] Environmental Upgrade Agreements	24
8	[GM-CM] 'Gallery Down Town' Opportunity	28
9	[GM-CM] River Street Car Park - Landscaping Enhancement	34
	REPORTS FROM THE DIRECTOR PLANNING AND REGULATION	38
10	[PR-CM] Draft Compliance Policy	40
11	[PR-CM] Development Application DA16/0742 for a 2 Lot Subdivision at Lot 14 DP 803814 No. 2 Cambridge Court, Kingscliff	45
	REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES	77
12	[CNR-CM] Adoption of the Kingscliff - Dreamtime Beach Coastal Zone Management Plan	77
13	[CNR-CM] Anchorage Island Boardwalk - Investigation and Remediation	82
14	[CNR-CM] Annual Report - Year One Implementation Tweed Coast Comprehensive Koala Plan of Management	91
15	[CNR-CM] Private Land Conservation Program	103

16	[CNR-CM] Presentation of the 2016 Year in Review: Tweed Regional Gallery and Margaret Olley Art Centre	113
17	[CNR-CM] Sponsorship Policy Application Change	116
REPORTS FROM THE DIRECTOR ENGINEERING		120
18	[E-CM] Creation of Easement to Drain Sewer - Lot 2 DP 413764 Wommin Bay Road Chinderah	120
19	[E-CM] Classification of Land as Operational - Terranora	123
20	[E-CM] Classification of Land as Operational - Casuarina	126
21	[E-CM] RFO2017014 Road Stabilisation Program 2016/2017	129
22	[E-CM] RFO2017016 Tweed Shire Council Road Rehabilitation Program 2016/2017 Asphalt Works	135
23	[E-CM] RFO2017031 Supply of Industrial Clothing and Footwear	140
24	[E-CM] RFO2016078 Supply Electricity for Large Sites from 1 July 2017	144
25	[E-CM] RFO2017017 2016/2017 Asphalt Resurfacing Program	146
REPORTS FROM THE DIRECTOR CORPORATE SERVICES		150
26	[CS-CM] Community Engagement Strategy	150
27	[CS-CM] Corporate Quarterly Performance Report 1 January to 31 March 2017	155
28	[CS-CM] Quarterly Budget Review - March 2017	158
29	[CS-CM] Mayor and Councillors Annual Fees 2017/2018	180
30	[CS-CM] Code of Meeting Practice	184
31	[CS-CM] Enterprise Risk Management Policy Version 2.0	188
32	[CS-CM] In Kind and Real Donations - January to March 2017	190
33	[CS-CM] Rhythmicana Festival formerly Tweed Valley Country Roots Festival	193
34	[CS-CM] Multi-Year Events Sponsorship Agreement - Battle on the Border	199
35	[CS-CM] Markets Policy, Version 2.0	204
36	[CS-CM] Monthly Investment and Section 94 Development Contribution Report for Period ending 30 April 2017	208
ORDERS OF THE DAY		226
37	[NOM] Tweed Shire Housing Opportunities	226
38	[NOM] Traffic Safety - Bilambil Heights Roundabout	230

39	[NOM] Parking Contribution Waiver - Murwillumbah CBD/South Murwillumbah	232
40	[NOM] Report Request - Food Vans	234
41	[NOM] Request to NSW Premier - Waive Payroll Tax on flood impacted North Coast	236
42	[NOM] Tweed Shire Police Numbers	238
	QUESTIONS ON NOTICE	239
43	[QON-Cr W Polglase] Flood Damage to Council Plant and Equipment	239
	REPORTS FROM SUB-COMMITTEES/WORKING GROUPS	240
44	[SUB-TSYC] Minutes of the Tweed Shire Youth Council Meeting held Wednesday 22 February 2017	240
45	[SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 10 March 2017	245
46	[SUB-TCKMC] Minutes of the Tweed Coast Koala Management Committee meeting held Tuesday 28 March 2017	255
47	[SUB-TCWC] Minutes of the Tweed Coast and Waterways Committee held Wednesday 26 April 2017	260
	CONFIDENTIAL ITEMS FOR CONSIDERATION	265
	REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE	265
	REPORTS FROM THE GENERAL MANAGER IN COMMITTEE	265
C1	[GM-CM] Murwillumbah Airfield - Lease Options	265
C2	[GM-CM] Potential Employment Land - Wardrop Valley	266
	REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE	267
C3	[E-CM] RFO2017036 Supply and Delivery of Selected Materials	267

THIS PAGE IS BLANK

CONFIRMATION OF MINUTES

- 1 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 20 April 2017

SUBMITTED BY: Corporate Governance



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

The Minutes of the Ordinary and Confidential Council Meeting held Thursday 20 April 2017 are attached for information and adoption by Council.

RECOMMENDATION:

That:

1. **The Minutes of the Ordinary and Confidential Council Meetings held Thursday 20 April 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 Version 2.5.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

Attachment 1	Minutes of the Ordinary Council Meeting held Thursday 20 April 2017 (ECM 4498607).
(Confidential) Attachment 2	Minutes of the Confidential Council Meeting held Thursday 20 April 2017 (ECM 4498608).

2 [CONMIN-EXT] Confirmation of Minutes of the Extraordinary Council Meeting held Tuesday 2 May 2017

SUBMITTED BY: Corporate Governance



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

The Minutes of the Extraordinary Council Meeting held Tuesday 2 May 2017 are attached for information and adoption by Council.

RECOMMENDATION:

That the Minutes of the Extraordinary Council Meeting held Tuesday 2 May 2017 be adopted as a true and accurate record of proceedings of that meeting.

REPORT:

As per Summary.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice Version 2.5.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

Attachment 1

Minutes of the Extraordinary Council Meeting held Tuesday
2 May 2017 (ECM 4512237).

SCHEDULE OF OUTSTANDING RESOLUTIONS

3 [SOR-CM] Schedule of Outstanding Resolutions as at 18 May 2017



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

CODE OF MEETING PRACTICE:

Section 2.8 Outstanding Resolutions

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

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.

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 brought back to a future Council meeting which includes the terms and conditions of the future potential lease.

Current Status: The General Manager and Council officers attended an onsite meeting with NSW Transport on 7 December 2016 to further negotiate the lease provisions. A license was agreed upon and commenced on 22 December 2016.

Murwillumbah District Business Chamber entered into a sub-licence which commenced on 21 January for an office on site and will terminate on 19 June 2017.

Following the March/April flood event Destination Tweed are also occupying this building due to damage to their facility at the Murwillumbah Visitor Information Centre. Feedback from Destination Tweed is that Visitor numbers have increased since being relocated to the former railway site.

20 APRIL 2017

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

8 [CNR-CM] Draft Commercial Recreation Use of Public Open Space Policy

141

**Cr C Cherry
Cr K Milne**

RESOLVED that Council defers this item for consideration at the Council Meeting on 18 May 2017.

Current Status: Further consideration of the report and draft policy document means that this report will now be included in the agenda for the Council meeting on 15 June 2017.

ORDERS OF THE DAY

22 [NOM] Round Table Discussions

145

Cr C Cherry
Cr R Cooper

RESOLVED that Council progresses a 12 month trial of community round table discussions as per the Byron Bay model to increase community engagement and Council's understanding of residents issues.

Current Status: Yet to be actioned.

MAYORAL MINUTE

4 [MM-CM] Mayoral Minute for April 2017

SUBMITTED BY: Cr K Milne, Mayor

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

Councillors

COMMITTEE MEETINGS

Attended by the Mayor

- 26 April Tweed Coast and Waterways Committee - Canvas and Kettle Meeting Room, Murwillumbah Civic Centre, Tumbulgum Road, Murwillumbah.
 - 27 April Aboriginal Advisory Committee - Minjungbal Museum and Cultural Centre, Kirkwood Road, Tweed Heads.
-

INVITATIONS / MAYORAL REPRESENTATION:

Attended by the Mayor

- 1 April Flood Aerial Inspection - Tweed Recreation Centre, Recreation Street, Tweed Heads.
 - 1 April Kingscliff TAFE Evacuation Centre - Kingscliff TAFE, Cudgen Road, Kingscliff.
 - 3 April Visit by Prime Minister Malcolm Turnbull and NSW Premier Gladys Berejiklian - Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
 - 4 April Northern NSW Severe Weather Recovery Committee - Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
-

- 7 April Murwillumbah Chamber Breakfast - Murwillumbah Services Club, Wollumbin Street, Murwillumbah.
- 8 April Major Flood Fundraiser - Kingscliff Hotel, 102 Marine Parade, Kingscliff.
- 10 April NSW Governor David Hurley Visit - Tumbulgum Hall, Riverside Drive, Tumbulgum.
- 11 April Deputy Premier John Barilaro Visit - Flood Recovery Centre, Knox Park, Nullum Street, Murwillumbah.
- 12 April Bunnings hosted Appreciation Bbq Breakfast - Tweed Shire Council Chinderah Depot, Altona Road, Chinderah. Cr Owen also attended.
- 12 April Funeral Service for Marc Austin - Tweed Memorial Gardens, Kirkwood Road, Tweed Heads.
- 12 April Funeral Service for King and Kabealo Family - Elevations Church, Caloola Drive, Tweed Heads.
- 12 April Governor General Peter Cosgrove Visit - Flood Recovery Centre, Knox Park, Nullum Street, Murwillumbah.
- 13 April Gold Coast Airport Cheque Presentation to Mayoral Flood Appeal and family bbq - Knox Park, Brisbane Street, Murwillumbah.
- 13 April Funeral Service for Matthew Roser - Presbyterian Church, Wollumbin Street, Murwillumbah.
- 18 April Recovery Meeting regarding Mayoral Appeal - Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
- 20 April It Takes A Town community meeting - The Citadel, Queen Street, Murwillumbah.
- 20 April Luke Foley MP Visit - Murwillumbah RSL Club, Wollumbiin Street, Murwillumbah.
- 21 April Business Funding and Recovery Seminar - Murwillumbah Services Club, Wollumbin Street, Murwillumbah.
- 21 April Tumbulgum Walk Around with Geoff Provest and The Hon. Troy Grant Minister - Tumbulgum. Crs Allsop, Cherry and Owen also attended.
- 24 April Visit with The Hon. Melinda Pavey Minister - Murwillumbah Civic Centre, Tumbulgum Road, Murwillumbah. Cr Owen also attended.
- 25 April ANZAC Day Service - Memorial Gates, Riverside Drive, Tumbulgum.
- 25 April ANZAC Day Service - Chris Cunningham Park, Wharf Street, Tweed Heads.
- 25 April ANZAC Day Service - Coronation Avenue, Pottsville.
- 25 April ANZAC Day Service - Brisbane Street, Murwillumbah.

- 26 April Tumbulgum Community BBQ with NSW Governor David Hurley - Tumbulgum Hotel, 126 Riverside Drive, Tumbulgum. Crs Allsop and Owen also attended.
- 27 April Visit to Flood Recovery Centre with NSW Governor David Hurley - Knox Park, Nullum Road, Murwillumbah.
- 30 April Salt Bar Flood Fundraiser - Salt Bar, Salt Village, Bells Boulevard, Kingscliff. Cr Owen also attended.

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

- 11 April Citizenship Ceremony - Murwillumbah Civic Centre Auditorium, Tumbulgum Road, Murwillumbah. Cr Cherry attended.
- 30 April Chillingham Voices - All Saints Anglican Church, Byangum Road, Murwillumbah. Cr Cherry 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 April 2017.

CONFERENCES:

Conferences attended by the Mayor and/or Councillors

Councillors did not attend any conferences during April 2017.

Information on Conferences to be held

- 5 June NSW Local Roads Congress - Sydney

The problems facing local government in the Roads and Transport portfolio will not be solved by individual councils alone. They will only be solved through discussion, education, advocacy and ongoing and sustained lobbying by many within Local Government banding together and speaking with one voice.

Registration free with Director of Engineering or Senior Infrastructure Manager or \$880 without, two flights, one night's accommodation.
www.ipwea.org/nsw
-

SIGNING OF DOCUMENTS BY THE MAYOR:

- 5 April Licence Agreement - Pottsville and District Men's Shed Incorporated.
 - 6 April Transfer Document - Land Acquisition - 28 Jacana Lane Doon Doon.
 - 12 April Business Investment Policy Agreement TSC and Scott Burnett and Sandra Burnett DA15/1069.01.
 - 19 April Acquisition of Easement at Tumbulgum Road.
 - 19 April Acquisition of Easements at Salt.
 - 19 April Easements for Support - The Anchorage.
-

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice Version 2.5.

b. Budget/Long Term Financial Plan:

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

c. Legal:

Not applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

RECOMMENDATION:

That:

1. The Mayoral Minute for the month of April 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-CM] Receipt of Petitions as at 18 May 2017

SUBMITTED BY: Corporate Governance



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

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

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

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

RECOMMENDATION:

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

REPORT:

As per Summary

OPTIONS:

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

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

CONCLUSION:

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

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice Version 2.5.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

6 [GM-CM] Telecommunications Facilities on Council Owned Land Policy Version 1.1

SUBMITTED BY: Economic Development

Validms



Strengthening the Economy

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

On 15 December 2016 Council considered a draft policy that outlined certain criteria that would be required from a telecommunications provider prior to providing owner's consent. It was resolved that the draft be placed on public exhibition.

During the exhibition further input was received from within the organisation. Whilst no formal submissions were received, changes have been made to the draft, encompassing the internal feedback. It is recommended that the Draft Policy be placed back on exhibition.

RECOMMENDATION:

That Council re-exhibits the revised draft Telecommunications Facilities on Council Owned Land Policy Version 1.1 on public exhibition for a period of 28 days with submissions to be received for a period of 42 days.

REPORT:

Background

Over the years Council has been approached by licenced telecommunications carriers to locate mobile phone and other infrastructure on Council owned land or assets. It can become rather difficult to envisage the full implications of such infrastructure being located in these locations.

On 15 December 2016 Council considered a draft policy on the leasing of Council controlled land or infrastructure for telecommunications facilities. The draft Policy would require the carriers to provide Council with specific details of the proposed infrastructure before owners consent is granted on a development application.

Public Submissions

It was resolved that the draft be placed on public exhibition. The exhibition period was held for 28 days from 25 January to 22 February 2017. Submissions were accepted for 48 days until 8 March 2017. During this period no public submissions were received.

Internal Consultation

During the consultation period further input was provided internally to the draft Policy. This input has been reviewed and changes made to the draft Policy to reflect these proposed changes. A summary of these changes is provided below;

1. Policy Objective

The four elements below have been included as separate policy objectives. Inclusion of additional objectives which will assist in expanding the scope of the policy to include the following elements into the decision making process.

- *To improve Urban Design.*
- *To provide land and infrastructure to underpin economic development and employment.*
- *To protect the environment and natural beauty of the Tweed.*
- *To conserve native flora and fauna and their habitats.*

2. Policy Background

A new section has been included into the Background section of the Policy which outlines certain exemptions that licenced carriers have from the NSW planning legislation under the Federal Telecommunications Act. The outline that has been given has been quoted directly from a fact sheet on the subject which has been published by the Australian Communications and Media Authority.

3. Policy

There were several changes made to the to the Policy section of the draft. These changes have been presented below with an explanation for their inclusion.

- (b) *Details of compliance with the Telecommunications Code of Practice requirements to engage with the surrounding residents and neighbours for the facility. This can include public meetings, surveying neighbours, door knocking, letterbox drop etc.*

This will require the proponent to include all efforts that they have undertaken to consult with the community in respect to the telecommunications facility. This is an existing requirement under the telecommunications act.

- (g) *Details of consistency the proposal has with any adopted Plan of Management in force over the land.*

The proponent will need to ensure that the proposed facility is in line with any adopted Plan of Management over the existing Council land.

- (h) *Demonstrate that the proposed installation meets the ACMA regulatory requirements for electromagnetic energy (EME).*

This requirement has been added to assure the community that Council has requested and taken EME into its considerations.

- (i) *Ensure that any lease entered into by Council for the proposed facilities should ensure that:*
- i. Council will not incur any cost arising from installation and maintenance of, site access to the proposed facilities. These costs are to be met by the telecommunications carrier.*
 - ii. At the expiration of the lease the telecommunications carrier will be responsible for the restoration of the site to its original condition.*

This clause has been added to ensure that Council does not incur any financial burden resulting from a telecommunications facility on Council land or on any Council infrastructure.

OPTIONS:

That Council:

1. Proceed to adopt the draft Policy as exhibited,
2. Due to the extent of the changes re-exhibit the draft Policy,
3. No longer proceed with the Policy.

CONCLUSION:

This report recommends that Council re-exhibit the revised draft Policy as presented in the attachment to this report.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Not Applicable

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Revised Draft Telecommunications Facilities on Council
Owned Land Policy Version 1.1 (ECM 4512040)

7 [GM-CM] Environmental Upgrade Agreements

SUBMITTED BY: Natural Resource Management

Validms



Civic Leadership



Strengthening the Economy

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- | | |
|-----|--|
| 1 | Civic Leadership |
| 1.1 | Ensure actions taken and decisions reached are based on the principles of sustainability |
| 3 | Strengthening the Economy |
| 3.1 | Expand employment, tourism and education opportunities |
-

SUMMARY OF REPORT:

Environmental Upgrade Agreements (EUAs) are voluntary agreements that enable commercial building owners to access funding for environmental upgrades repaid via council rates.

A review of commercial building sites in the Tweed has identified approximately twenty potential sites with opportunities to benefit from energy, water or pollution reduction measures. These include aged care facilities, shopping centres, office parks and industrial estates.

Finding out whether property owners would benefit from, and are keen to pursue an EUA is considered an important next step for Council with support from State Government.

RECOMMENDATION:

That:

- 1. The General Manager invites the Office of Environment and Heritage, Finance and Markets team to lead an invitation for expressions of interest from local eligible property owners wishing to enter into Environmental Upgrade Agreements, and**
- 2. An appropriate Environmental Upgrade Agreement policy including fees and charges be prepared for Council review if sufficient interest in Environmental Upgrade Agreements is shown from local commercial property owners.**

REPORT:

Background

At its February 2017 meeting the North Regional Organisation of Councils (NOROC) received a presentation from the Office of Environment and Heritage Markets & Finance team about Environmental Upgrade Agreements.

What are environmental upgrade agreements?

Environmental Upgrade Agreements (EUAs) are voluntary agreements that enable commercial building owners to access funding for environmental upgrades repaid via council rates.

In an Environmental Upgrade Agreements (EUAs):

1. A building owner agrees to carry out works to improve the energy, water, or environmental efficiency or sustainability of the building,
2. A finance provider agrees to fund the works
3. Council agrees to levy a charge on the land to repay the finance provider

Eligible building types/uses are existing commercial, non-residential, non-strata buildings. This includes retail, industrial, office, agriculture etc.

Eligible works are any that have an environmental benefit. Examples include replacement of boilers, chillers, installation of building management systems, improved windows and cladding, lighting upgrades, lift motor improvements, water recycling, pollution reduction works etc.

Council's role is primarily to facilitate repayment of the loan from the owner to the financier. Council is never liable for non-payment from the owner. Council can also assist in identifying potential candidates for EUAs, and providing technical advice to building owners about energy, water and pollution reduction advice. Councils do not get involved in assessing whether proposed work on premises has been completed satisfactorily, as this is a matter between the proponent and the financier.

Potential for uptake in the Tweed

A review of commercial building sites in the Tweed has identified approximately twenty potential sites with opportunities to benefit from energy, water or pollution reduction measures. These include aged care facilities, shopping centres, office parks and industrial estates.

Many commercial properties are not considered likely candidates due to the low environmental impact of their operations such as storage, light industrial, open workshops or large sheds.

Prerequisites for councils to provide EUAs

According to the New South Wales Government guidelines for EUAs, before entering into EUAs councils must:

- 1) be satisfied of their capacity to:

- a. issue Environmental Upgrade Charge Notices including any penalty interest
 - b. issue 603 certificates to accurately inform potential land buyers in relation to Environmental Upgrade Charges
 - c. issue Environmental Upgrade Charge Notice to owners corporations where the Environmental Upgrade Agreement for multi-residential strata buildings is proposed.
 - d. include Environmental Upgrade Agreement matters in Council's annual report.
- 2) pass a resolution providing that EUAs may be entered into
 - 3) delegate the General Manager to enter into EUAs
 - 4) prepare an EUA policy (based on a template developed by other participating councils)
 - 5) prepare an Enforcement Procedure (similar to existing rates enforcement procedures)
 - 6) set fees for entering into EUAs (the legislation allows fee recovery for councils)
 - 7) complete administrative processes to carry out EUA related functions
 - 8) adopt the mandatory provisions of the Environmental Upgrade Agreement template approved by the Director General.

Uptake so far

Since enabling legislation was enacted in 2010, six NSW councils have made provision to offer EUAs:

- City of Sydney
- City of Lake Macquarie
- North Sydney
- Parramatta City
- City of Newcastle
- City of Blacktown

Six EUAs have been entered into for over \$32 million investment in environmental improvements.

More analysis of successful EUAs may help refine our understanding of likely candidates and effective promotional techniques.

OPTIONS:

1. Combined State Government/Council approach: share promotion and engagement resources to ensure appropriate local candidates for EUAs are identified and consulted.
2. State government/industry driven uptake: allow an organic process of communication about EUAs to occur via general media and property publications.

3. Council-led promotions: Highlight the availability of EUAs and invite expressions of interest from commercial property owners via direct mail correspondence, chambers of commerce and Tweed Link.

CONCLUSION:

Finding out whether property owners would benefit from, and are keen to pursue an EUA is considered an important next step for Council with support from State Government. Uncovering the best opportunities or key challenges for building owners and tenants in reducing their operating costs and environmental impacts will ensure any efforts Council makes to support improved environmental and financial outcomes for the Tweed commercial property and industrial sector are effective.

COUNCIL IMPLICATIONS:

a. Policy:

Environmental Sustainability Prioritisation Strategy
Economic Development Strategy

b. Budget/Long Term Financial Plan:

Cost for administration and promotion of scheme to be met by Council (in-kind). Actual loan funds secured against property funded by lending institutions.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

Council's support for EUAs needs to be based on evidence that these finance mechanisms will effectively provide a solution to commercial property owners barriers' in reducing their environmental and financial operating costs.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Environmental Upgrade Agreement presentation to NOROC
(ECM4517103)

8 [GM-CM] 'Gallery Down Town' Opportunity

SUBMITTED BY: Economic Development

Validms



Strengthening the Economy

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

A business project utilising property in Murwillumbah's CBD via a private initiative of property owner and incorporating the economic and social success of the Tweed Regional Gallery and Margaret Olley Art Centre (TRGMOAC) has been proposed to Council, in which it is proposed that Council could establish the "Tweed Regional Gallery Annex" (TRG Annex).

This project involves the development of the former Escape Gallery and the industrial sheds which sit in the centre of Murwillumbah between Brisbane Street, Wollumbin Street and Proudfoot Lane into a vibrant and exciting art precinct with more than 20 separate studios for the creation and sale of art, a coffee shop, wine bar and restaurant along with public and commercial gallery spaces. The property includes the two storey art deco style building surrounding the Regent Cinema fronting Brisbane Street in which it is proposed the Council could establish the TRG Annex.

The vision of this initiative is to create a vibrant and sustainable art precinct in the heart of Murwillumbah, and to do so, in part, by:

- (i) capitalising on the success of the Tweed Regional Gallery (TRG) and its impressive visitor numbers in excess of 110,000 per annum by drawing a greater percentage into the town centre, and
- (ii) using a current vacant industrial space to create space where artists wish to be based to create, exhibit and sell their art.

A proposal has been prepared by the proponent for Council's consideration. This project would take the form of a leasing arrangement, with the term to be decided and rent to be negotiated.

The report has been tabled for consideration and information contained as per the body of the Report.

It is also pertinent to refer to:

Tweed Regional Gallery - 'Visitor Research Report, April 2015' - Project Facilitator Report, 5 November 2015

and

Council resolution of Meeting held Thursday, 19 November 2015:

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

RECOMMENDATION:

That:

1. Council supports the 'Gallery Down Town' Tweed Regional Gallery CBD annex initiative by delegating the General Manager to enter into negotiations with the proponent for a 12 month lease of space within the former Escape Gallery, as a trial, with options.
2. A further report be brought back to Council with lease costs, project costs, funding and timing for the 12 month period for endorsement prior to formal execution of the lease.
3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

REPORT:

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

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

Council acknowledged that it has a leadership role in tourism and economic development, and as a result, an independent facilitator, funded by Council, was engaged on a short-term project basis by Council's Holiday Parks and Economic Development Unit to implement the Report's recommendations.

Council also recognised and encouraged the recommendations of the Economic Development Strategy Directions D9 – D13, including the branding and promotion of Murwillumbah as a creative and cultural Hub, and identify opportunities to establish subsidised creative spaces in Murwillumbah using the 'Creative Spaces Model'.

A business project utilising property in Murwillumbah's CBD via a private initiative of property owner and incorporating the economic and attendant success of the Tweed Regional Gallery & Margaret Olley Art Centre (TRGMOAC) has been put to Council, in which it is proposed that Council could establish the Tweed Regional Gallery Annex" (TRG Annex), as an anchor tenant, which will help to foster private galleries and artists to establish in the precinct.

This project involves the development of the former Escape Gallery and the industrial sheds which sit in the centre of Murwillumbah between Brisbane Street, Wollumbin Street and Proudfoot Lane into a vibrant and exciting art precinct with more than 20 separate studios for the creation and sale of art, a coffee shop, wine bar and restaurant along with public and commercial gallery spaces (subject to DA approval). The property includes the two storey art deco style building surrounding the Regent Cinema fronting Brisbane Street in which it is proposed the Council could establish the TRG Annex.

Following on from the Tweed Regional Gallery Foundation Limited's commissioning of an economic development / impact study exploring the results of the purpose-built Margaret Olley Art Centre to the region, and Council's aims as identified in the Economic Development Strategy, this project has potential to achieve and extend these goals, establish benchmarks and foster further business and employment in Murwillumbah's CBD. It is envisaged that this proposal will encourage a vibrant, creative and cultural hub in a central area of the town, and advance the creatives that have recently enhanced Proudfoot Lane.

In addition, the proposal directly addresses Council's Economic Development Strategy Directions D9 – D13, as presented to Council at the meeting of 19 November 2015, being:

a) Murwillumbah: Arts and Cultural Hub of the Tweed –

- D9: Brand and promote Murwillumbah as a creative and cultural Hub. This includes:
- Development of a brand strategy for Murwillumbah to provide it with an identity as a creative centre;
 - Use free press social media and other marketing avenues to raise Murwillumbah's profile as a creative place.
- D10: Identify opportunities to establish subsidised creative spaces in Murwillumbah using the 'Creative Spaces Model'. This includes:
- Identification of disused and underutilised buildings;
 - Refurbish identified building/s for creative studios;
 - Seek interest from registered artists from across Australia;
 - Place artists in creative studios.
- D11: Grow a program of creative events in Murwillumbah to raise the profile and establish the town as a recognised centre of creative arts.
- D12: Continue to promote the Tweed Regional Gallery and Margaret Olley Art Centre.
- D13: Tweed Shire to actively support arts and cultural activities in Murwillumbah

as projects that establish Murwillumbah as a centre of creativity.

Further, the establishment of the Creative Arts Hub in Murwillumbah combined synergies of several local arts organisations during late 2015-2016, focussing on the use of the Murwillumbah TAFE building which was touted to close. The utilisation the TAFE building for creative use was the subject of an unsuccessful application for Federal funds. The Arts Hub idea would fit into this proposal, as other arts collectives of the region could follow the TRGMAOC and Council's lead in establishing themselves in this precinct. The previous application to the Federal government made a point of not being restricted to the TAFE building site. Council was supportive of the idea at the time, however did not allocate seed funding to the project.

In terms of budget, the proposal needs consideration in terms of which gallery space in the precinct would be most financially viable to establish the TRG Annex, as well as the terms of lease arrangement. There is no doubt that the inclusion and presence of the TRGMOAC in this development would enhance the reputation of the TRGMOAC and Council due to the increased footprint, additional program options and community acknowledgement of Council's investment in the creative industries.

The upstairs gallery space is a much larger area, and ready to stage exhibitions and host participatory workshops. It has lighting, track hanging system and air conditioning in place. Rental fee for an area of this size, based on market evaluation, could realise \$60 - \$70,000 per annum. In the interests of securing TRGMOAC as an anchor tenant, it has been suggested by the owner that the fee could be dropped to \$50,000 per annum, or approximately \$960 per week. Currently there is only stair access to this space via Brisbane

Street, although the inclusion of a passenger lift from the artists' studios space of the property is under consideration.

The downstairs space, recently redesigned to maximise exposure from the street and wall space for hanging art works, is a smaller footprint. The rental for this area has been suggested as \$25,000 per annum, or the equivalent of \$480 per week. The owner is open to negotiation on either space to secure interest from Council.

The proponent's wider vision is to create a vibrant and sustainable art precinct in the heart of Murwillumbah, and to do so, in part, by:

- (i) capitalising on the success of the TRG and its impressive visitor numbers in excess of 110,000 per annum by drawing a greater percentage into the town centre, and
- (ii) using a current vacant industrial space to create space where artists wish to be based to create, exhibit and sell their art.

This project is aimed to build from the success of the TRGMOAC and use this new creative hub space, with the Gallery as an anchor tenant, as a catalyst to drive creative and economic development within Murwillumbah's CBD.

OPTIONS:

That Council:

1. That:
 - a) Council supports the 'Gallery Down Town' Tweed Regional Gallery CBD annex initiative by delegating the General Manager to enter into negotiations with the proponent for a 12 month lease of space within the former Escape Gallery, as a trial, with options.
 - b) A further report be brought back to Council with lease costs, project costs, funding and timing for the 12 month period for endorsement prior to formal execution of the lease.
2. Rejects the proposal to establish the Tweed Regional Gallery Annex.

CONCLUSION:

This proposal represents an excellent opportunity to further Council's previous and continuing work in stimulating business and encouraging the establishment of creative industries, whilst building on the recognised successes of its previous and ongoing financial commitment and investment in these areas. The proposal furthers Council's asset in harnessing the success of the TRGMAOC, its commitment to following through on the recommendations of previous report findings via employment of a Project Officer, and direction of Destination Tweed to undertake the recommendations outlined in previous reports.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

This proposal will have leasing implications to Council. Although this figure is still to be negotiated, the rental for this area has been suggested as between \$25,000 and \$50,000 per annum, depending on the area to be let. However, the owner has signalled he is happy to negotiate these terms and rates.

Council contributes \$882,180 to Destination Tweed each year for tourism attraction to the Tweed. In the longer term Council could consider seed funding towards projects such as this proposal as incubators of both economic and tourism development.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Art Project Proposal for Murwillumbah CBD by ZASK Pty Ltd (ECM 4444997)

(Confidential) Attachment 2. Tweed Regional Gallery Foundation Letter of Endorsement (ECM 4517170)

9 [GM-CM] River Street Car Park - Landscaping Enhancement

SUBMITTED BY: General Manager

Validms



Strengthening the Economy



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

3	Strengthening the Economy
3.1	Expand employment, tourism and education opportunities
4	Caring for the Environment
4.1	Protect the environment and natural beauty of the Tweed
4.1.3	Manage and regulate the natural and built environments

SUMMARY OF REPORT:

Council at its meeting held Thursday 16 March 2017 resolved:

“that Council following extensive stakeholder consultation takes no action in relation to the removal of the two car parks in River Street, South Murwillumbah as they currently service both customer and employee parking needs of the local business community, and bring back a report on enhancing landscaping opportunities for the site.”

Council’s Landscape Architect has reviewed the site in context of current constraints, being pedestrian access and height limitations with the adjacent powerlines. It proposed to plant three screening trees with associated under planting.

RECOMMENDATION:

That Council endorses the landscaping enhancements to the River Street, South Murwillumbah car park as detailed within this report.

REPORT:

Council at its meeting held Thursday 16 March 2017 resolved:

“that Council following extensive stakeholder consultation takes no action in relation to the removal of the two cark parks in River Street, South Murwillumbah as they currently service both customer and employee parking needs of the local business community, and bring back a report on enhancing landscaping opportunities for the site.”

Council’s Landscape Architect has reviewed the site in context of current constraints, being pedestrian access and height limitations with the adjacent powerlines. It proposed to plant three screening trees with associated under planting.

The tree species proposed to be planted at this location is *Callistemon salignus* (Willow Bottlebrush). These trees grow to an approximate height of 6m and will be maintained at this height providing ample clearance to the above powerlines. Understorey planting will consist of *Lomandra* species and the works will be undertaken using the Parks Maintenance budget.

The plantings will soften and provide filtered screening of the adjacent car yard whilst providing passive surveillance of the carpark area by passing traffic.

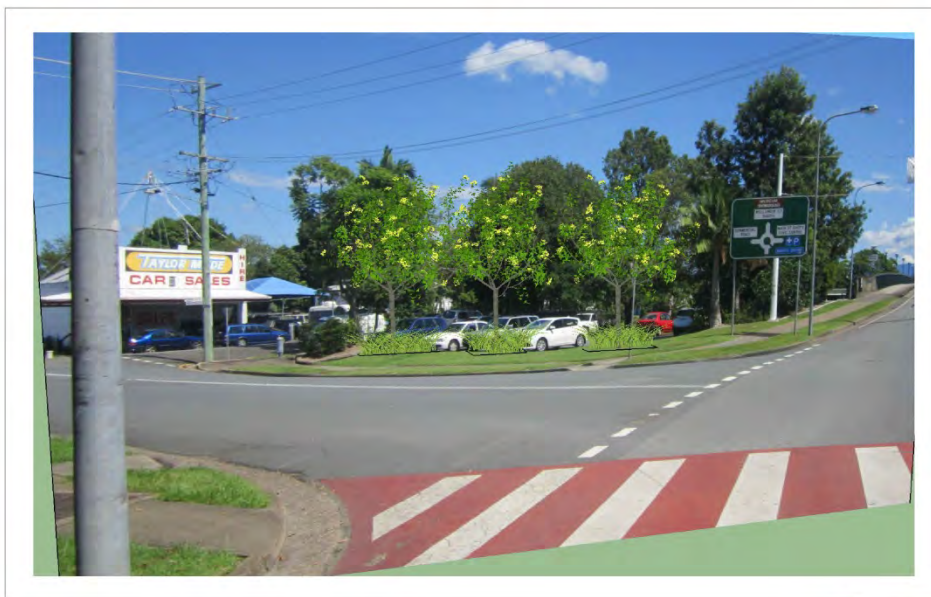
The images below provide a before and artist’s impression of the after of this proposal.

It is recommended that Council endorses the landscaping enhancements proposed for this location.



river street car park - existing landscape

issue a - 21/3/17



river street car park - proposed landscape (new screen trees with underplanting)

issue a - 21/3/17



OPTIONS:

1. Council endorses the proposed landscaping enhancements to this location.
2. Council requests further amendments to the proposal.

3. Council takes no action.

CONCLUSION:

With the recent flood devastation to Prospero Street and surrounds of South Murwillumbah, this minor landscaping enhancement is able to be met through current budget resources. It is way to provide a quick and immediate impact to a location that has been much debated over recent years.

Further, it accords with the business community's wish to retain the car parks at this location.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Funding is available within the existing Parks and Recreation budget to undertake the works.

c. Legal:

Consideration has been given as to the species selected so as to not negatively impact on the Essential Energy infrastructure at this location.

d. Communication/Engagement:

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - SECT 79C

79C Evaluation

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

(a) the provisions of:

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

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

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

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

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

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

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

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

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

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

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

10 [PR-CM] Draft Compliance Policy

SUBMITTED BY: Development Assessment and Compliance

Validms



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

In 2007 Council adopted the *Enforcement - Unlawful Activity* policy. The policy established clear guidelines for the exercise of discretion in dealing with action requests or complaints about unlawful activity.

As a result of the release of the NSW Ombudsman new *Enforcement Guidelines for Councils* and detailed *Model Compliance and Enforcement Model Policy* released in December 2015 a review of the current *Enforcement - Unlawful Activity* was undertaken. The review revealed that the existing policy:

- does not address the magnitude of tasks being undertaken by the restructured Compliance Section; and
- is out-dated and does not comply with principles of good administrative practice and decision making.

The draft Compliance Policy has been developed to ensure Council:

- engages more effectively with individuals and businesses who maybe breaking the law;
- develops better processes for compliance officers;
- adopts a responsive and proportionate approach to enforcement;
- follows an enforcement process that is robust and complies with principles of good administrative practice and decision making; and
- complies with the NSW Ombudsman new *Enforcement Guidelines for Councils* and detailed *Model Compliance and Enforcement Model Policy*.

Targeted external stakeholder presentations at community groups/progress associations of the draft Compliance Policy was undertaken late 2016 and early 2017. Feedback received at the presentation was generally positive and support a risk matrix approach.

As part of Council's Service Planning Survey and the brief Compliance Survey respondents were given the opportunity to comment on their experiences relating to compliance/animal management, feedback received is as follows:

Compliance services:

Satisfaction:

78% satisfaction level

39% of respondents said they did not use or were not familiar with the service.

Ranked 28th out of 34 Council services listed in the survey in terms of satisfaction.

Animal management:

Satisfaction:

80% satisfaction level

31% of respondents said they did not use the service.

Ranked 25th out of 34 services listed in the survey in terms of satisfaction.

The key survey question asked which of the following areas should be given priority, the questions have been listed below in order from respondents (1 being high priority and 8 low priority).

1. Public areas and issues (illegal camping, parks/playgrounds, public places protection).
2. Parking and transport (car park management, traffic management).
3. Companion animals management (registration of dogs/cats, dangerous dogs, surrendered animals).
4. Public health and safety (food safety, mobile food vendors, swimming pools).
5. Environmental protection (native vegetation, waste management, coastal care.)
6. Building and construction certification (building standards, fire safety).
7. Planning and development controls (land use, development controls).
8. Footpath and public space dining and trading.

RECOMMENDATION:

That:

1. **Council endorses the public exhibition of the Draft Compliance Policy for a period of 28 days allowing 42 days for submissions; and**
2. **A further report be brought back to Council following the exhibition of the draft policy.**

REPORT:

Under Section 8 of the *Local Government Act 1993*, a Council has the following charter:

- to exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights; and
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of council is affected.

To comply with the legislative requirements, Councils are required to ensure:

- staff have a sound understanding of the compliance/enforcement options available and the factors that need to be taken into account when they determine what action is appropriate in the given circumstances;
- clear principles and guidelines for Council Authorised Officers are provided to act promptly, fairly, consistently and effectively in response to unlawful activity; and
- compliance/enforcement processes are transparent, robust, facilitate greater consistency and sound decision making.

Council's current *Enforcement - Unlawful Activity* was developed based on the June 2003 NSW Ombudsman *Enforcement Guidelines for Councils*. In December 2015 the NSW Ombudsman released the new *Enforcement Guidelines for Councils* and detailed *Model Compliance and Enforcement Model Policy*. To ensure compliance with the new *Enforcement Guidelines for Councils* a review of the existing *Enforcement - Unlawful Activity* was undertaken. The review revealed that the policy:

- does not address the magnitude of tasks being undertaken by the restructured Compliance Section; and
- is out-dated and does not comply with principles of good administrative practice and decision making.

A draft Compliance Policy has been prepared to ensure compliance with the 2015 *Enforcement Guidelines for Councils* which assists Councils to:

- engage more effectively with individuals and businesses who maybe breaking the law
- develop better processes for compliance officers;
- adopt a responsive and proportionate approach to enforcement; and
- follow an enforcement process that is robust and complies with principles of good administrative practice and decision making.

Targeted external stakeholder presentations at community groups/progress associations of the draft Compliance Policy was undertaken late 2016 and early 2017. Feedback received at the presentation was generally positive and support a risk matrix approach.

As part of Council's Service Planning Survey and the brief Compliance Survey respondents were given the opportunity to comment on their experiences relating to compliance/animal management, feedback received is as follows:

Compliance services:

Satisfaction:

78% satisfaction level

39% of respondents said they did not use or were not familiar with the service.

Ranked 28th out of 34 Council services listed in the survey in terms of satisfaction.

Animal management:

Satisfaction:

80% satisfaction level

31% of respondents said they did not use the service.

Ranked 25th out of 34 services listed in the survey in terms of satisfaction.

The key survey question asked which of the following areas should be given priority, the questions have been listed below in order from respondents (1 being high priority and 8 low priority).

1. Public areas and issues (illegal camping, parks/playgrounds, public places protection).
2. Parking and transport (car park management, traffic management).
3. Companion animals management (registration of dogs/cats, dangerous dogs, surrendered animals).
4. Public health and safety (food safety, mobile food vendors, swimming pools).
5. Environmental protection (native vegetation, waste management, coastal care.)
6. Building and construction certification (building standards, fire safety).
7. Planning and development controls (land use, development controls).
8. Footpath and public space dining and trading.

It is therefore recommended that Council endorse the public exhibition of the draft Compliance Policy.

OPTIONS:

1. Council endorses the public exhibition of the draft Compliance Policy, or
2. Council does not endorse the public exhibition of the draft Compliance Policy.

Option 1 is recommended.

CONCLUSION:

Council's current *Enforcement - Unlawful Activity* was developed based on the June 2003 NSW Ombudsman *Enforcement Guidelines for Councils*. The draft Compliance Policy has been developed in accordance the NSW Ombudsman new *Enforcement Guidelines for Councils* and a detailed *Model Compliance and Enforcement Model Policy* released in December 2015. The draft policy ensures Council:

- engages more effectively with individuals and businesses who maybe breaking the law.
- develops better processes for compliance officers.
- adopts a responsive and proportionate approach to enforcement.

- follows an enforcement process that is robust and complies with principles of good administrative practice and decision making.

It is therefore recommended that Council endorse the public exhibition of the draft Compliance Policy.

COUNCIL IMPLICATIONS:

a. Policy:

Enforcement - Unlawful Activity v1.2 (to be superseded by new Compliance Policy)

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

- Upload policy to Council's webpage
- Notification in the Tweed Link
- Copies of policy to be displayed at Council's customer service centres - Murwillumbah and Tweed Heads
- Upon request, a Council representative be available to attend community groups/progress associations meetings to brief them on the new draft Compliance Policy

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Draft Compliance Policy Version 1.0 (ECM 4512598)

11 [PR-CM] Development Application DA16/0742 for a 2 Lot Subdivision at Lot 14 DP 803814 No. 2 Cambridge Court, Kingscliff

SUBMITTED BY: Development Assessment and Compliance

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

SUMMARY OF REPORT:

The proposal seeks approval for a two lot subdivision of Lot 14 DP 803814 No. 2 Cambridge Court, Kingscliff. The proposed lot sizes are; Lot 1: 568.6m², Lot 2: 691.4m². Proposed Lot 1 will contain the existing single storey dwelling, proposed Lot 2 is to be vacant with a nominated building envelope (indicative only). Access to each of the proposed allotments will remain from Cambridge Court via a shared driveway.

The lot frontage for the site is 4.236 metres and a kerb frontage of approximately 3.178 metres. A 4m metre wide (variable) Right of Carriageway over both allotments for a length of 36.785 m is proposed to provide access to both allotments. Section A5 - Subdivision Manual of Council's consolidated Development Control Plan 2008 states that a minimum of 12.5 metres lot frontage or a minimum of 9.0 metres of kerb frontage is required for each lot, unless alternative provisions are made for parking.

The applicant has provided two on-site visitor car parking spaces (one for each allotment) stating that this provides for an alternative provision for parking and therefore complies with Council's policy. The proposal is not supported on the grounds that it will create an unacceptable impact on the surrounding on-street parking, and that providing on-site visitor parking is not an acceptable alternative. An example of an alternative parking arrangement would be to provide additional on street parking spaces within the vicinity of the subject site. The proposed onsite parking is considered impractical due to potential future fencing, the erection of gates, and visitors to the site not knowing that a visitors' parking space is provided on site, particularly as the parking spaces are not clearly identified as such and not visible from the street. The proposed visitor car parking spaces are located within front of the existing and future garage/driveways. This would be ordinarily be the standard parking arrangement for residential development, and therefore additional parking is not provided.

The subject allotment (No. 2) and the neighbouring properties within the cul de sac being Nos. 3, 1, 4 and 6 Cambridge Court) all have undersized kerb frontages of between 4.24 metres and 11.02 metres. Therefore a variation has already been provided to the subject

allotment and the neighbouring properties with respect to the minimum frontage. A further variation to the subject site should not be supported, as these properties are already creating an on street parking shortfall that should not be further exacerbated by the proposed subdivision. The existing cul de sac contains seven residential properties, with on street parking available for three perhaps four parking spaces. On street parking within the cul de sac is already inadequate for the number of properties accessing and utilising the cul de sac.

The applicant states that each lot will have a kerb frontage of less than 9 metres, however a visitor car park has been nominated on each lot as an alternative solution.

The application has been referred to Council for determination as the applicant has lodged an Appeal in the Land and Environment Court – Deemed refusal. It has been necessary to report this matter to Council as the first Court Directions Hearing is scheduled for 22 May.

It is considered that the proposed two lot subdivision is not suitable for the site as the proposal will create an unacceptable impact in relation to on-street parking, therefore the application is not supported. The public domain will be adversely affected by the proposal, accordingly, the variation to the controls is not justified.

These grounds for refusal and rationale are very similar to Council's recent refusal of DA15/0641 - a two lot subdivision proposal at Nos. 768 and 770 Casuarina Way, Casuarina, which is also the subject of a Class 1 appeal in the Land and Environment Court.

It is recommended that Council engages legal representation in relation to the Land and Environment Court appeal proceedings and instructs them to defend the appeal in this matter.

RECOMMENDATION:

That:

A. Development Application DA16/0742 for a 2 lot subdivision at Lot 14 DP 803814 No. 2 Cambridge Court, Kingscliff be refused for the following reasons:

- 1. Council's Development Control Plan 2008 Section A5 - Subdivision Manual states that a minimum of 9.0 metres of kerb frontage is required for each lot unless alternative provisions are made for parking. The proposal does not comply with this development standard by proposing a kerb frontage of 1.7 metres for each allotment and does not propose suitable alternative parking arrangements.**
- 2. The proposed development is considered not to be within the public interest. The proposal is considered to create a significant impact on adjoining properties, the local road network and the public domain. The development will create a cumulative impact with regard to the reduced provision of on-street parking and therefore is considered not to be within the public interest.**

- B. Council, in respect of the Class 1 Appeal lodged in the NSW Land and Environment Court in respect of Deemed Refusal of DA16/0742 for a 2 lot subdivision at Lot 14 DP 803814 No. 2 Cambridge Court, Kingscliff, endorses the following:**
- 1. Engage legal representation in relation to the Land and Environment Court appeal proceedings and prepare and file a statement of facts and contentions; and**
 - 2. The Council's functions relating to the Land and Environment Court appeal proceedings are delegated to the General Manager including, but not limited to:**
 - (a) Instructing Council's legal representatives in the proceedings;**
 - (b) Negotiating with the representatives of the Applicant either prior to, during or after a conciliation conference under section 34 of the Land and Environment Court Act 1979 is held in relation to the proceedings as to the terms of a decision in the proceedings that the General Manager considers to be acceptable;**
 - (c) Entering into an agreement on behalf of the Council with the Applicant setting out the terms of a decision in the proceedings that the General Manager considers to be acceptable and requesting the Court to dispose of the proceedings in accordance with the decision under section 34(3) of the Land and Environment Court Act 1979 or by way of consent orders; and**
 - (d) Defending the proceedings if the General Manager considers that agreement cannot be reached with the Applicant as to the terms of a decision in the proceedings that the General Manager considers to be acceptable.**

REPORT:

Applicant: F Stokes

Owner: Mr Roland I Stokes & Mr Fergus K Stokes & Ms Morgan C Stokes & Mr Flinders R Stokes

Location: Lot 14 DP 803814 No. 2 Cambridge Court, Kingscliff

Zoning: R2 - Low Density Residential

Cost: \$60,000

Background:

The proposal seeks approval for a two lot subdivision of Lot 14 DP 803814; No. 2 Cambridge Court Kingscliff. The proposed lot sizes are; Lot 1: 568.6m², Lot 2: 691.4m². Proposed Lot 1 will contain the existing single storey dwelling, proposed Lot 2 is to be vacant with a nominated building envelope (indicative only). Access to each of the proposed allotments will remain from Cambridge Court via a shared driveway.

The lot frontage for the site is 4.236 metres and a kerb frontage of approximately 3.178 metres. A 4m metre wide (variable) Right of Carriageway over both allotments for a length of 36.785 m is proposed to provide access to both allotments. Section A5 - Subdivision Manual of Council's consolidated Development Control Plan 2008 states that a minimum of 12.5 metres lot frontage or a minimum of 9.0 metres of kerb frontage is required for each lot, unless alternative provisions are made for parking.

The applicant has provided two on-site visitor car parking spaces (one for each allotment) stating that this provides for an alternative provision for parking and therefore complies with Council's policy. The proposal is not supported on the grounds that it will create an unacceptable impact on the surrounding on-street parking, and that providing on-site visitor parking is not an acceptable alternative.

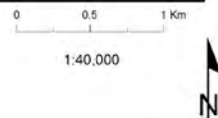
The subject allotment (No. 2) and the neighbouring properties within the cul de sac being Nos. 3, 1, 4 and 6 Cambridge Court) all have undersized kerb frontages of between 4.24 metres and 11.02 metres. Therefore a variation has already been provided to the subject allotment and the neighbouring properties with respect to the minimum frontage. A further variation to the subject site should not be supported, as these properties are already creating an on street parking shortfall that should not be further exacerbated by the proposed subdivision. The existing cul de sac contains seven residential properties, with on street parking available for three perhaps four parking spaces. On street parking within the cul de sac is already inadequate for the number of properties accessing and utilising the cul de sac.

The application was not notified development however the application was integrated development with the NSW Rural Fire Service. The department provided their General Terms of Approval.

SITE DIAGRAM:



LOCALITY PLAN



Lot 14 DP 803814
No. 2 Cambridge Court, KINGSCLIFF

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



Coordinate System - MGA Zone 56
Datum - GDA 94

Cadastral: 30 June, 2010
© Dept. of Lands & Tweed Shire Council

DO NOT SCALE
COPY ONLY - NOT CERTIFIED

Civic and Cultural Centre
3 Tumbulgum Road
Murwillumbah NSW 2484
PO Box 816
Murwillumbah NSW 2484
T: (02) 6670 2400 / 1300 292 872
F: (02) 6670 2483
W: www.tweed.nsw.gov.au
E: planning@tweed.nsw.gov.au



TWEED
SHIRE COUNCIL

DEVELOPMENT/ELEVATION PLANS:



- NOTES:
1. Level datum is AHD. Origin of levels is SSM41490, RL 7.307 AHD. Contour interval is 0.2m
 2. Services have been located where visible only, relevant authorities should be contacted for detailed locations of all services.
 3. Boundaries have been defined for detail survey purposes only, further survey is required for full determination of boundaries.

DRAWING TITLE
 CONTOUR & DETAIL SURVEY
 + PROPOSED SUBDIVISION
 LOT 14 IN DP 803814
 2 CAMBRIDGE COURT, KINGSCLIFF
 CLIENT: FERGUS STOKES

LEVEL DATUM: AHD
 DATE OF SURVEY: 12-04-16
 DATE: 04-08-16
 DRAWN: CBS
 CHECKED: BG
 CAD FILE No.: 38879_PROP

SCALE 1:200 @A3
 REVISION C
 SHEET 1 OF 1
 JOB No
 38879

LANDSURV PTY LTD
 REGISTERED SURVEYORS & DEVELOPMENT CONSULTANTS
 11 ENID STREET TWEED HEADS NSW 2485
 Ph. (07) 55366467 Fax (07)55367489 email: macsurv@landsurv.com.au

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

The aims of this plan as set out under Section 1.2 of this plan are as follows:

- (1) *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.*
- (2) *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, small business, employment, agriculture, affordable housing, recreational, arts, social, cultural, tourism and sustainable industry opportunities appropriate to Tweed Shire,*
 - (c) *to promote the responsible sustainable management and conservation of Tweed's natural and environmentally sensitive areas and waterways, visual amenity and scenic routes, the 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, geological and ecological integrity of the 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 development is considered to be generally in accordance with the aims of this plan having regard to its nature, permissible in the subject zone. However, the proposal is considered not to be a sustainable management of the built environment.

Clause 2.3 – Zone objectives and Land use table

The objectives of this R2 zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

In the R2 zone, the proposed development is permissible with consent, being defined as subdivision.

The proposed development is considered to be consistent with the objectives of the zone, by virtue of providing an additional lot for the purposes of a residential land use which is associated with a low density residential urban community.

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

The development is consistent with the minimum lot sizes as required by these Clauses both being greater than 450m².

The proposal complies with the minimum lot size within the R2 zone which is 450m² with the proposed area of the Lot 1 568.6m² or approximately 502m excluding the access area) and for Lot 2 691.4m² or approximately 550m excluding the access area). Therefore the proposal complies.

Clause 4.6 - Exception to development standards

Flexibility under this clause is not required as the development complies with the minimum lot size within the R2 zone.

Clause 5.5 – Development within the Coastal Zone

The development will not impact adversely on the coastal zone. It will not impact upon access to any coastal areas or detract from the natural features of any such area.

Clause 5.9 – Preservation of Trees or Vegetation

The site is highly disturbed and within an established urban environment. The site contains domestic vegetation, some of which would require removal for the subdivision. This is considered acceptable.

Clause 5.10 - Heritage Conservation

The building is not a heritage item, nor does the site comprise part of a heritage conservation area.

Clause 5.11 - Bush fire hazard reduction

The subject site is mapped as being partially bushfire prone as per Council's mapping system. The application was referred to the NSWRFSS. A Bushfire Safety Authority received from the NSWRFSS.

Clause 7.1 – Acid Sulfate Soils

The site is Class 5 Acid Sulfate Soils. Council officers raise no objection or conditions.

Clause 7.2 - Earthworks

The site is relatively level, no major earthworks will be necessary.

Clause 7.3 - Flood planning

The site is not identified as being prone to flooding.

Clause 7.5 - Coastal risk planning

It is noted that the site is not affected by the Coastal Hazard Lines – 2100. It is considered that the development does not have any implications for this clause.

Clause 7.6 - Stormwater Management

The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.

This clause outlines that consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) *is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*
- (b) *includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*

- (c) *avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

The proposal is considered satisfactory in this regard.

Clause 7.10 - Essential Services

All essential services are available to the site. Water, sewer, electricity and telecommunication services are currently available.

Other Specific Clauses

There are no other clauses considered applicable to the subject site.

State Environmental Planning Policies

SEPP No 71 – Coastal Protection

The subject site is within the coastal zone (as per the NSW Government Coastal Policy 1997) and as a result is subject to the provisions of State Environmental Planning Policy No.71. Council is required to consider the matters under Clause 8 and the following comments are made for Council's consideration.

Clause 8 – Matters for consideration

- (a) *the aims of this Policy set out in clause 2,*

The proposal is generally in accordance with the aims of this policy.

- (b) *existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,*

It is noted that the subject site is not located in close proximity to any public access to or along the public foreshore.

- (c) *opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,*

It is not considered that this application offers any opportunities to provide new public access to the foreshore.

- (d) *the suitability of development given its type, location and design and its relationship with the surrounding area,*

The proposal is considered suitable, having regard to its permissibility in this area.

- (e) *any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,*

The proposal will not result in any detrimental impact on the coastal foreshore, given its spatial separation and location on land zoned for residential purposes.

- (f) *the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,*

This proposal is not considered to have any negative impact on the scenic qualities of the NSW coast.

- (g) *measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,*

The proposal would not impact negatively any animals or their habitats.

- (h) *measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats*

The proposal is not considered to have an adverse impact upon marine environments or habitats.

- (i) *existing wildlife corridors and the impact of development on these corridors,*

The proposed development is not considered to impact negatively on wildlife corridors.

- (j) *the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,*

The proposed development is not considered to have any significant impact of development on coastal processes and coastal hazards.

- (k) *measures to reduce the potential for conflict between land-based and water-based coastal activities,*

The proposal is not considered to cause any conflict between land-based and water-based activities.

- (l) *measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,*

The subject development is not considered to impact on any traditional Aboriginal cultural values.

- (m) *likely impacts of development on the water quality of coastal water bodies,*

The subject application is not considered to have any significant impact upon the water quality of coastal waterbodies.

- (n) *the conservation and preservation of items of heritage, archaeological or historic significance,*

It is not considered that the proposal impacts upon the conservation or preservation of any of the above items

- (o) *only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,*

Not applicable to the subject application.

- (p) *only in cases in which a development application in relation to proposed development is determined:*

- (i) *the cumulative impacts of the proposed development on the environment, and*

This development is not considered to have a negative cumulative impact on the environment.

- (ii) *measures to ensure that water and energy usage by the proposed development is efficient.*

Not applicable, subdivision only.

Conclusion

It is considered the proposed development does not compromise the intent or specific provisions of State Environmental Planning Policy No. 71 – Coastal Protection.

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

Draft SEPP (Coastal Management) 2016

The subject site is mapped within the extent of this plan and therefore assessment is required.

The subject site is mapped within the Coastal Environment Area and Coastal Use Area, and therefore assessment against Divisions 3, 4 and 5 is required.

Division 3 Coastal environment area

14 Development on land within the coastal environment area

- (1) *Development consent must not be granted to development on land that is wholly or partly within the coastal environment area unless the consent authority is satisfied that the proposed development:*
- (a) *is not likely to cause adverse impacts on the biophysical, hydrological (surface and groundwater) and ecological environment, and*
 - (b) *is not likely to significantly impact on geological and geomorphological coastal processes and features or be significantly impacted by those processes and features, and*
 - (c) *is not likely to have an adverse impact on the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, having regard to the cumulative impacts of the proposed development on the marine estate including sensitive coastal lakes, and*
 - (d) *is not likely to have an adverse impact on native vegetation and fauna and their habitats, undeveloped headlands and rock platforms, and*
 - (e) *will not adversely impact Aboriginal cultural heritage and places, and*
 - (f) *incorporates water sensitive design, including consideration of effluent and stormwater management, and*
 - (g) *will not adversely impact on the use of the surf zone.*
- (2) *In this clause, **sensitive coastal lake** means a body of water identified in Schedule 1.*

The proposal is for subdivision only and does not include any construction works. It is considered that the proposal is consistent with Division 3 of the draft SEPP, in that it will have no significant impacts on the environment, coastal processes, water quality of the marine estate, native vegetation and fauna and their habitats, Aboriginal cultural heritage and places, and the surf zone.

Division 4 Coastal use area

15 Development on land within the coastal use area

Development consent must not be granted to development on land that is wholly or partly within the coastal use area unless the consent authority:

- (a) *is satisfied that the proposed development:*
 - (i) *if near a foreshore, beach, headland or rock platform—maintains or where practicable, improves existing, safe*

public access to and along the foreshore, beach, headland or rock platform, and

- (ii) minimises overshadowing, wind funnelling and the loss of views from public places to foreshores, and*
 - (iii) will not adversely impact on the visual amenity and scenic qualities of the coast, including coastal headlands, and*
 - (iv) will not adversely impact on Aboriginal cultural heritage and places, and*
 - (v) will not adversely impact on use of the surf zone, and*
- (b) has taken into account the type and location of the proposed development, and the bulk, scale and size of the proposed development.*

The proposal is for subdivision only and does not include any construction works. The subject site is not located adjacent to the coastal foreshore, and so there is no opportunity to improve existing public access.

It is considered that the proposal is consistent with Division 4 of the draft SEPP, in that it will have no significant impacts in relation to overshadowing, wind funnelling or the loss of views, visual amenity and scenic qualities of the coast, Aboriginal cultural heritage and places, and the surf zone.

It is considered that the development type and scale of the proposed operations is suitable to the location.

Division 5 General

16 Development in coastal zone generally—development not to increase risk of coastal hazards

- (1) Development consent must not be granted to development on land within the coastal zone (other than land to which clause 13 applies) unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.*

Note. *Clause 13 (2) (b) contains a development control provision that substantially mirrors the effect of this provision.*

- (2) This clause ceases to have effect at the end of 31 December 2021.*

17 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of the following:

- (a) *a coastal management program that applies to the land,*
- (b) *a coastal zone management plan (within the meaning of the Coastal Protection Act 1979) that applies to the land that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016.*

It is considered that the proposal will not result in increased risk of coastal hazards on that land or other land. All relevant coastal management programs (NSW Coastal Policy) have been considered in the assessment of the application.

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

Tweed Development Control Plan

A2-Site Access and Parking Code

The proposed two lot subdivision complies with the policy in that compliant access and on-site parking can be provided.

A5-Subdivision Manual

The access proposed off the Cul-de-sac of Casuarina Way and has an existing frontage of 4.22m. Re-subdividing the existing lot reduces the existing access frontage to approximately 2.12m for each property. The application proposes to retain the 4.22m wide frontage by providing a right of carriage way over both allotments.

Tweed Shire Councils Development Design Specification D1 stipulates that each lot is to have a minimum lot frontage of 12.5m or 9.0m of kerb frontage (whichever is the greater) in a cul-de-sac. The minimum frontage stipulation in D1 was applied due to numerous complaints regarding no on-street parking on cul-de-sacs. A reduced frontage and increased lots will impact on the on-street parking provisions. The proposed subdivision frontage is not acceptable given that it is already under the minimum required and will further impact on parking provisions in the cul-de-sac. Off-street car parking is not considered in minimum frontage calculations.

The proposal does not comply with D1 and is therefore non-compliant with the Subdivision Manual A5, the subdivision is not supported.

A11-Public Notification of Development Proposals

The development application was not notified. Council did not receive any submissions.

A16-Preservation of Trees or Vegetation

The site is highly disturbed and within an established urban environment. The site contains domestic vegetation, some of which would require removal for the subdivision. This is considered acceptable.

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

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

The subject site is nominated as Coastal Land and therefore this clause applies. The proposal is not inconsistent with the Coastal Policy as previously detailed within this report as it comprises a residential development on an appropriately zoned site. The development will not restrict access to any foreshore areas is considered acceptable in this regard.

Clause 92(1)(b) Applications for demolition

Not applicable to the subject application as no demolition is proposed as 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

This Plan applies to the Shire's 37 kilometre coastline and has a landward boundary that includes all lands likely to be impacted by coastline hazards plus relevant Crown lands. The proposed development is considered not to impact upon that coastline with regard to demands and issues identified within the Plan for the whole of the Tweed coastline (Clause 2.4.1) including: recreation; water quality; heritage; land use and development potential; coastal ecology; and, social and economic demand. The Management Plan objectives at Clause 3.1.1 are therefore satisfied.

Tweed Coast Estuaries Management Plan 2004

This Management Plan applies to the estuaries of Cudgen, Cudgera and Mooball Creeks. The subject site is not located in close proximity to any of these creeks and as such this management plan does not apply to the subject application.

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

As the subject site is not located within the Cobaki or Terranora Broadwater to which this plan relates, this Plan is not considered relevant to the proposed development.

(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 likely cumulative impact in relation to the provision of on-street parking is considered to be an unacceptable impact on the built environment.

Context and Setting

The site is located within an established urban environment, with the proposed lot consistent with surrounding residential lots in terms of appropriate size and dimensions to adequately cater for residential developments with sufficient areas of landscaping and private open space.

Access, Transport and Traffic

Insufficient street frontage is available for visitor parking. Onsite visitor parking is proposed, however, Council officers do not support this as an acceptable alternative.

(c) Suitability of the site for the development

The site is considered not to be suitable for the proposed two lot subdivision, as the proposal is considered to create an unacceptable cumulative impact on the on-street parking.

Surrounding Landuses/Development

The site is surrounded by mostly residential development in the form of single detached residential dwellings on residentially zoned land.

Topography

The site is relatively level, with frontage to Cambridge Court. The site is vegetated covering the perimeter of the site. The site is bound by zone SP1 Education Establishment to the west, R2 Low Density Residential land to the north, south and east.

Site Orientation

The site is orientated with an north south orientation long axis, with potential private open spaces areas located to the north/east for the rear vacant lot to receive good solar access.

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

Section A11 – Public Notification of Development Proposals

The application did not require notification or advertising in accordance with Section A11 – Public Notification of Development Proposals.

New South Wales Rural Fire Service

The site is identified as being within bushfire prone area and is therefore integrated development with the New South Wales Rural Fire Service (NSWRFS) in accordance with Section 91 of the Environmental Planning and Assessment Act 1997. The NSWRFS provided their General Terms of Approval.

(e) Public interest

The proposal is considered to create a significant impact on adjoining properties and the local road network as the development will create a cumulative impact with regard to the reduced provision of on street parking and therefore is considered not to be within the public interest. The proposal will negatively impact on the number of on street car parking spaces by increasing the number of residential allotments accessing the cul de sac.

OPTIONS:

1. Refuse the Development Application subject to the reasons provided.
2. Approve the Development Application subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos 38879 Sheet 1 of 1 Revision C prepared by Landsurv PTY LTD and dated 04/08/16, except where varied by the conditions of this consent.
[GEN0005]
2. The subdivision is to be carried out in accordance with Tweed Shire Council Development Control Plan Part A5 - Subdivision Manual and Councils Development Design and Construction Specifications.
[GEN0125]
3. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.
[GEN0135]
4. Structures proposed/identified within/over the easements on the land are not approved and are to be located external to the easement.
[GEN0255]
5. Both lots shall provide 1 x visitor car parking space in perpetuity, in addition to the dwelling requirements.
[GENNS01]

6. Vehicles must enter and leave the site in a forward direction. The layout of Lot 2 driveway and parking area shall facilitate turning manoeuvres allowing vehicles to leave the site in a forward direction. [GENNS02]
7. The Applicant shall ensure that sewer reticulation including sewer junctions and water reticulation servicing each of the proposed lots is fully contained within each individual property and does not encroach any adjacent property.
8. Where easements in favour of Council are provided through private property no structures or part thereof may encroach into the easement. This includes (but is not limited to) roofs, awnings or eaves, gutters and any part of the building, fences/ retaining walls and other services.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

9. **Prior** to the issue of a Construction Certificate, a Cash Bond or Bank Guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works as set out in Council's fees and charges at the time of payment.

The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the General Manager or his delegate.

The bond will be refunded, if not expended, when the final Subdivision Certificate is issued.

[PCC0275]

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

[PCC0285]

11. Prior to the issue of a **Construction Certificate** for subdivision works, the following detail in accordance with Council's Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.

(a) copies of compliance certificates relied upon

(b) Detailed engineering plans and specifications, *prepared in accordance with Development Design Specification D13 - particularly Section D13.09*. The detailed plans shall include (but are not limited to) the following, unless otherwise approved by the PCA:

- earthworks
- roadworks/furnishings
- driveway access (if built with CC works)
- stormwater drainage:
Allotments with adverse fall that cannot drain to a street shall provide a combination of infiltration and detention with level spreaders, to minimise adverse impacts on downstream property. The Applicant may choose to install these devices under the Construction Certificate for Subdivision Works or impose an applicable restriction on title, to advise future property owners of this obligation during dwelling construction.

Where infiltration is adopted, the infiltration device must:

- (i) Comply with the provisions of Council's Design Specification D7 - Stormwater Quality, section D7.09.9.
 - (ii) Surcharge by visible surface flow, not piped.
 - (iii) Be sized to capture and infiltrate storm events up to a 20 year ARI
 - (iv) Be designed to allow for cleaning and maintenance overhauls.
 - (v) Be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.
 - (vi) Be designed to withstand loading from vehicles during construction and operation of the development.
 - (vii) Be located clear of sewer easements.
- water supply works
Additional water service connections
 - sewerage works
Extension of sewer infrastructure
Proposed house connections
Proposed easements
 - landscaping works
 - sedimentation and erosion management plans
 - location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure)

The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 and Section 138 of the Roads Act to be certified by an Accredited Certifier.

[PCC0985]

12. A Construction Certificate application for Subdivision works that involve any of the following:

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality control devices
- erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under Section 68 of the Local Government Act.

- a) Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.
- b) Where Council is requested to issue a Construction Certificate for subdivision works associated with this consent, the abovementioned works can be incorporated as part of the Construction Certificate application, to enable one single approval to be issued. Separate approval under Section 68 of the Local Government Act will then NOT be required.

[PCC1145]

13. Erosion and Sediment Control shall be provided in accordance with the following:
 - (a) The Construction Certificate Application must include a detailed Erosion and Sediment Control Plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
 - (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".
14. For developments containing less than four attached or detached **strata** dwellings having a Building Code classification of 1a, each premises must be connected by means of a separate water service pipe, each of which is connected to an individual Council water meter to allow individual metering. Application for the meters shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.
15. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a Construction Certificate.
16. If the development is likely to disturb or impact upon water or sewer infrastructure (eg: extending, relocating or lowering of pipeline), written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

[PCC1155]

[PCC1175]

[PCC1195]

Applications for these works must be submitted on Council's standard Section 68 Application form accompanied by the required attachments and the prescribed

fee. The arrangements and costs associated with any adjustment to water and wastewater infrastructure shall be borne in full by the applicant/developer.

The Section 68 Application must be approved by Council prior to the associated Construction Certificate being issued.

[PCC1310]

17. Prior to the issue of a Construction Certificate for subdivision works:
- (a) Application shall be made to Council under Section 305 of the Water Management Act 2000 for a certificate of compliance for development to be carried out - i.e: the provision of water and sewerage to the development.
 - (b) Following this, requirements shall be issued by Council under Section 306 of the Water Management Act 2000.
 - (c) Following this, any works needing to be undertaken will require a further application to be made to Council under Section 68 of the Local Government Act for the relevant water/sewer works. Approval of this application will be required prior to/in conjunction with issuing the Construction Certificate.

The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.

[PCW0005]

18. As per TSC Development Design Specification D12.08.1 (d) where the dead end line is greater than 10m a sewer manhole is required.

PRIOR TO COMMENCEMENT OF WORK

19. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

20. Subdivision work in accordance with a development consent must not be commenced until:

- (a) a Construction Certificate for the subdivision work has been issued in accordance with Councils Development Construction Specification C101 by:
 - (i) the Consent Authority, or
 - (ii) an Accredited Certifier, and
- (b) the person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority,

- (ii) has appointed a Certifying Engineer to certify the compliance of the completed works.

The Certifying Engineer shall be a Professional Engineer (Civil) with National Engineering Register (NER) or a Registered Surveyor. Documentary evidence is to be provided to Council demonstrating currency of the above accreditation, and

- (iii) has notified the Consent Authority and the council (if the council is not the Consent Authority) of the appointment,
- (iv) a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Certifying Engineer is erected and maintained in a prominent position at the entry to the site in accordance with Councils Development Design and Construction Specifications. The sign is to remain in place until the Subdivision Certificate is issued, and

- (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the subdivision work.

[PCW0815]

- 21. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed to the satisfaction of the Principal Certifying Authority. These measures are to be in accordance with the approved Erosion and Sedimentation Control Plan and adequately maintained throughout the duration of the development.

[PCW0985]

DURING CONSTRUCTION

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

Monday to Saturday from 7.00am to 6.00pm
No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

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

- A. Short Term Period - 4 weeks.

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

- B. Long term period - the duration.

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

[DUR0215]

24. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material deposited on the roadway by construction vehicles will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.

[DUR0995]

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

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

[DUR1005]

26. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1875]

27. Tweed Shire Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, Appendix D. Inspection fees are based on the rates contained in Council's current Fees and Charges:

Water Reticulation, Sewer Reticulation, Drainage

- (a) Excavation
- (b) Bedding
- (c) Laying/jointing
- (d) Manholes/pits
- (e) Backfilling
- (f) Permanent erosion and sedimentation control measures
- (g) Drainage channels
- (h) Final Practical Inspection - on maintenance
- (i) Off maintenance

Stormwater Control Devices

- (a) Excavation
- (b) Installation
- (c) Backfilling

Council's role is limited to the above mandatory inspections and does **NOT** include supervision of the works, which is the responsibility of the Developers Supervising Consulting Engineer.

The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "Accredited Certifier".

The fee for the abovementioned inspections shall be invoiced upon completion of all subdivision works, and subject to the submission of an application for a 'Subdivision Works Compliance Certificate'.

[DUR1895]

28. The Applicant shall submit the appropriate 'Application for Water Service Connection' to Council's Water Unit to facilitate a property service water connection for proposed Lot 1 at 2 Cambridge Court Kingscliff, from the existing water main in Cambridge Court. The connection shall be undertaken by Tweed Shire Council, with all applicable costs and application fees paid by the Applicant.

[DUR2800]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

29. Prior to issue of a Subdivision Certificate, all works/actions/inspections etc required by other conditions or approved Management Plans or the like shall be completed in accordance with those conditions or plans.

[PSC0005]

30. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

A Subdivision Certificate shall NOT be issued unless the Certifying Authority is satisfied provisions pursuant to Section 109J of the EP&A Act, 1979 have been complied with and the Certifying Authority has sighted Council's Certificate of Compliance signed by an authorised officer of Council.

BELOW IS ADVICE ONLY

The Section 64 Contributions for this development at the date of this approval have been estimated as:

Water:	1.0 ET @ \$13,386	= \$13,386
Sewer:	1.0 ET @ \$ 6,431	= \$6,431

31. Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority

has sighted Council's receipt "Contribution Sheet" signed by an authorised officer of Council.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

These charges include indexation provided for in the S94 Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

- | | |
|---|---------|
| (a) Tweed Road Contribution Plan:
6.5 Trips @ \$1207 per Trips
(\$1,137 base rate + \$70 indexation)
S94 Plan No. 4
Sector6_4 | \$7,846 |
| (b) Open Space (Casual):
1 ET @ \$557 per ET
(\$502 base rate + \$55 indexation)
S94 Plan No. 5 | \$557 |
| (c) Open Space (Structured):
1 ET @ \$638 per ET
(\$575 base rate + \$63 indexation)
S94 Plan No. 5 | \$638 |
| (d) Shirewide Library Facilities:
1 ET @ \$859 per ET
(\$792 base rate + \$67 indexation)
S94 Plan No. 11 | \$859 |
| (e) Bus Shelters:
1 ET @ \$67 per ET
(\$60 base rate + \$7 indexation)
S94 Plan No. 12 | \$67 |
| (f) Eviron Cemetery:
1 ET @ \$125 per ET
(\$101 base rate + \$24 indexation)
S94 Plan No. 13 | \$125 |
| (g) Community Facilities (Tweed Coast - North)
1 ET @ \$1425 per ET
(\$1,305.60 base rate + \$119.40 indexation)
S94 Plan No. 15 | \$1,425 |

- | | | |
|-----|--|------------|
| (h) | Extensions to Council Administration Offices
& Technical Support Facilities
1 ET @ \$1909.57 per ET
(\$1,759.90 base rate + \$149.67 indexation)
S94 Plan No. 18 | \$1,909.57 |
| (i) | Cycleways:
1 ET @ \$485 per ET
(\$447 base rate + \$38 indexation)
S94 Plan No. 22 | \$485 |
| (j) | Regional Open Space (Casual)
1 ET @ \$1119 per ET
(\$1,031 base rate + \$88 indexation)
S94 Plan No. 26 | \$1,119 |
| (k) | Regional Open Space (Structured):
1 ET @ \$3928 per ET
(\$3,619 base rate + \$309 indexation)
S94 Plan No. 26 | \$3,928 |

[PSC0175]

32. Any damage to property (including pavement damage) as a result of the subdivision is to be rectified to the satisfaction of the General Manager or his delegate **PRIOR** to the issue of a Subdivision Certificate. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.

[PSC0725]

33. Prior to the issue of a **Subdivision Certificate**, Work as Executed Plans shall be submitted in accordance with the provisions of Tweed Shire Council's Development Control Plan Part A5 - Subdivision Manual and Council's Development Design Specification, D13 - Engineering Plans.

The plans are to be endorsed by a Registered Surveyor OR a Consulting Engineer Certifying that:

- (a) all drainage lines, sewer lines, services and structures are wholly contained within the relevant easement created by the subdivision;
- (b) the plans accurately reflect the Work as Executed.

Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed (WAX) plans.

[PSC0735]

34. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of this Development Consent have been complied with.

[PSC0825]

35. The creation of easements for services, rights of carriageway and restrictions as to user (including restrictions associated with planning for bushfire) as may be

applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:

- (a) Easements for sewer, water supply and drainage over **ALL** public services/infrastructure on private property.
- (b) Reciprocal Right of Carriageways over the access handles to Cambridge Court a minimum total width of 4.0 metres to facilitate driveway access to both lots.
- (c) Positive Covenant over lot 2 for the installation of a roofwater infiltration system with capacity to capture and infiltrate storm events up to a 20 year average recurrence interval magnitude, or Council approved alternative. Overflows must be by level spread surface flow.
- (d) Positive Covenant over both lots for the provision of 1 x visitor car parking space per allotment, in addition to the dwelling requirements.

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway / easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

[PSC0835]

- 36. In accordance with clause 60 of the Surveying and Spatial Information Regulation 2012 the Plan of Subdivision (Deposited Plan) shall show the approved street address for each lot in the new Deposited Plan.

[PSC0845]

- 37. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council with the application for Subdivision Certificate.

[PSC0855]

- 38. Prior to registration of the Plan of Subdivision, a **Subdivision Certificate** shall be obtained.

The following information must accompany an application:

- (a) original Plan of Subdivision prepared by a registered surveyor and 2 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.

- (b) all detail as tabled within Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, CL 5.7.6 and Councils Application for Subdivision Certificate including the attached notes.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

[PSC0885]

39. Prior to the issue of a Subdivision Certificate and also prior to the end of defects liability period, a CCTV inspection of any stormwater pipes and gravity sewerage systems installed and to be dedicated to Council including joints and junctions will be required to demonstrate that the standard of the infrastructure is acceptable to Council.

Any defects identified by the inspection are to be repaired in accordance with Councils Development Design and Construction Specification.

All costs associated with the CCTV inspection and repairs shall be borne by the applicants.

[PSC1065]

40. Prior to issuing a Subdivision Certificate, reticulated water supply and outfall sewerage reticulation shall be provided to all lots within the subdivision in accordance with Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual, Councils Development Design and Construction Specifications and the Construction Certificate approval.

The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act, 2000 to be certified by an Accredited Certifier.

[PSC1115]

41. The production of written evidence from the local telecommunications supply authority certifying that the provision and commissioning of underground telephone supply at the front boundary of both allotments has been completed.

An acceptable form is Telstra's *"Telstra Network Infrastructure Letter"* or NBN's *"Certificate of Practical Completion"* (as applicable to the development).

Unless agreed otherwise by Council, the NBN *"Certificate of Practical Completion"* form must reference:

- Who the supply authority has entered into an agreement with,
- Over which lot and deposited plan did the agreement apply to,
- Identification of the proposed lots to be created that have been serviced,
- When works were completed.

[PSC1165]

42. Electricity

- (a) The production of written evidence from the local electricity supply authority certifying that reticulation and energising of underground electricity has been provided adjacent to the front boundary of each allotment

An acceptable form is Essential Energy's "*Notice of Arrangement*".

Unless agreed otherwise by Council, the form must reference:

- Over which lot and deposited plan did the arrangement for the provisioning of electricity (and street lighting, as applicable) apply to,
- Identification of the proposed lots to be created that have been serviced, or the development stage to which the arrangement applies.

Should any electrical supply authority infrastructure (sub-stations, switching stations, cabling etc) be required to be located on Council land (existing or future), then Council is to be included in all negotiations. Appropriate easements are to be created over all such infrastructure, whether on Council lands or private lands.

Compensatory measures may be pursued by the General Manager or his delegate for any significant effect on Public Reserves or Drainage Reserves.

[PSC1185]

43. Prior to the issue of a Subdivision Certificate, all internal drainage, water and sewer within proposed Lots 1 and 2 respectively shall be amended (as applicable) to ensure it is contained entirely within the respective property or appropriate easements provided.

[PSCNS01]

GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of subdivision certificate and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

General Advice - consent authority to note

- This approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the 'Building Code of Australia' may be subject to separate assessment under either section 79BA or section 79C of the EP & A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.

Council officers recommend Option 1.

That Council, in respect of the Class 1 Appeal lodged in the NSW Land and Environment Court in respect of Deemed Refusal of DA16/0742 for a two lot subdivision, Lot 14 DP 803814; No. 2 Cambridge Court Kingscliff, endorses the following:

1. Engage legal representation in relation to the Land and Environment Court appeal proceedings and prepare and file a statement of facts and contentions; and
2. The Council's functions relating to the Land and Environment Court appeal proceedings are delegated to the General Manager including, but not limited to;
 - (a) Instructing Council's legal representatives in the proceedings;
 - (b) Negotiating with the representatives of the Applicant either prior to, during or after a conciliation conference under section 34 of the Land and Environment Court Act 1979 is held in relation to the proceedings as to the terms of a decision in the proceedings that the General Manager considers to be acceptable;
 - (c) Entering into an agreement on behalf of the Council with the Applicant setting out the terms of a decision in the proceedings that the General Manager considers to be acceptable and requesting the Court to dispose of the proceedings in accordance with the decision under section 34(3) of the Land and Environment Court Act 1979 or by way of consent orders; and
 - (d) Defending the proceedings if the General Manager considers that agreement cannot be reached with the Applicant as to the terms of a decision in the proceedings that the General Manager considers to be acceptable.

It is recommended that Council engages legal representation in relation to the Land and Environment Court appeal proceedings and instructs them to negotiate consent orders in this matter.

CONCLUSION:

The proposed two lot subdivision is recommended for refusal due to the cumulative impact with regard to the provision of on-street parking. The potential impact is considered significant and is therefore the proposal is not supported.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Council will incur expenses as a result of the appeal.

c. Legal:

The applicant has lodged an appeal deemed refusal in the Land and Environment Court.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

12 [CNR-CM] Adoption of the Kingscliff - Dreamtime Beach Coastal Zone Management Plan

SUBMITTED BY: Natural Resource Management

Validms



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Caring for the Environment
 - 4.4 Manage the Tweed coastline to ensure a balance between utilisation and conservation
-

SUMMARY OF REPORT:

The *Final Draft Kingscliff - Dreamtime Beach Coastal Zone Management Plan* is ready for adoption by Council and submission to the NSW Minister for the Environment for certification in accordance with the *Coastal Protection Act 1979*.

The Plan has been developed in accordance with the Guidelines for Preparing Coastal Zone Management Plans, (Office of Environment and Heritage, 2013) under the existing Act. The NSW Government is in the process of moving to a new coastal management framework under the passed, but not yet commenced, *Coastal Management Act 2016*. Plans that have been submitted to the Minister under the previous Act will have a transitional period of five years to transfer into the new Coastal Management Program.

Certification of a Plan enables Council to apply for 50% grant funding under the NSW Government's Coastal Management Program for actions and strategies listed in that Plan.

RECOMMENDATION:

That Council:

1. **Adopts the *Final Draft Kingscliff - Dreamtime Beach Coastal Zone Management Plan, April 2017*.**
2. **Forwards the *Final Draft Kingscliff - Dreamtime Beach Coastal Zone Management Plan, April 2017* to the NSW Minister for the Environment for certification under Section 55G of the *Coastal Protection Act 1979*.**

REPORT:

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

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

- 2001 - Coastal hazard definition study identified major public assets at Kingscliff under **Immediate** risk of coastal erosion and also identified the 2050 and 2100 hazard zones.
- 2005 May- Council adopted the *Tweed Shire Coastline Hazard Study* and *Coastline Management Plan* and a protection strategy for the Cudgen Headland Surf Club and Kingscliff Beach Holiday Park consisting of rock revetment and sand nourishment.
- 2006 December - Council adopted an amended strategy of foreshore protection comprising a limited seawall in front of the Cudgen Headland Surf Lifesaving Club (constructed August 2010) and sand nourishment only between this and the existing boulder wall at the Beach Club (limited nourishment undertaken in 2012).
- 2010-2013 - persistent and severe erosion of the Kingscliff Beach foreshore. The volumes of sand transported during this erosion event, along with the very high cost of mass sand nourishment, demonstrated that sand nourishment alone cannot provide protection to the high value public foreshore land between the surf club and bowls club.
- 2011 - NSW Minister for the Environment requests Council, in light of the erosion event, to update the Coastal Zone Management Plan for Kingscliff and to reconsider Planned Retreat and groynes as options for the assets at risk.
- 2012 - Preparation of a feasibility study and Draft Environmental Impact Study for sand extraction from the Tweed River (Area 5 downstream of Barneys Point Bridge) and delivery by pipeline to Kingscliff Beach for the purposes of providing a source of sand for future beach nourishment.
- 2012 - Investigations into seawall options and their characteristics.
- 2013 - Investigation into a groyne field option. This was found to be a highly expensive and intrusive option, requiring a large volume of initial sand nourishment.
- 2013 November - Resolution of Council:
RESOLVED that Council endorses proceeding with the development of a Coastal Zone Management Plan for Kingscliff - Dreamtime Beach based on further investigation of the two preferred options of:
 - a) terminal protection through seawall, sand nourishment and land use planning.
 - b) planned retreat.
- 2014 February - Updated coastal hazards assessment adopted by Council which confirms the Immediate (current), 2050 and 2100 Hazard Zones and incorporates updated knowledge on coastal processes and most up to date Sea Level Rise projections.
- 2014 December - Multi Criteria Assessment workshops held with Councillors, Council staff, State Government representatives, community and interest group representatives. The recommended strategy that developed from these workshops formed the substance of the *Kingscliff Coastal Risk Management Study*. This strategy was a 'precinct' based

approach to address the level of risk and vulnerability in each precinct. The three precincts were:

- Faulks Park / Lions park (south of surf club to north wall of Cudgen Creek) - focus on providing natural foreshore and dunal system and maintaining sandy beach for amenity purposes.
 - Cudgen Headland SLSC to Bowls Club - focus on hardened foreshore that provides protection to assets of high social and economic value.
 - Jack Bayliss Park and north to Fingal Head - allow a buffer for future erosion fluctuation immediately north of the hardened foreshore. Maintain natural values north of this immediate erosion fluctuation zone.
- 2015 July - Resolution of Council following completion of the *Kingscliff Coastal Risk Management Study*:

RESOLVED that Council:

1. *Adopts the recommendations of the Kingscliff Coastal Risk Management Study June 2015 as the preferred option for management of coastal risk hazard for the Kingscliff Beach foreshore.*
 2. *Develops the comprehensive Kingscliff - Dreamtime Beach Coastal Zone Management Plan in accordance with this adopted strategy.*
- 2015 - 2016 - Department of Industry - Lands undertakes dredging in Terranora Inlet and Cudgen Creek and places an estimated 47,000m³ of sand nourishment on Kingscliff Beach between the Surf Club and north training wall of Cudgen Creek.
 - 2016 March - May - Council places the Draft Kingscliff - Dreamtime Beach Coastal Zone Management Plan on public exhibition for 42 days. This period included two weeks featured in the Kingscliff Matters shopfront.
 - 2016 - 2017 - assessment of submissions including negotiations with State Government Departments on required changes to the preliminary Draft Plan.
 - June 2016 - *Coastal Management Act 2016* assented to but not commenced. Awaiting finalisation of the Coastal Management State Environmental Planning Policy which maps the coastal management areas defined in the Act.
 - February 2017 - Council commences the Kingscliff Foreshore Revitalisation Project, substantially funded through the Australian Government's National Stronger Regions Fund. The seawall component of this project is the highest priority action within the Kingscliff - Dreamtime CZMP.

The Draft Kingscliff - Dreamtime Beach Coastal Zone Management Plan has been amended following consideration of submissions from the community and State Government Authorities. The current copy is noted as the Final Draft until such time that it has been certified by the Minister and Gazetted. There may be some additional amendments requested by the Minister prior to certification.

OPTIONS:

1. Council adopts the *Final Draft Kingscliff - Dreamtime Beach Coastal Zone Management Plan, April 2017* and forwards the Plan to the NSW Minister for the Environment for certification under Section 55G of the *Coastal Protection Act 1979*.
2. Council does not adopt the *Final Draft Kingscliff - Dreamtime Beach Coastal Zone Management Plan, April 2017* and commences development of a Coastal Management Program for the Tweed Shire, including Kingscliff Beach embayment under the, yet to be commenced, *Coastal Management Act 2016*.

CONCLUSION:

Kingscliff Beach foreshore has been the subject of numerous studies and management plans, particularly due to its high social, environmental and economic values to Tweed Shire. There is well recorded periodic erosion of this section of developed coastline with the most recent episode spanning between 2010 and 2013.

The advantage of adopting and submitting the Final Draft Plan is to ensure that Council has a period of time to transition the Coastal Zone Management Plan (under the *Coastal Protection Act 1979*) to a Coastal Management Program (under the *Coastal Management Act 2016*). Once a plan is adopted and certified, actions and strategies within the plan are eligible for funding through the NSW Government's Coastal Management Program. In May 2016, the Government announced a funding commitment of \$83.6 million over five years through the coastal management program.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable
NSW Coastal Protection Act 1979.

b. Budget/Long Term Financial Plan:

The Coastal Zone Management Plan has been completed with 50% funding from the NSW Government. The major project in the Plan (Kingscliff Beach foreshore seawall) was funded predominantly through the Australian Government's National Stronger Regions Fund and various Council budget allocations.

Once the Plan has been certified, actions outlined in the plan will be eligible for Coastal Management Program funding through the NSW Government.

Council will need to consider an ongoing commitment to seawall maintenance, sand nourishment and monitoring in the Long Term Financial Plan. This is estimated at \$122,500 per annum from financial year 2018/2019 to place in reserve for periodic maintenance.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

The Draft Kingscliff - Dreamtime Beach Coastal Zone Management Plan was on public exhibition for a period of 42 days from 23 March to 4 May 2016. The consultation methods

included print media, direct mail, workshops and direct access to staff and Consultants at the Kingscliff Matters shopfront.

This formal exhibition period followed extensive studies, management planning and consultation undertaken over a 16 year period on coastal erosion hazard and other coastline management issues at Kingscliff. This included a series of Multi Criteria Assessment workshops with Councillors, Council staff and representatives from government agencies, stakeholder and community groups.

Four feature stories were run in the Tweed Link on 23 and 16 February 2016, 15 and 22 March 2016 with the formal public exhibition announcement in the 22 March edition.

The Consultant for the Plan conducted a targeted information and feedback session at the Kingscliff Matters shopfront on Wednesday 30 March from 3pm to 6pm. This followed a workshop with Council's Tweed Coastal Committee.

There were six submissions to the Draft Kingscliff - Dreamtime Beach Coastal Zone Management Plan. They are summarised in Appendix F, with the submissions from Department of Industry - Lands and Office of Environment and Heritage included in full.

The predominant issue raised was the need for Council to commit to sand nourishment to ameliorate the impacts from construction of a seawall to protect the foreshore. Another concern was the ongoing maintenance cost to Council.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Draft Kingscliff - Dreamtime Beach Coastal Zone Management Plan April 2017 Part 1 (ECM4519006).

Attachment 2. Draft Kingscliff - Dreamtime Beach Coastal Zone Management Plan - Appendices - Part B (ECM4519742).

13 [CNR-CM] Anchorage Island Boardwalk - Investigation and Remediation

SUBMITTED BY: Natural Resource Management

Validms



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Following the closure of the Anchorage Island Boardwalk, and subsequent community calls for reopening of the structure, Council Officers were requested to undertake an assessment of the structure's foundations with a view to providing advice with respect to their capacity and potential for remediation / upgrade. Council also resolved to consider a further report with substantial remediation as the preferred method to proceed with the management of the boardwalk.

Geotechnical consultant, Morrison Geotechnics, were engaged to provide assistance in the determination of foundation properties with subsequent analysis undertaken by Council Officers.

The results of the analysis indicate that the piled foundations of the boardwalk fall below that required by Australian Standards. Given the deficiency of the pile foundations, the boardwalk cannot be substantially remediated cost effectively. It will be possible to repair and reopen the boardwalk, however repairing and reopening the boardwalk on its existing foundations carries with it an element of risk that Council should be cognisant of, and proactive in managing, if this option is adopted.

RECOMMENDATION:

That Council:

- 1. Identifies and allocates \$30,000 to repair the superstructure of the Anchorage Island Boardwalk, and reopens the facility.**
 - 2. Notes the condition and design deficiency of the existing piles.**
 - 3. Implements a program of ongoing monitoring and maintenance of the boardwalk to ensure ongoing public safety.**
-

- 4. Establishes a reserve to fund removal of the existing facility and replace it, if it is intended that a facility should be maintained in this location for anything in excess of five years.**

REPORT:

Introduction

An inspection of the boardwalk structure located at The Anchorage, Tweed Heads, was undertaken in April 2016 prior to its registration into the asset database being compiled by the Natural Resource Management Unit. The inspection identified areas of significant deterioration in the sub-structure of the boardwalk, potentially affecting the integrity and stability of the structure. A review of defects by engineers from the Natural Resource Management and Design Units determined that the boardwalk should be closed immediately due to the public safety risk posed by the failing sub-structure.

Closure of the boardwalk took place in early May 2016 with access to the structure physically restricted and signage installed at both ends and the approach path. The public were notified of the closure through advertisement in the Tweed Link (July 2016), a Media Release (July 2016) and on Your Say Tweed which included an avenue for public comment.

Following closure, an assessment of options was undertaken, resulting in a recommendation of permanent closure and removal of the structure. This was presented to the Executive Management Team in May 2016, with a decision that a Councillor workshop be held on the subject.

The workshop was held with Councillors in June 2016, and included four potential options and an estimate of associated costs, including the recommendation of permanent closure.

Table 1. Options assessment from Council workshop June 2016

Option	Cost	Issues
Undertake immediate repairs to attachments and timber and re-open boardwalk	~\$10,000	This work will enable the reopening of the boardwalk however, will not address the serious issues involving the subsidence and rotation of the piles. It is anticipated that the extension to the useful life of the boardwalk would be negligible. Additionally, increased inspection would be required to ensure structural stability.
Investigate pile condition and undertake full rehabilitation of boardwalk	Investigation of piles: ~\$20,000 Rehabilitation works: TBC following investigations.	Two initial investigations would be required, both regarding the foundation capacity. Either of these investigations may indicate that the structure is not capable of meeting Australian Standards and cannot be economically rehabilitated. Design of the works would have to be considered following investigation.

Option	Cost	Issues
Reconstruct board walk on existing or an alternative alignment	Low-level: ~\$350-\$500/sqm Raised: ~\$500-\$750/sqm Basic Quote for Replacement of Existing ~256,000+	Existing structure would still require demolition (~\$70,000). An acceptable alignment would have to be determined during the design process. Cost would depend on many variables that would have to be established during the design process.
Permanently close and remove the boardwalk	~\$70,000 to remove existing structure, including both timber decking and concrete piles	Issues regarding public expectations Possible creation of a "goat trail" through the natural environment to get to destination

Verbal advice from Councillors at the workshop was that the structure should remain closed and ultimately be removed.

Quotes were requested from contractors to clarify the original staff estimates for immediate repairs and full removal of the structure. Immediate repairs were subsequently estimated to be approximately \$20,000 and full removal \$90,000.

Following a significant increase in public calls for the structure to be re-opened, in October 2016 a further report was prepared for Council.

The intent of this report was to advise refined estimates for repair or removal, and seek direction from Council on how to proceed at the site. Following presentation of the report, Council resolved the following:

"That Council:

1. *Considers an allocation of \$20,000 in the September quarterly budget review for investigations to enable the preparation of a detailed plan and associated costing to remediate the structure, and*
2. *Subject to Recommendation 1, considers a further report with substantial remediation as the preferred method to proceed with the management of The Anchorage Boardwalk located in Terranora Inlet, Tweed Heads."*

For the purpose of this report the term 'substantial remediation' means bringing the boardwalk to a condition that meets all relevant Australian standards for engineering design and safety.

Geotechnical Investigation

Council engaged Morrison Geotechnics in February 2017 to assist with an investigation into the boardwalk's pile capacity and foundation integrity. These investigations were required to determine whether or not the piles supporting the structure could be considered to have

sufficient capacity, in accordance with relevant standards, to support the load of the structure and any persons using it.

A critical component of this investigation was to determine the characteristics of the foundation material, that is, the strength and load bearing capacity of intertidal silty sands within which the boardwalk's piles are embedded.

It was noted in the report to Council of October 2016 that:

These investigations may indicate that the structure is not capable of meeting current Australian Standards and could not be remediated economically.

Using results of the geotechnical investigations, Council Officers have used relevant Australian engineering standards to determine the required geotechnical strength of the boardwalk foundations, and the estimated existing geotechnical strength of the boardwalk foundations.

The results of the geotechnical investigation coupled with an analysis of relevant design requirements shows that the capacity of the Anchorage Boardwalk's piled foundations is insufficient to meet the load bearing requirements of Australian Standards. The magnitude of the deficiency is approximately 25%. In real terms, this means that where the typical existing pile length has been estimated to be 3.4m, piles would need to be 5.5m long to achieve relevant standards. It would be very challenging and costly to upgrade the existing foundations to comply with the requirements of Australian Standards.

It must be noted that engineering standards that are applied to structures of this nature are highly conservative and include 'over design' to ensure that structures cannot fail and that public safety is ensured. This explains to some degree why the existing structure has provided 28 years of service with only small amounts of pile subsidence and displacement.

It is noted that geotechnical engineering and the design of deep foundations is a specialised sub-branch of engineering. Whilst finalised and conducted in conjunction with a geotechnical consultant this assessment has been completed based on simplified methods, average values and limited site investigation.

Implications

Given that the design life of a structure of this kind would typically be 25-30 years, regardless of identified design deficiencies, the facility is at the end of its intended life (construction date accepted as 1988 based on local media articles). As such, it is not unreasonable for the structure to be considered for removal. The challenge for Council in pursuing this option is to fund removal at approximately \$90,000. There are insufficient funds within the Waterways Program budget to undertake removal.

Replacement of the boardwalk would be possible, but at approximately \$250,000 is also unfunded and considered to be unachievable in the short term. Replacement cannot occur without removal of the existing structure and would therefore result in a total project cost of over \$360, 000. A grant application to fund this project has been submitted to DPI Lands under the Public Reserve Management Fund.

It would be theoretically possible to upgrade the existing foundation piles to achieve compliance with Australian standards, and meet the previous Council direction of substantial remediation. This would cost in the order of \$200, 000. When combined with the previously

estimated figure to repair the superstructure of the boardwalk (\$20,000), it can be seen that substantial remediation of the boardwalk to make it meet current engineering and safety standards is also an expensive option. In reality, the impact of these works on the sensitive intertidal environment would make this approach impractical.

No budget exists within the Waterways Program to undertake a project with costs similar to those above, and to reallocate funds from other waterways asset management priorities would have serious implications for the condition and safety of various boat ramps, pontoons and foreshores. Recent damage to infrastructure through flooding and the financial implications for Council would make prioritisation of major expenditure on this asset hard to justify.

Without action however, the boardwalk would remain in location without maintenance, unused for an unspecified time, with attendant safety and amenity risks for Council and the community.

Despite the fact that the boardwalk foundation piles do not meet contemporary engineering requirements, they have been sufficient to support the structure and its use for approximately 28 years. While subsidence and rotation of some piles has occurred, this has not been extensive.

An alternative to removing, replacing or substantially remediating the structure is to repair and reopen the boardwalk on its existing foundations, making improvements only to the pile attachments and superstructure. Council could reopen the boardwalk following this work but must be aware of the safety risks in doing so, and the unspecified extension of life that the investment would achieve. This could be completed for \$30,000.

Reopening a public walkway over water based on foundation piles that do not meet relevant engineering standards requires Council consideration and acceptance of a certain level of risk.

To quantify the risk an assessment has been conducted based on the Risk Assessment Matrix provided in Australian Standard 4360 (2009) considering two potential risks, namely:

- **Risk 1: Total or partial collapse of the structure - Gradual Failure**
 - Likelihood: Likely
 - Consequence: Minor
 - Risk Category: **Moderate** (cell 7, figure 1)

- **Risk 2: Total or partial collapse of the structure - Rapid Failure**
 - Likelihood: Unlikely
 - Consequence: Major
 - Risk Category: **High** (cell 16, figure 1)

Based on the identified risk categories, various mandatory actions are specified in Australian Standard 4360 (2009), including:

- Moderate Risk: Action plan to be developed, timeframe established. Interim controls may be needed.
- High Risk: Action plan to be developed and hazard controlled within one month.

Figure 1. Risk assessment matrix.

LIKELIHOOD	CONSEQUENCE				
	Insignificant No injuries, low financial loss	Minor First aid, property or environmental damage up to \$2,500	Moderate Any lost time injury, short term temporary disability (under 1 month), property or environmental damage \$2,500 to \$25,000	Major Lost time injury longer than 2 weeks, long term temporary disability (over 1 month), property or environmental damage \$25,000 to \$250,000	Catastrophic Fatality, permanent disability, property or environmental damage over \$250,000
	A	B	C	D	E
5 Almost Certain Is expected to occur in most circumstances	10	12	16	21	25
4 Very Likely Could happen regularly	6	11	14	20	24
3 Likely Might happen at some time	3	7	13	19	23
2 Unlikely Could happen but only rarely	2	5	9	16	22
1 Very Unlikely Could happen, but probably never will	1	4	8	15	17

An example of gradual failure would be snapping or distortion of individual superstructure due to subsidence or rotation of piles. The likelihood of gradual failure can be assessed through monitoring, to check for vertical or lateral movement of piles and superstructure. This would result in a reduction in the risk category to low (5) and require no action other than monitoring at regular intervals.

An example of rapid failure would be for a section of the boardwalk to collapse due to a bearer breaking and adding load instantly to a pile. This could happen due to a slow development of pressure from pile subsidence, or from a force, for example a vessel striking the structure either through operator error or breaking a mooring in a storm. Monitoring of the structure may be able to provide an indication of imminent collapse due to rapid failure, however while this can reduce the likelihood from unlikely to very unlikely, no mechanism has been identified to reduce the consequence, and therefore the risk is still categorized as high (15).

OPTIONS:

Council may either:

1. Remove the boardwalk. The cost of this option is approximately \$90,000. There are insufficient funds within the Waterways Program budget to undertake removal.
2. Replace the boardwalk. Cost approximately \$250,000. Replacement cannot occur without removal of the existing structure and would therefore result in a total project cost of over \$360, 000. There are insufficient funds within the Waterways Program budget to undertake removal.
3. Repair the boardwalk on the existing piles cognisant of and accepting risk. This could be completed for \$30,000, with ongoing monitoring and maintenance costs.

CONCLUSION:

The result of the geotechnical investigation completed by Morrison Geotechnics coupled with the analysis completed by Council Officers indicates that the capacity of the Anchorage Boardwalk's piled foundations is insufficient to meet the requirements of Australian Standards. It is considered that this lack of geotechnical capacity has led to subsidence and rotation of the piles in a limited number of locations. This will continue to place stress on elements of the boardwalk's super structure. Given the deficient foundations, it is not possible to substantially remediate the structure economically, that is, significantly extending the expected life of the boardwalk.

The age of the boardwalk and its location in the marine environment has led to the corrosion and failure of a large number of the metal stirrups which fix the superstructure to the piles. These can be replaced to extend the life of the facility, but this work will not address the inherent risks of continuing subsidence and ongoing deterioration.

While the facility cannot be brought into line with current engineering and safety standards, a risk assessment has shown that while the likelihood of ongoing **gradual failure** is high, potential consequences are minor and the facility can be rated as low risk if management measures are put in place. However, while **rapid failure** of the structure has been assessed as very unlikely, the major consequences of such an event result in a high risk rating remaining for this scenario, and thus the structure overall.

Repairs can be made to the structure to allow it's reopening. This will allow it to be used by the public at an acceptable level of risk, as long as monitoring measures are put in place.

If it is considered essential for the boardwalk to remain in place longer than five years, a reserve should be established to fund removal of the existing structure and its subsequent replacement within 10 years.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

No budget exists within the Waterways Program to undertake works recommended in this report. To reallocate funds from other waterways asset management priorities would have serious implications for the condition and safety of various boat ramps, pontoons and foreshores.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

14 [CNR-CM] Annual Report - Year One Implementation Tweed Coast Comprehensive Koala Plan of Management

SUBMITTED BY: Natural Resource Management

Valid



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Council adopted the Tweed Coast Comprehensive Koala Plan of Management as a strategy of Council in February 2015. The adopted plan includes a five year works program incorporating the 45 actions identified in the plan.

This report details the overall action status at the end of the second year (February 2016 - February 2017) of implementation and specific outcomes against each of the plan theme areas. Excellent momentum has been maintained beyond the completion of the Tweed Byron Koala Connections program through Council's investment in implementation of the Koala Plan of Management works program.

Key outcomes for the reporting period include ongoing creation of additional habitat, securing external funds to supplement Council's investment, measurable benefits from koala road measures, successful schools program, collaborative research projects, publication of fire management materials and the Tweed Byron Koala Connections Forum.

A number of key issues and challenges have been identified and include wildfire response, habitat restoration in some localities, reducing the risk of dogs in rural areas and potential significant implications of current state government legislative reviews.

The multi-disciplinary approach to koala conservation and recovery identified by the Tweed Coast Koala Plan of Management ensures that implementation of the plan is consistent with best practice.

A major body of work remains to be delivered which will continue to be implemented through Council's annual budget allocation and securing external funding where and when it becomes available. In addition to the scheduled five yearly plan review and reporting on population reassessments, annual updates as per this report will be provided to Council.

RECOMMENDATION:

That Council receives and notes the outcomes and status of the second year of implementation of the works program for the Tweed Coast Comprehensive Koala Plan of Management

REPORT:

Council adopted the Tweed Coast Comprehensive Koala Plan of Management as a strategy of Council in February 2015. The adopted plan includes a five year works program incorporating the 45 actions identified in the plan.

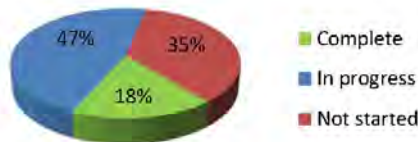
This report details the overall action status at the end of the first year (February 2016 - February 2017) of implementation and specific outcomes against each of the plan theme areas. Excellent momentum has been maintained beyond the completion of the Tweed Byron Koala Connections program through Council’s investment in implementation of the KPOM works program.

Key outcomes for the reporting period include ongoing creation of additional habitat, securing external funds to supplement Council’s investment, measurable benefits from koala road measures, successful schools program, collaborative research projects, publication of fire management materials and the Tweed Byron Koala Connections Forum.

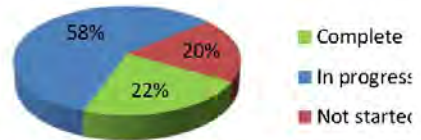
The complete implementation of all plan actions, in particular meeting the targets for the creation of new koala habitat, remain subject to securing relevant external funding support.

Overall action implementation status

All actions



Year 1 & 2 actions



General plan implementation actions



- Council adopted Terms of Reference for the Tweed Coast Koala Management Committee in November 2016 and endorsed membership of the new committee in February 2017.
- The first meeting of the new committee was held on Tuesday 28 March 2017.

Koala habitat rehabilitation



Image: Koala habitat planting at Duranbah (Photo: Tanya Fountain)



Image: Koala habitat corridor connecting existing areas of habitat at Round Mountain (Photo: Tanya Fountain)



Image: Koala habitat planting to connect to fauna underpass at Eviron (Photo: Tanya Fountain)

- 3.8 ha of new koala habitat were established comprising the planting of 2,900 trees at 8 sites during Year 2.
- These plantings contribute to a cumulative outcome to date of 30,100 trees providing 21 ha of new habitat towards the KPOM target of an additional 200 ha
- 1,700 trees planted were funded by the NSW State Government's Saving our Species program. This project enabled the successful identification of new sites and establishment of additional habitat in the Round Mountain Koala Linkage Precinct.
- Council's application to the NSW Environmental Trust for \$99,285 for the project '*Investing in the future of Pottsville's koalas*' was successful. This project will involve creation of additional primary koala habitat via koala habitat plantings, restoration of 20 ha of koala habitat and reducing the impact of domestic pets and vertebrate pests on koalas. These actions will complement similar work Council is undertaking across 268 ha of its adjoining coastal reserve system at Pottsville.
- \$200,000 was pledged for koala habitat restoration on the Tweed Coast by the National Party in association with the 2016 federal election. An application has been submitted to access these funds through the Improving Your Local Parks and Environment funding program.
- Council continued to work with WetlandCare to deliver the NSW Environmental Trust funded project, "*Restoring Koala Habitat in Cudgen Nature Reserve*", along with project partners NSW NPWS and Friends of Cudgen Nature Reserve.
- The Tweed Byron Koala Connections project was successfully completed in June 2016. As one of the largest koala habitat restoration and recovery projects delivered in Australia, this project resulted in the following key koala habitat related outcomes:
 - 76,000 trees (13,000 more than the project target) planted, creating 56 ha of new habitat for koalas
 - Regeneration of an additional 100 hectares of koala habitat
 - 120 (45 more than the project target)

landowners have contributed land, time and money to improve koala habitat and become part of an effective network of people with increased skills, understanding and connections to the benefit of environmental outcomes in the region

- Great community buy in, with hundreds of landholders, community volunteers and community groups contributing to the success of the project.
- Proven success of chemical free techniques for large scale revegetation projects at two sites

Reducing koala road mortality



Image: Installation of traffic control measures at Coronation Avenue, Pottsville have resulted in an increase in drivers travelling at or below the speed limit. (Photo: Marama Hopkins)



Image: Mt St Patrick Primary students displaying bumper stickers designed to increase driver awareness of koala zones (Photo: Chris Kimble)

- Traffic control measures including pavement treatments, slow point, solar lighting and koala zone signage were installed as part of resurfacing of Coronation Avenue at Pottsville. Traffic monitoring results indicate a high level of positive impact on driver behaviour with an increase from 87 – 98% of drivers travelling at or below the posted speed limit after installation.
- Ongoing traffic monitoring and maintenance of Clothiers Creek 'koala road' measures. Monitoring of this site has identified a decreasing trend in effectiveness. This is likely due to drivers becoming accustomed to the signs and pavement treatments.
- A highly successful program has been delivered in collaboration with Team Koala targeting local schools. This project has involved working with school representatives to prepare a communication strategy that is then delivered by the students. The rationale for this program is based on traffic monitoring data identifying the peak users of Clothiers Creek koala road as commuters between Murwillumbah, Pacific Motorway and coastal villages. Three schools have been involved to date with outcomes including presentations to peers, posters, short films, koala focussed whole school assemblies, bumper stickers and a 'koala zone' song.
- Monitoring and reporting of koala use of the Pacific Highway fauna overpass near the Pottsville interchange has been continued throughout the reporting period.

- Baseline traffic monitoring has been completed for Round Mountain Road due to the presence of significant koala habitat, koala activity and known koala mortalities resulting from vehicles. The results of the monitoring will be used to develop and implement strategies to reduce koala road mortality at this location.

Reducing the risk of dog attack



Image: Wild dog activity continues to be monitored throughout the Tweed Coast to inform management actions. (Photo: Tweed Shire Council)



Image: Roaming domestic dog on fauna overpass at Pottsville (Photo: Tweed Shire Council)

- Three Wildlife Protection Areas (WPAs) under the *Companion Animals Act (1998)* have been identified and will be presented to Council for consideration in 2017. The declaration of WPAs protects wildlife in public land by placing responsibility on pet owners to keep dogs and cats out of protected areas; raising awareness of the conservation area; issuing larger fines to deter repeat offenders; and providing clearer rules for the community and Council Rangers.
- Remote camera monitoring throughout the Southern Koala Management Area of the KPOM has been continued and used to inform vertebrate pest control programs.
- Remote camera monitoring within the reporting period has shown that wild dog activity remains low and accordingly, control is not currently warranted. Two 1080 baiting control programs in the Round Mountain / Pottsville area were undertaken but focussed on control of foxes.
- NSW NPWS continue to undertake 1080 baiting programs to control wild dog and fox biannually (Spring and Autumn) in Cudgen Nature Reserve and Mooball National Park.
- Draft mapping and analysis has been completed to identify high risk areas for conflict between domestic dogs and koalas. This mapping has been used to assist to identify criteria to contribute to a current review of off-leash areas and the identification of proposed WPAs.
- Funding has been provided by the NSW State Government through the Saving our Species program for a project aimed at reducing the risk of dog attacks in bushland reserves. This project will evaluate the effectiveness of a targeted community awareness campaign and additional compliance through monitoring and analysis of domestic dog activity in bushland reserves before and after project delivery.

Fire management



Image: A hazard reduction burn planned for Cudgen Nature Reserve at Hastings Point was pre-empted by arson. Measures to limit impact to koalas were still applied by the NSW RFS and NPWS in suppressing the fire. (Photo: Andy Baker)



Image: Measures employed to reduce the impact of fire on koala habitat include clearing of fuel from around habitat trees. (Photo: Andy Baker)

- *Tweed Coast Koala Fire Management Plan, Hazard Reduction Burn Guidelines for Koala Habitat on the Tweed Coast and Wildfire Response Procedure* have been completed, published and promoted through stakeholder networks.
- Koala conservation and welfare issues have been integrated to burn planning and wildfire suppression. Two fires (Hastings Pony Club (~21 ha) and Cudgen Nature Reserve (~80 ha)) occurred in koala habitat on the Tweed Coast during the reporting period. Both fires were initiated by arson, although the Hastings Pony Club burn was scheduled for a hazard reduction burn 2 days after the wildfire event. Back-burning was applied to both sites for fire suppression and in both instances was generally applied at a low intensity.
- Planning works for the implementation of the *Tweed Coast Koala Fire Management Plan* has commenced. This will consist of the preparation of a Review of Environmental Factors to inform a 3 year works program of hazard reduction burns on Council managed land. Council will work with NSW Rural Fire Service to implement the burns in accordance with the guidelines developed.
- Council have also been requested to provide advice to other land managers to promote the plan and guidelines. This has included input to the development of a similar approach for Port Macquarie-Hastings Council and as an abstract submitted for the 2017 NSW Nature Conservation Council Bushfire Conference.

Koala care and welfare



- Initial investigation is currently underway to identify a suitable site on Council land for the establishment of a koala food tree plantation for use by koala carers and Currumbin Wildlife Hospital.
- A location for a soft release site on the Tweed Coast is also being investigated. This would provide for the release of rehabilitated koalas to the Tweed Coast which is currently prevented by

the lack of an appropriate facility.

- Annual financial contribution of \$3000 provided to Friends of the Koala Inc.

Community awareness and engagement



Image: More than 80 participants attended the Tweed Byron Koala Connections Forum, held at the Byron Community Centre in May 2016 (Photo: Tweed Shire Council)

- A highly successful forum was held in May 2016 sharing the outcomes and lessons learned from the Tweed Byron Koala Connections project with more than 80 participants from throughout NSW and Qld. The forum covered all aspect of koala recovery from habitat restoration, fire management and koala roads to the extraordinary people behind the sites and where to from here. The forum presentations were filmed and are available via the Tweed Koalas webpage.
- Council has collaborated with Friends of the Koala and neighbouring councils to prepare and launch a regional koala communications strategy. This strategy will assist to ensure that consistent, strategic and effective communications are used by all partners. This approach will also provide efficiencies for all partners through resource sharing.
- An audit of Council's online materials was commissioned as part of the preparation of a KPOM communication strategy. The outcomes of this audit have been applied and the Tweed Koalas website updated accordingly.
- A draft KPOM communications strategy has been prepared that identifies all communication goals and actions of the KPOM and presents relevant communication tactics. Implementation of this strategy has to date been restricted to improvement of Council's koala website information and evaluating incidental communication activities for consistency with the strategy.

Monitoring, reporting and review



Image: Test drone flight in progress at Pottsville Wetland Black Rocks (Photo: Queensland University of Technology)

- A reassessment of koala activity for the Tweed Heads Koala Management Area was completed in June 2016. This work was undertaken in conjunction with Southern Cross University and reported no *high* or *significant* koala activity at the sites investigated within the study area. A sub-population of koalas in the North Tumbulgum area was recorded based on recent, verifiable koala records.
- Collection, vetting, collation and submission of koala sightings data to NSW BioNet Wildlife Atlas have been ongoing. A web based koala sighting portal and smartphone app is in development for standardised collection and sharing of koala sightings in conjunction with the CSIRO Atlas of Living Australia.
- A research project is underway with Qld University of Technology and South East Qld Councils into the use of Unmanned Aerial Vehicle (drone) for koala survey. Trial flights have been flown at four sites in conjunction with ground based survey. The final report from the project is due in June 2017.
- A successful application was made to the Australian Research Council Linkage Grant program in partnership with University of Queensland, Southern Cross University, Friends of the Koala Inc. and Northern Rivers Councils. This project will involve regional assessment of koala populations, an innovative social research investigation and the preparation of a regional conservation strategy.

Issues and challenges

Excellent momentum has been maintained beyond the completion of the Tweed Byron Koala Connections program through Council's investment in implementation of the KPOM works program.

Numerous innovative approaches to koala recovery implemented by Council have delivered positive outcomes and have been applied in other locations. A key aspect of the successful outcomes to date continues to be partnerships. During the current reporting period, active partnerships include collaborations with key koala welfare and conservation organisations, neighbouring councils in NSW and Qld, research institutions in NSW and Qld, NSW state government agencies, local schools and landholders.

The year one and two actions that remain not started are predominantly dependent on other actions and the majority of 'in progress' actions are ongoing actions that will continue throughout implementation of the works program.

Koalas and fire

Whilst koala conservation and welfare issues have been integrated into the *Hazard Reduction Burn Guidelines for Koala Habitat on the Tweed Coast* and the *Wildfire Response Procedure*, the ability to fully deliver these actions during the two fires that occurred during the reporting period has identified some challenges.

For example, after the bush fire in Cudgen Nature Reserve, Council staff and wildlife carers were provided very limited access to the fire ground due to safety reasons. This limited greatly the ability to initiate a post-burn koala survey and undertake rescue and care of any injured koalas (if required).

And despite the Pony Club burn being planned as a hazard reduction burn, it was deliberately lit on the weekend prior to the date set for the planned burn. This then meant the pre-burn koala survey was restricted - again due to the need to ensure the safety of persons on the fire-ground under the control of RFS and NPWS.

Ignition of fires by arson, the inability to safely access the site directly after the burn and the low density of koalas throughout the Tweed Coast also make it very difficult to accurately assess any impact of the burns on koalas.

Koala Habitat Restoration Program

A great deal has been achieved already with regard to creating new koala habitat and engaging landholders in koala conservation. A challenge will be to continue to engage landholders in key linkage areas. Landholder take-up of opportunities to create koala habitat on their property in some of the Tweed Coast KPOM linkage and activity precincts has been quite low. Innovative engagement strategies and/or mechanisms may need to be used to engage these landholders in critical linkage or habitat areas.

Whilst the specified action for the preparation of a habitat restoration program indicates the publication of a single document, preparatory work and experience gained through the Tweed Byron Koala Connections project has prompted an alternate approach. This approach involves the confirmation of priority areas, existing and target properties and prioritisation of investment based on ensuring that the annual works program includes each of the following:

- Short term outcomes - trees planted in areas where koalas are known to be using planted habitat
- Medium term outcomes - improve existing habitat with a focus on areas of significant koala activity as identified by the 2015 koala habitat study
- Long term outcomes - tree planting and habitat improvement in KPOM Koala Linkage Precincts.

Mapping of works to date, priority areas and implementation of on ground works in accordance with these principles is currently in progress for Year 3.

Reducing the risk of dog attack

Council will continue to work with NSW Local Land Services, other public land managers (NSW NPWS) and private landowners in the Southern Koala Management Area of the KPOM to monitor and control vertebrate pests, including wild dogs. Council will continue to do this in a holistic way, with consideration to biodiversity conservation on the Tweed Coast but also management of risks to the public on land under its care and control and adherence

to legislative obligations to control declared pests. Whilst the koala is one of the target species for monitoring and control of wild dogs, all of Council's vertebrate pest control programs will consider and be undertaken to ensure any potential negative implications to other species of conservation significance are minimised.

With regard to domestic dog attack on koalas, Council has been very proactive in this reporting period in working towards solutions to minimise the risk of dog attack to koalas on public land under its management. However Council has limited tools it can use to minimise the risk of dog attack to koalas on private land, particularly within rural residential areas where koala habitat is interspersed on large private holdings. This will be a future challenge for Council where it must first establish the extent of the issue before developing innovative engagement strategies and potentially also behaviour change solutions.

Development and legislative review

As an adopted strategy of Council, the KPOM is applied as a key consideration for ecological assessment of development proposals and Tree Preservation Order applications. The plan has provided to date a functional and effective framework to ensure that proposed development does not have an adverse impact on koala conservation or recovery.

During the reporting period, the NSW State Government has initiated review of significant legislative instruments. This includes the adoption of the *Biodiversity Conservation Act 2016* and review of State Environmental Planning Policy No. 44 Koala Habitat Protection. Both instruments have implications for the implementation of the KPOM and Council staff have participated in consultation and lodged technical submissions accordingly. The full extent of the implications for koala conservation and recovery are not yet known but concerns identified include in relation to the proposed offsets scheme, code approved clearing, erosion of council's role in land use planning and the potential for inconsistency between these instruments and the proposed NSW Koala Strategy.

Year 3 priority actions

The priority actions for Year 3 are a continuance of works currently in progress. This includes actions that are by necessity ongoing such as securing external funding, liaison with key stakeholders, Koala Management Committee, fire management, koala care and welfare, community awareness and habitat restoration. These actions will remain in progress and form the bulk of works in year three. In addition, the following specific actions will be completed during this period:

- Secure land and assist establishment of a koala food tree plantation for use by koala welfare groups
- Identification and implementation of strategies to reduce koala road mortality on the eastern extent of Round Mountain Road
- Implementation of priority actions of the *Tweed Coast Koala Fire Management Plan* including preparation of a Review of Environmental Factors to inform a 3 year works program of hazard reduction burns on Council managed land. Council will work with NSW Rural Fire Service to implement the burns in accordance with the guidelines developed.

CONCLUSION:

The multi-disciplinary approach to koala conservation and recovery identified by the Tweed Coast Koala Plan of Management ensures that implementation of the plan is consistent with best practice. Highly significant outcomes in relation to habitat restoration and innovative

approaches to threat abatement continue to be achieved through Council's ongoing investment with supplementation from external funding as available.

COUNCIL IMPLICATIONS:

a. Policy:

Tweed Coast Comprehensive Koala Plan of Management.

b. Budget/Long Term Financial Plan:

Council's annual budget allocation of \$180,000 is used to implement the actions of the plan. External funding through grants and other relevant programs are accessed to supplement these funds. \$127,000 in external funding was secured and \$200,000 applied for during the reporting period.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

The framework for reporting on implementation of the works program is detailed in the plan and includes an overall five yearly review and reporting on scheduled population reassessments. Annual updates as per this report will also be provided and subsequently made available to the general community on Councils website. Significant milestones and achievements are routinely publicised through the Tweed Link and media releases.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

15 [CNR-CM] Private Land Conservation Program

SUBMITTED BY: Natural Resource Management

Validms



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Caring for the Environment
 - 4.2 Conserve native flora and fauna and their habitats
 - 4.2.1 Promote the protection of native vegetation and wildlife habitat of high conservation value, social or cultural significance in Tweed Shire
 - 4.3 Maintain and enhance Tweed's waterways and its catchments
 - 4.3.1 Manage water resources sustainably and minimise impact on the environment by achieving more integration of water supply, wastewater and stormwater services
-

SUMMARY OF REPORT:

This report details the status of works and community engagement for the first quarter of 2017 under Council's integrated private land conservation program.

Although no new Biodiversity Grants were allocated in the current quarter, projects across 29 properties continued to rehabilitate approximately 34 hectares of habitat. Pro-rata allocations to four large-scale ongoing restoration projects, outlined below, were made.

Five new landholders registered for the Land for Wildlife program, conserving an additional twenty hectares of native habitat. No workshops were held for the quarter but planning continues for the next series of workshops to be delivered over the next two financial years.

Council's River Health Grants program invested \$40,000 into twelve projects to improve waterway health along 3.8 kilometres of waterway, including ten projects in the Shire drinking water catchment. The first stage of the *Rous River Riparian Restoration* project was initiated investing \$41,000 into nine projects including two kilometres of riparian fencing.

Council's integrated private land conservation program continues to provide an effective platform for strong community engagement and productive stakeholder networks. Program delivery equips land managers with information and many of the skills they need to better manage the Shire's precious natural assets and improve agricultural productivity. Council's integrated private land conservation program continues to provide substantial investment in the local economy through the purchase of contract labour and materials.

RECOMMENDATION:

That Council receives and notes the outcomes of the River Health Grants, Biodiversity Grants and Land for Wildlife programs for the first quarter of 2017.

REPORT:

Council's integrated private land conservation program has attracted a diverse range of landowners from traditional farmers to rural lifestyle property owners. Since its inception in 2006, the program has helped 532 landholders protect 2,285 hectares of habitat and 95 kilometres of waterway.

Since 2009, Biodiversity programs have been used to secure \$5.2 M of external funding. Typically from state and federal government, external funding is invested in a diverse range of projects delivering significant biodiversity conservation, water quality, farm productivity, community engagement and capacity-building outcomes for the Shire. During the same period, Biodiversity Grant funding of \$510, 000 secured projects valued at \$910, 000, including landholder contributions of around 40 per cent. This represents a return on investment of \$1.80 for every dollar invested. Council's integrated private land conservation program therefore is highly cost effective and makes a significant contribution to the local economy.

The Land for Wildlife (LfW) Program is a voluntary property registration scheme that helps rural landholders manage wildlife habitat on their property. During the quarter, six new landholders registered for the program. One hundred and fifty three landholders are now registered and conserve 2,220 hectares of native habitat. No workshops were held during the quarter but work is underway to schedule and deliver six practical workshops over the next two years, including three in the final quarter. In addition, 20 landholders registered for the Backyard Habitat for Wildlife program catering for smaller lots in urban and suburban areas. One hundred and eighty three landowners are now registered.

Council's River Health Grants program invested \$40,000 into twelve projects to improve waterway health along 3.8 kilometres of waterway. All of these projects involved primary habitat restoration works to restore native riparian vegetation, ten projects within the Tweed drinking water supply catchment. Nine projects were initiated on the mid-Rous River as part of the NSW Environmental Trust and Council funded *Rous River Riparian Restoration* project. Two kilometres of fencing have been constructed, protecting waterways from stock access, costing \$35,675. Consultants were engaged to prepare four riparian restoration plans costing \$5,000. Council Project Officer – Waterways prepared four restoration plans and assisted another landowner to prepare and lodge a Controlled Activity Application for erosion control works through DPI Water.

Due to significant landholder interest, the annual budget for Biodiversity Grants was fully allocated by December 2015. Therefore, no Biodiversity Grants were allocated in the current reporting period. However, a further, pro-rata basis grant of \$5,000 was allocated to Tweed Landcare Inc. as a financial contribution to the Mid Tweed River and Mt Warning Connections of High Conservation Value (HCV) Vegetation project which aims to restore 60 hectares across five properties. Also, pro-rata grants of \$3,000, \$2, 000 and \$1,400 were made as in-kind contributions to the Numinbah Nature Links and the Filling the Biodiversity Gaps Connecting Tweed Coast to Border Ranges stages I and II projects respectively. All projects are ongoing threatened species habitat recovery projects; Tweed Landcare Inc. manages the latter two projects.

Landholder agreements negotiated for each grant specify the contributions, rights and responsibilities of Council and landholders. Landholders make significant contributions to each project, typically up to half the total project value. Contributions are generally in the

form of in-kind labour to assist bush regenerators with primary and/or follow-up weed control or site maintenance.

The status of program works, community engagement and detailed finances for the April to June 2016 quarter are described below. Future priorities and opportunities are outlined.

Private land conservation program implementation January – March 2017

Landholder engagement and capacity building



Photos above: Chillingham Landcare, Rous River habitat restoration work.

- Council has supported Chillingham Landcare with contractor assistance and materials to continue rehabilitation work along the Rous River. This has enabled the group to organise monthly working bees, the first held on 26 February. Photos left show weed control and replanting works undertaken by Chillingham volunteers.
- As part of ongoing Biodiversity Grant Program project delivery, 29 landholders received hands-on tuition in weed and native plant identification, control techniques and site assessment. (This type of tuition is an important component of the program.) As a result, landholders are better able to:
 - Assess weed impacts on native habitat
 - Identify common weeds and natives including threatened species found on site
 - Take steps to restore native habitat
 - Know where to get further information to help them manage the native habitat on their land.
- Following site assessments, five landholders registered for the LfW program. During site assessment, landholders receive information about the type and condition of native habitat on their land. On registration landholders receive a resource kit, ongoing technical advice on habitat management, invitations to workshops and other events and access to the LfW South East Queensland newsletter.

Private land conservation program implementation January – March 2017

Waterway Health



Stock exclusion fencing, Rous River Kynnumboon.

- Twelve river health grant projects were instigated during the first quarter:
 - Ten projects located within the Tweed River drinking water catchment;
 - 3.8 kilometres of waterways improved
 - 4 hectares of bushland restored.
- Nine projects initiated under the *Rous River Riparian Restoration* project.
 - 9 riparian plans prepared to guide investment in on-ground works
 - 2 kilometres of fencing constructed
 - 9 landowner agreements negotiated

Vegetation Condition



One of the sites on the Numinbah Nature Links project. Heavy infestation of Kudzu and Lantana have been treated on this rainforest edge, enabling the expansion of native habitat.



An example of excellent natural regeneration, Numinbah Nature Links project. Abundance of pioneer species including Bleeding heart and pencil cedar on degraded rainforest slope.

- 29 active Biodiversity grant projects continued to restore approximately 34 hectares of habitat in the current financial year.
- Council's contribution to the Mid Tweed River and Mt Warning Connections of HCV Vegetation project continues to help rehabilitate 60 hectares of high conservation value habitat on five properties.
- Council's contributions to the Filling the Biodiversity Gaps Connecting Tweed Coast to Border Ranges project stages I and II have delivered restoration action plans that continue to guide weed control over the next three years at ten private properties.
- Under the LfW program, an additional 20 hectares of native habitat was conserved on five properties.
- Ecological restoration works continued in the Numinbah Nature Links Project. Around 16 hectares of habitat has now been treated. The project is on track to meet all deliverables.

Private land conservation program implementation January – March 2017

Financial Reporting

River Health Grants:

- \$40,000 allocated for twelve projects
- Estimated \$20,000 landowner in kind/ cash contribution

Rous River Riparian Restoration project:

- \$41,000 allocated to nine projects
- \$36,000 into three riparian fencing projects
- \$5,000 for consultants to prepare riparian restoration plans
- \$5,000 Council in-kind to prepare 4 restoration plans and Controlled Activity Permit application.

Biodiversity Grants:

- Due to significant landholder interest, the annual budget for Biodiversity Grants was allocated by December 2015. Therefore, no grants were allocated in the reporting period.
- An in-kind (pro-rata) contribution of \$5,000 was made to the Mid Tweed River and Mt Warning connections of HCV project.
- In-kind (pro-rata) contributions of \$2,000 and \$1,400 were made to the Filling the Biodiversity Gaps Connecting Tweed Coast to Border Ranges stages I and II projects respectively.
- A \$3,000 (pro-rata) contribution was made to the Numinbah Nature Links project.

Fourth Quarter 2017 Priorities and Opportunities



River bank erosion after March flood event, Oxley River.

River Health Grants:

- The flood event on 31 March had a devastating impact on the Shires waterways. A major bank erosion stabilisation project planned for the Oxley River will have to be redesigned to account for the severe erosion resulting from the flood. Council had received nearly half of the required hardwood logs and root balls for the project. Alluvium consultants have been engaged to provide photogrammetric survey and design services for the project.

Private land conservation program implementation January – March 2017



Flood damage to 'Platypus Park' National Tree Day site, Uki.

- Waterways Project Officer has responded to several enquiries from private landowners reporting flood damage. River Health Grants will focus on restoration works at several sites including one property at Byangum where the Tweed River reached record levels and destroyed all riparian vegetation.
- Council and Tweed Landcare has been coordinating recovery of established National Tree Day sites on public land in the Uki area that was hit hard by flood water. Working bees are planned for two sites in May 2017 to stake and prune trees and plant groundcover plants.
- Council is working with Tweed Landcare Inc to implement weed control on two properties in upper Rowlands Creek with \$14,000 funding assistance through North Coast Local Land Services (NCLLS). Council has prepared weed management plans for the project and will contribute \$4,000 per property for on-ground riparian restoration works.

Biodiversity Grants:

- 29 active projects are expected to continue into the fourth quarter. Restoration of an additional 20 hectares is expected.
- In-kind contributions to the Mid Tweed River and Mt Warning connections of HCV project, the Filling the biodiversity gaps connecting Tweed Coast to Border Ranges project and Numinbah Nature Links project will continue to contribute to around 70 hectares of habitat restoration.
- Further work will be done on the NRM database.
- As a result of the flood on 31 March, an assessment of Numinbah nature Links restoration sites will be carried out with bush regenerators to assess site safety and the impact of flooding on the project. So far, no significant damage has been recorded on site,

Private land conservation program implementation January – March 2017

and safety concerns relate more to site road approaches and general site access. Work is expected to continue on all sites.

Land for Wildlife:

- Planning is underway for the first three of six workshops in the two year Land for Wildlife workshop series (Series 2), partly funded by the Foundation for National Parks and Wildlife (FNPW). During the fourth quarter, workshops will be delivered on Aboriginal Cultural Heritage Awareness (29 April), Writing an effective funding application (postponed to 13 May due to the flood), and Weeds identification and control (to be scheduled). The second workshop will be co-facilitated with the Grants Manager, FNPW.

Backyard Habitat for Wildlife:

- Ongoing engagement and provision of information through the Backyard Habitat for Wildlife online platform.
- A program of events is being fine-tuned to improve community engagement with the website. This includes activities and information news bites.
- The program will continue to be promoted at Council events. One key event is the Wild about Pottsville community day scheduled for 25 June 2017. This event is being held as part of the Investing in the future of Pottsville Koalas project managed by Council and largely funded by the NSW Environmental Trust.

Other

- Representations are being made to staff of the Nature Conservation Trust to ensure that Council understands the implications of Biodiversity Conservation legislation enacted in November 2016 and the functions of the impending Biodiversity Conservation Trust, the new body established to manage the State Government's private land conservation programs.

OPTIONS:

1. That Council receives and notes the outcomes of the River Health Grants, Biodiversity Grants, Land for Wildlife and Backyard Habitat for Wildlife programs for the third quarter of 2016 and supports third quarter priorities and opportunities detailed in this report.
2. That Council requests further information on the outcomes of the River Health Grants, Biodiversity Grants, Land for Wildlife and Backyard Habitat for Wildlife programs for the third quarter of 2016 and priorities/opportunities for the third quarter.

CONCLUSION:

During the reporting period, Council's integrated private land conservation program delivered the following economic, environmental and community benefits:

- Improved waterway health and water quality;
- Weed control and improved biodiversity values in project areas;
- Mitigation of threats to threatened flora and fauna;
- Increased area of actively conserved habit;
- Direct assistance for landholders;
- Education and engagement with the wider community;
- Ongoing collaboration with key government and other stakeholders such as Office of Environment and Heritage, Far North Coast Weeds, National Parks and Wildlife Service, Local Land Services and Tweed Landcare Inc.,
- Increased farm productivity for primary producers; and
- Significant funds investment in the local economy.

Council's integrated private land conservation program continues to make a significant strategic contribution to management of the Shire's outstanding biodiversity values. Strong relationships with landholders based on trust, robust technical advice and tailored program delivery enables Council to build community capacity to manage precious natural assets. Cross-agency collaboration helps mobilise resources, aids project planning and provides opportunities to overcome natural resource management challenges. Outcome trends outlined in this report are expected to continue during the next quarter.

COUNCIL IMPLICATIONS:

a. Policy:

River Health Grants v1.0

Tweed Vegetation Management Strategy 2004

b. Budget/Long Term Financial Plan:

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

The River Health Grants program receives approximately \$200,000 per annum for works to enhance the environmental condition of Tweed Shire's waterways. As the source of funding is a rates dividend, the total budget varies annually.

The Biodiversity Grants and Land for Wildlife Programs are funded through the Tweed Vegetation Management Strategy. A total of around \$100,000 is allocated to the programs each year. The Backyard Habitat for Wildlife program is allocated \$2,500 per annum.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

16 [CNR-CM] Presentation of the 2016 Year in Review: Tweed Regional Gallery and Margaret Olley Art Centre

SUBMITTED BY: Community and Cultural Services

Validms



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

The Tweed Regional Gallery and Margaret Olley Art Centre has produced a publication highlighting the significant achievements of the Gallery's operations throughout 2016.

RECOMMENDATION:

That Council acknowledges the:

- 1. Publication and endorses the use of the Year in Review as a valuable promotional tool in marketing Council's cultural facility.**
- 2. Financial contributions provided by the Tweed Regional Gallery Foundation Ltd. and the Friends of the Tweed Regional Gallery and Margaret Olley Art Centre Inc. towards the publication of the Year in Review**

REPORT:

The Tweed Regional Gallery and Margaret Olley Art Centre (TRGMOAC) has enjoyed continued success as a leading cultural facility in NSW in recent years. Frequently praised in media broadsheets, journals and sector publications for its innovative programming and professional staff, the Gallery attracts income through sector funding gateways and generates income through a variety of programs.

The Gallery has not previously produced an annual report or an equivalent publication due to restraints on staff and financial resources. Given the Gallery's prominent and impressive role and profile in the sector, the Gallery staff identified a need to produce a promotional publication highlighting the Gallery's achievements with the aim of attracting further funding and valuable partnerships into the future.

A need for a promotional and marketing tool was also identified by the Board of Directors of the Tweed Regional Gallery Foundation Ltd. as an ideal method of attracting further memberships to the organisation, and offering existing life members a suitable publication highlighting some of the outcomes of their philanthropy.

The Tweed Regional Gallery Foundation Ltd. and the Friends of the Tweed Regional Gallery and Margaret Olley Art Centre Inc. have agreed to contribute to the production of the Year in Review. The continued generosity and support of the Gallery from these key organisations was evidenced through their financial contributions of \$2,500 and \$1,500 respectively towards the cost of this publication.

A copy of the 2016 Year in Review publication is currently being printed and will be provided at the Council meeting on 18 May 2017.

OPTIONS:

1. That Council acknowledges the publication and endorses its use as a valuable promotional tool in marketing Council's cultural facility, and formally acknowledges the financial contributions provided by the Tweed Regional Gallery Foundation Ltd. and the Friends of the Tweed Regional Gallery and Margaret Olley Art Centre Inc. towards the publication.
2. That Council does not acknowledge the publication or the financial contributions provided by the Tweed Regional Gallery Foundation Ltd. and the Friends of the Tweed Regional Gallery and Margaret Olley Art Centre Inc.

CONCLUSION:

Taking into account the promotional value of this publication, and the continued financial contributions provided to the Gallery by its support organisations, it is recommended that Council adopt Option 1.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The financial contributions from the Tweed Regional Gallery Foundation Ltd of \$2,500 and the Friends of the Tweed Regional Gallery and Margaret Olley Art Centre Inc. of \$1,500 will contribute to the production costs for the Annual Report.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

17 [CNR-CM] Sponsorship Policy Application Change

SUBMITTED BY: Community and Cultural Services

Validms



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

At the Council meeting on 16 March 2017, Council resolved to allocate \$7,500 from the Community Sponsorship Policy to the Rotary Club of Murwillumbah Central Inc. (*the Rotary Club*) for their application to run the Tweed Valley Banana Festival. The Rotary Club has since resolved not to run the festival. As the Rotary Club were the applicant for the funding and have now resolved not to run the festival it is recommended that the \$7,500 be rolled over into the next year of the Community Sponsorship Policy and if any alternative applicants are seeking Council sponsorship for a similar festival in the future they are advised to apply to the next round of the Events Sponsorship Policy due to open May 2017.

RECOMMENDATION:

That:

1. **The \$7,500 allocated to the Rotary Club of Murwillumbah Central Inc. for the Tweed Valley Banana Festival be rolled over into the next year of the Events Sponsorship Policy.**
2. **Any alternative applicants seeking Council sponsorship for a similar festival in the future be advised to apply to the next round of the Events Sponsorship Policy due to open in May 2017.**
3. **ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
 - a) **personnel matters concerning particular individuals (other than councillors).**

REPORT:

At the Council meeting on 16 March 2017, Council resolved to allocate \$7,500 from the Community Sponsorship Policy to the Rotary Club of Murwillumbah Central Inc. (*the Rotary Club*) for their application to run the Tweed Valley Banana Festival. A letter from The Rotary Club dated 6 April 2017 advised Council that at a meeting on the same date they resolved to cease all connection with the festival.

Under the Sponsorship Agreement that recipients are required to sign the following clauses are included:

"TERMS AND CONDITIONS

3. FUNDING

- (c) *After an Event of Default has occurred Council will no longer be responsible to make the funding payments pursuant to this Agreement and shall reserve its rights to recover the funds paid to the **Recipient.**"*

"4. OBLIGATIONS OF <RECIPIENT>

*"The **Recipient:***

- (a) *Shall not permit an act of default.*
(b) *Shall provide no later than the first anniversary of the date of this Agreement a completed Acquittal and Project Finalisation Report Form to Council."*

"6. EXPIRY OR SOONER DETERMINATION

Sooner Determination ...

- (c) *Sooner determination will include but not be limited to the following:*
- (i) *This Agreement will cease if the **recipient** fails to undertake the Project/Initiative.*
(ii) *This Agreement will cease if the **recipient** substantially changes the business structure or the legal entity that is undertaking the Project/Initiative."*

Although the Rotary Club has not yet signed the agreement or received the funding they would be unable to sign the agreement to receive funds as they would be in breach of the above clauses having resolved to no longer run the Tweed Valley Banana Festival.

In a subsequent letter dated 7 April 2017 the Rotary Club also advised Council that "an offer to take responsibility for management of future festivals in the style of the Tweed Banana Festival was made by Essentially East Coast Inc." They expressed their desire to have the funds reallocated to Essentially East Coast Inc.

Essentially East Coast Inc. would also not be able to sign the agreement as they were not the applicant and the business structure or the legal entity that is undertaking the Project/Initiative has substantially changed.

Council's additional consultations with Essentially East Coast Inc. have ascertained that the plans for the festival this year are not the same as those that the Rotary Club applied for funding for and would not necessarily use the Tweed Valley Banana Festival name. Essentially East Coast Inc. is therefore not intending or able to deliver the Community Sponsorship Policy Project/Initiative applied for.

It is therefore recommended that the \$7,500 allocated to the Rotary Club for the Tweed Valley Banana Festival be rolled over into the next year of the Events Sponsorship Policy and if any alternative applicants are seeking Council sponsorship for a similar festival in the future they are advised to apply to the next round of the Events Sponsorship Policy due to open in May 2017.

OPTIONS:

1. That the \$7,500 allocated to the Rotary Club for the Tweed Valley Banana Festival be rolled over into the next year of the Community Sponsorship Policy and if any alternative applicants are seeking Council sponsorship for a similar festival in the future they are advised to apply to the next round of the Events Sponsorship Policy due to open in May 2017.
2. That the \$7,500 allocated to the Rotary Club is not rolled over into the next year of the Community Sponsorship Policy.

CONCLUSION:

As the Rotary Club has resolved to cease all connection with the Tweed Valley Banana Festival which was to be funded through their successful application to the Community Sponsorship Policy, that the \$7,500 be rolled into the next year of the Event Sponsorship Policy.

COUNCIL IMPLICATIONS:

a. Policy:

Community Sponsorship (v1.0).
Events Sponsorship (v1.0).

b. Budget/Long Term Financial Plan:

\$7,500 to be rolled into Events Sponsorship Policy budget A0018.

Future applications can be considered for funding through Events Sponsorship Policy budget A0082.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

Communication will be made with the Rotary Club of Murwillumbah Central Inc. following resolution.

UNDER SEPARATE COVER/FURTHER INFORMATION:

- (Confidential)* Attachment 1. Community Sponsorship Policy Applications - 2016-2017 - Assessment Information (following Council Workshop held Thursday 23 February 2017) (ECM 4431689)
- Attachment 2. Letter from Rotary Club of Murwillumbah Central Inc. dated 6 April 2017 (ECM 4488884)
- Attachment 3. Letter from Rotary Club of Murwillumbah Central Inc. dated 7 April 2017 (ECM 4485344)
-

REPORTS FROM THE DIRECTOR ENGINEERING

18 [E-CM] Creation of Easement to Drain Sewer - Lot 2 DP 413764 Wommin Bay Road Chinderah

SUBMITTED BY: Design

Validms



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Council has provided development consent to the owners of Lot 2 DP 413764 which includes a condition relating to the creation of an easement 3 metres wide to drain sewage prior to the issue of an occupation certificate.

The applicant has submitted an application for the creation of the easement together with a Transfer Granting Easement dealing to be lodged and registered at LPI, Sydney. The Transfer Granting Easement will create an easement to Drain Sewage 3 metres wide over Lot 2 DP 413764 benefiting Council which will satisfy the consent condition.

The Transfer Granting Easement will require the endorsement of Council under Common Seal prior to registration by the applicant.

RECOMMENDATION:

That:

1. Council provides its consent to the Transfer Granting Easement to Drain Sewage 3 metres wide over Lot 2 DP 413764 and benefiting Council.
2. All documentation be executed under the Common Seal of Council.

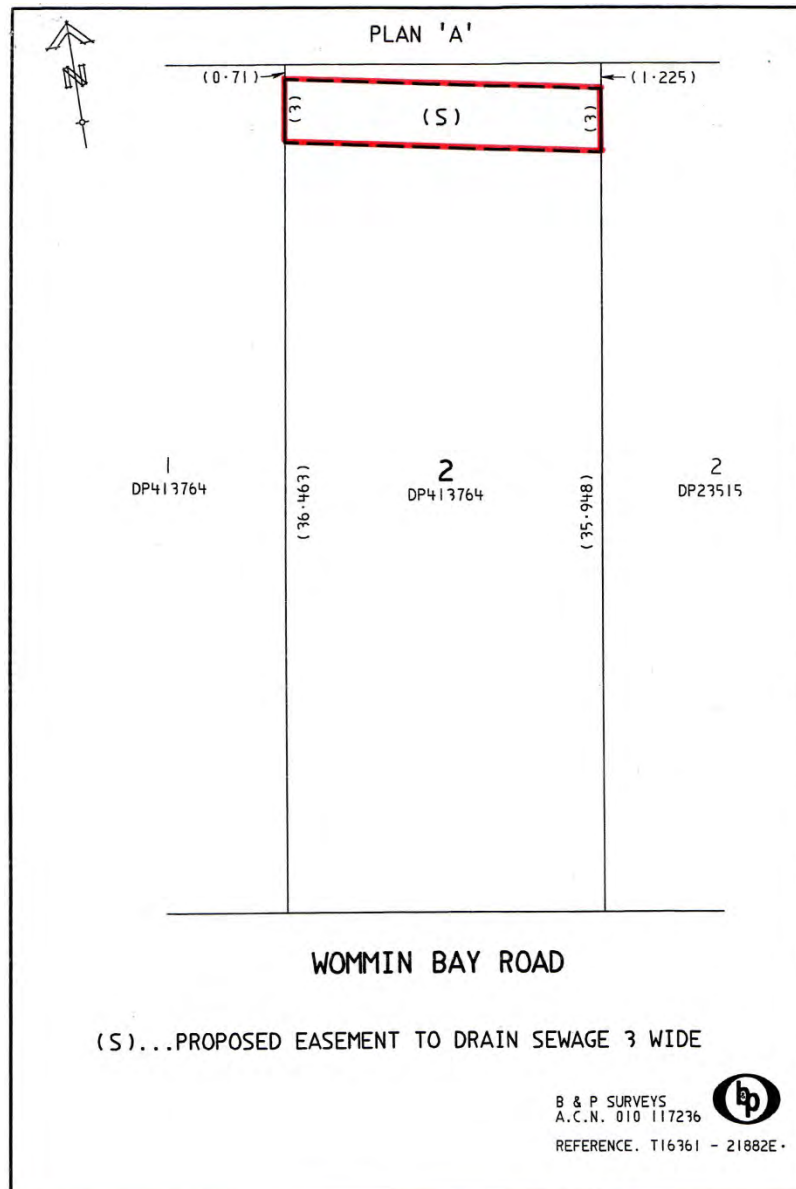
REPORT:

Council has provided development consent to the owners of Lot 2 DP 413764 which includes the following condition relating to the creation of an easement 3 metres wide to drain sewage:

"53. Prior to the issue of an Occupation Certificate for Stage 2, documentary evidence shall be provided to Council to confirm the registration of a minimum 3m wide easement for drainage of sewer, centrally located over all reticulated sewer within the subject property. The easement shall be created in favour of Council."

The applicant has submitted an application for the creation of the easement together with a Transfer Granting Easement dealing to be lodged and registered at LPI, Sydney. The Transfer Granting Easement will create an easement to Drain Sewage 3 metres wide over Lot 2 DP 413764 benefiting Council which will satisfy the consent condition. Refer to Diagram 1.

Diagram 1 – Plan of Easement over Lot 2 DP 413764 outlined in red and marked (S).



OPTIONS:

The Creation of the Easement to Drain Sewage 3 metres wide over Lot 2 DP413764 is a condition of consent to DA07/0875.

CONCLUSION:

The Transfer Granting Easement will require the endorsement of Council under Common Seal prior to registration by the applicant.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.
Condition of Consent 53 under DA07/0875.

b. Budget/Long Term Financial Plan:

No future budget implications.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

Condition of Consent 53 under DA07/0875.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

19 [E-CM] Classification of Land as Operational - Terranora

SUBMITTED BY: Design

Validms



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Proposed Lots 145 and 146 in the plan of subdivision of Lot 1 in DP 304649, Lot 1 in DP 175235, Lot 2 in DP 778727, Lot 1 in DP 781687, Lot 1 in DP 781697, Lot 1 in DP 169490 and Lots 40 & 43 in DP 254416 at Terranora are to be transferred to Council as Sewer Pump Station and Drainage Reserve respectively pursuant to a condition of consent in the development application.

It will be necessary to classify the parcels of land as operational pursuant to the provisions of the Local Government Act 1993.

A notice was published in the Tweed Link on 11 April 2017 allowing a period of 28 days for any member of the public to provide a written submission to the proposed classification of this land as operational. No submissions were received.

RECOMMENDATION:

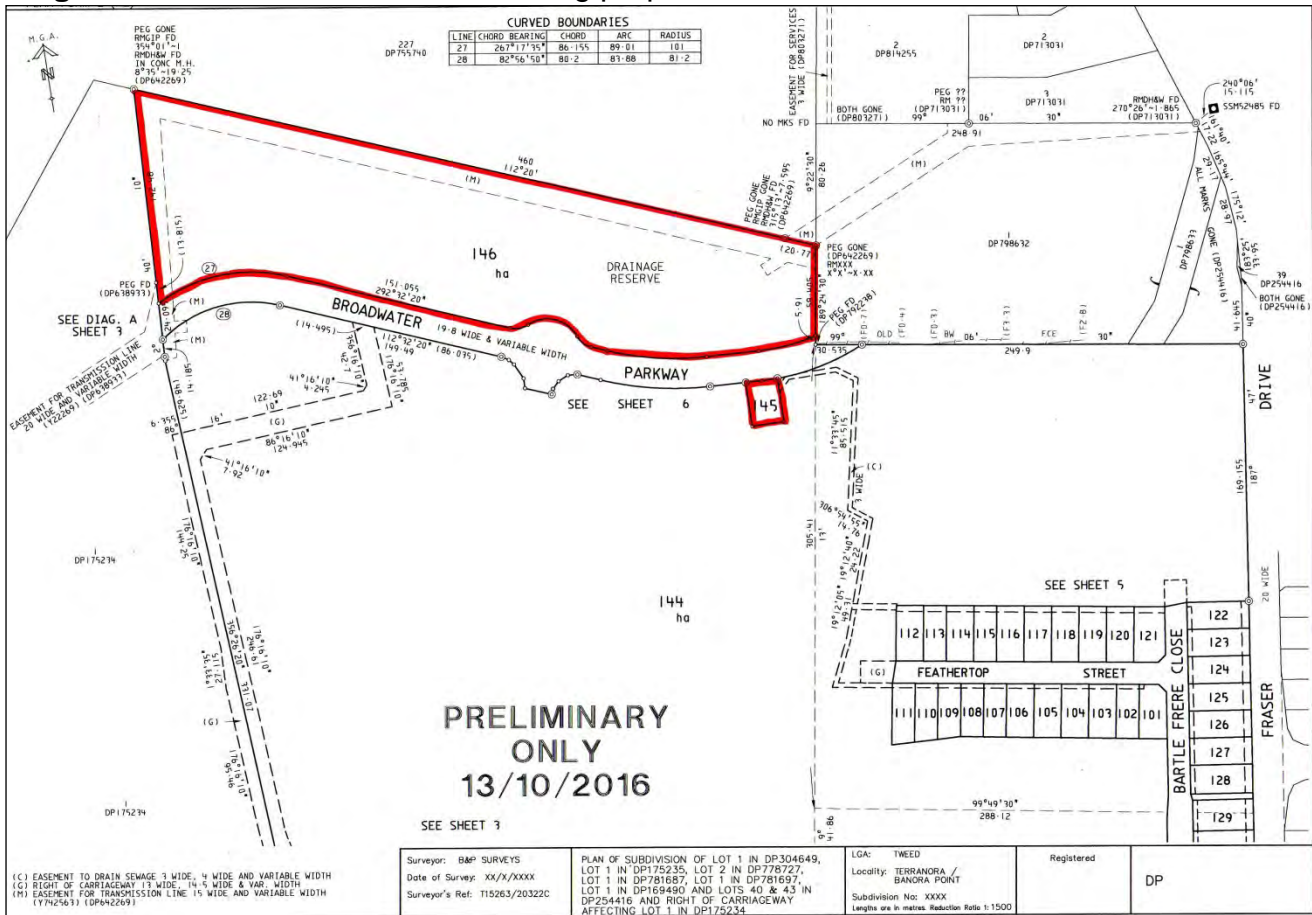
That:

1. Council approves the transfer of Proposed Lots 145 and 146 in the plan of subdivision of Lot 1 in DP 304649, Lot 1 in DP 175235, Lot 2 in DP 778727, Lot 1 in DP 781687, Lot 1 in DP 781697, Lot 1 in DP 169490 and Lots 40 & 43 in DP 254416 at Terranora.
2. Proposed Lots 145 and 146 be classified as Operational pursuant to Section 31 of the Local Government Act 1993.
3. All necessary documents be executed under the Common Seal of Council.

REPORT:

Proposed Lots 145 and 146 in the plan of subdivision of Lot 1 in DP 304649, Lot 1 in DP 175235, Lot 2 in DP 778727, Lot 1 in DP 781687, Lot 1 in DP 781697, Lot 1 in DP 169490 and Lots 40 & 43 in DP 254416 at Terranora are to be transferred to Council as Sewer Pump Station and Drainage Reserve respectively pursuant to a condition of consent in the development application. Refer to Diagram 1.

Diagram 1 – Plan of Subdivision showing proposed Lots 145 and 146 outlined in red.



It will be necessary to classify the parcels of land as operational, pursuant to the provisions of the Local Government Act 1993.

A notice was published in the Tweed Link on 11 April 2017 allowing a period of 28 days for any member of the public to provide a written submission to the proposed classification of this land as operational. No submissions were received.

OPTIONS:

1. Council approves the transfer and classification as Operational land of proposed Lots 145 and 146 in the plan of subdivision of Lot 1 in DP 304649, Lot 1 in DP 175235, Lot 2 in DP 778727, Lot 1 in DP 781687, Lot 1 in DP 781697, Lot 1 in DP 169490 and Lots 40 & 43 in DP 254416 at Terranora.
2. Council does not approve the transfer and classification as Operational land of proposed Lots 145 and 146 in the plan of subdivision of Lot 1 in DP 304649, Lot 1 in DP 175235, Lot 2 in DP 778727, Lot 1 in DP 781687, Lot 1 in DP 781697, Lot 1 in DP 169490 and Lots 40 & 43 in DP 254416 at Terranora.

CONCLUSION:

In accordance with the condition of consent of the development application and the provisions of the Local Government Act 1993 it is necessary to transfer and classify proposed Lots 145 and 146 in the plan of subdivision of Lot 1 in DP 304649, Lot 1 in DP 175235, Lot 2 in DP 778727, Lot 1 in DP 781687, Lot 1 in DP 781697, Lot 1 in DP 169490 and Lots 40 & 43 in DP 254416 at Terranora as Operational.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.
Section 31 Local Government Act 1993.

b. Budget/Long Term Financial Plan:

Management of land will need to be included in the respective maintenance budgets. No budget currently exists.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

Advertised in the Tweed Link on 11 April 2017 allowing 28 days for written submissions.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

20 [E-CM] Classification of Land as Operational - Casuarina

SUBMITTED BY: Design

Validms



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Proposed Lot 21 in the plan of subdivision of Lot 1 DP 1077697 at Casuarina Way, Casuarina is to be transferred to Council as a Drainage Reserve pursuant to a condition of consent in the development application.

It will be necessary to classify the parcels of land as operational pursuant to the provisions of the Local Government Act 1993.

A notice was published in the Tweed link on 11 April 2017 allowing a period of 28 days for any member of the public to provide a written submission to the proposed classification of this land as operational. No submissions were received.

RECOMMENDATION:

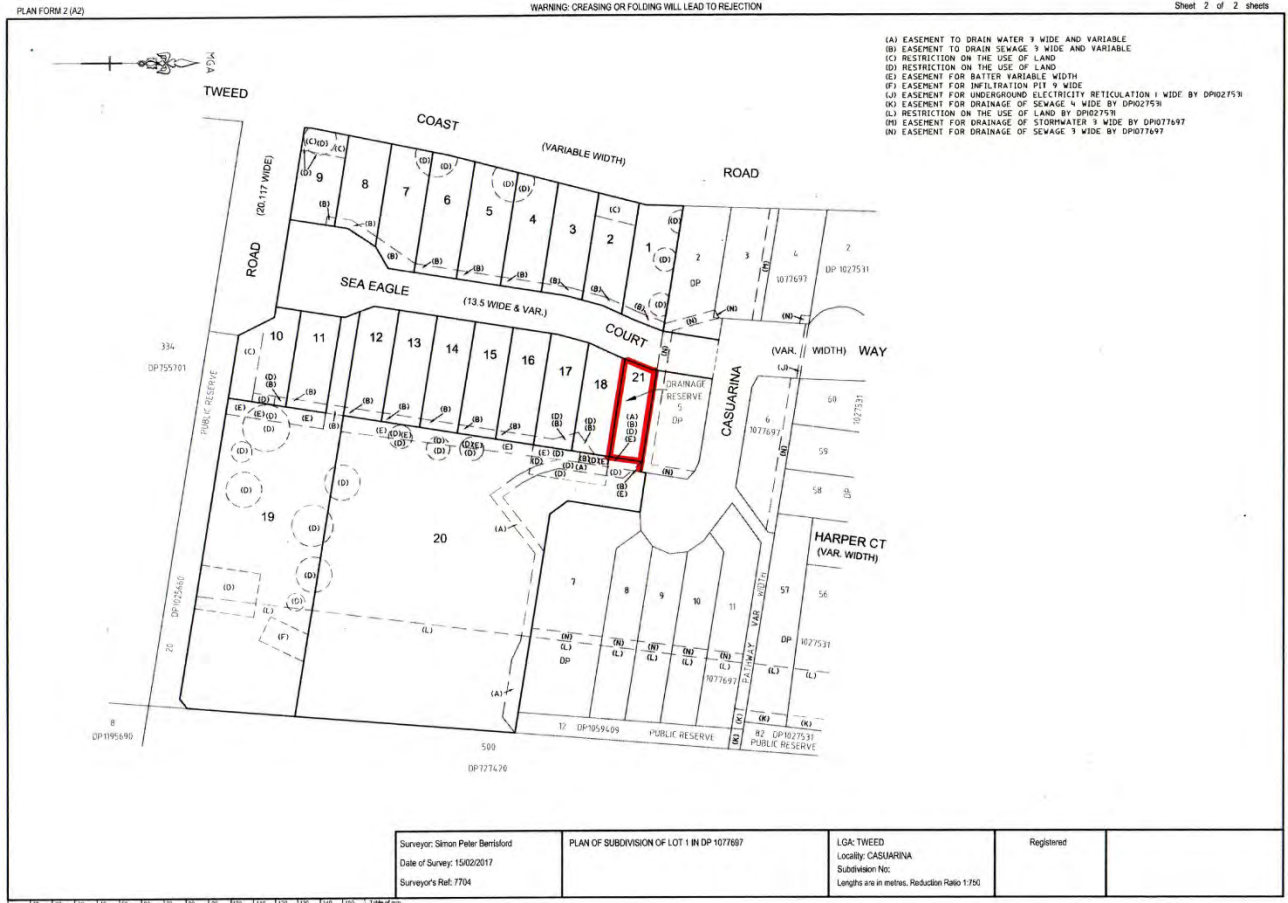
That:

1. Council approves the transfer of Proposed Lot 21 in the plan of subdivision of Lot 1 DP 1077697 at Casuarina Way, Casuarina.
2. Proposed Lot 21 be classified as Operational pursuant to Section 31 of the Local Government Act 1993.
3. All necessary documents be executed under the Common Seal of Council.

REPORT:

Proposed Lot 21 in the plan of subdivision of Lot 1 DP 1077697 at Casuarina Way, Casuarina is to be transferred to Council as a Drainage Reserve pursuant to a condition of consent in the development application. Refer to Diagram 1.

Diagram 1 – Plan of Subdivision showing proposed Lot 21 outlined in red.



It will be necessary to classify the parcels of land as operational pursuant to the provisions of the Local Government Act 1993.

A notice was published in the Tweed Link on 11 April 2017 allowing a period of 28 days for any member of the public to provide a written submission to the proposed classification of this land as operational. No submissions were received.

OPTIONS:

1. Council approves the transfer and classification as operational land of proposed Lot 21 in the plan of subdivision of Lot 1 DP 1077697 at Casuarina.
2. Council does not approve the transfer and classification as operational land of proposed Lot 21 in the plan of subdivision of Lot 1 DP 1077697 at Casuarina.

CONCLUSION:

In accordance with the condition of consent of the development application and the provisions of the Local Government Act 1993 it is necessary to transfer and classify proposed Lot 21 in the plan of subdivision of Lot 1 DP 1077697 at Casuarina.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.
Section 31 Local Government Act 1993.

b. Budget/Long Term Financial Plan:

To be included in the Roads and Stormwater Unit's maintenance schedule budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

Advertised in the Tweed Link on 11 April 2017 allowing 28 days for written submissions.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

21 [E-CM] RFO2017014 Road Stabilisation Program 2016/2017

SUBMITTED BY: Roads and Stormwater

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

4	Caring for the Environment
4.2	Conserve native flora and fauna and their habitats
4.2.3	Recognise the social and economic impacts of managing vegetation

SUMMARY OF REPORT:

Tweed Shire Council is proposing to carry out pavement stabilisation on a number of local streets and roads within the Tweed Shire under the road rehabilitation 2016/2017 program. As part of this program it is intended to engage a suitably qualified and experienced organisation to provide the complete services for the proposed works which include but not limited to:

- Profiling of existing bitumen pavements
- Stabilisation of the pavements as specified
- Compaction and trimming of stabilised pavements
- Applying a 10mm primer seal to new pavements.

All of the profiling, stabilisation and sealing works shall be completed between May 2017 and August 2017.

At the time of closing three (3) Offers were received.

The evaluation of the offers against the Selection Criteria is contained in the Offer Evaluation Report included in **CONFIDENTIAL ATTACHMENTS 1 and 2**. The recommendations are based on the evaluation.

RECOMMENDATION:

That in respect to Contract RFO2017014 Road Stabilisation Program 2016/2017:

1. Council awards the contract to Hiway Stabilizers Australia Pty Ltd ABN 40 150 650 150 be accepted to the value of \$501,432.74 (GST Excl).
 2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.
-

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

REPORT:

Offer Background

Tweed Shire Council is proposing to carry out pavement stabilisation on a number of local streets and roads within the Tweed Shire under the road rehabilitation 2016/2017 program.

As part of this program it is intended to engage a suitably qualified and experienced organisation to provide the complete services for the proposed works which include but not limited to;

- Profiling of existing bitumen pavements
- Stabilisation of the pavements as specified
- Compaction and trimming of stabilised pavements
- Applying a 10mm primer seal to new pavements.

All of the profiling, stabilisation and sealing works shall be completed between May 2017 and August 2017.

Offer Advertising/Distribution

The Offer was invited in accordance with the provisions of the Local Government Act 1993, the NSW Local Government (General) Regulation 2005 and the Tendering Guidelines for NSW Local Government. The Offer was officially advertised on Tuesday 7 March in The Sydney Morning Herald and also on Saturday 4 March in The Brisbane Courier Mail.

Offer Submissions

Offer submissions closed at 4.00pm (local time) on Wednesday 29 March 2017 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

At the closing time for Offer submissions, the Tender Box was opened and three (3) Offers were recorded as below:

Bidder	ABN
Downer EDI Works Pty Ltd	66 008 709 608
Hiway Stabilizers Australia Pty Ltd	40 150 650 150
Stabilised Pavements of Australia Pty Ltd	90 002 900 736

Offer Evaluation Panel

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

Position
Construction Engineer – Infrastructure Delivery
Contacts Engineer – Infrastructure Delivery
Assets & Maintenance Engineer – Roads & Stormwater

Evaluation Criteria

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

Criterion	Document Reference	Weighting (%)
Offer Price (adjusted as necessary)	Schedule No.3	45
Relevant Experience & Capability	Schedule No.5	15
Methodology and Work Program (Time)	Schedule No.7	10
Management Systems (WH&S, Quality and Environmental)	Schedule No.8	10
Proposed Plant & Equipment	Schedule No.10	10
Local Preference	Schedule No.13	10
	Total	100

Evaluation Discussion

An Offer Evaluation was carried out as per Council's Procurement Policy and the Offer Evaluation Plan dated 28 March 2017.

There were some adjustments to the total cost of Hiway Stabilizers Australia Pty Ltd submission due to an error within the pricing schedule in item 4.07 and a clarification required within item 4.11 regarding the provision of traffic control for provisional works. A clarification request was sent to the contact at Hiway Stabilizers Australia Pty Ltd and can be found attached to this document.

Details of the price and non-price evaluation scoring is shown on the attached Offer Evaluation Worksheet. The total score and verification of offer conformity are shown in the table below:

Bidder	Evaluation Score
Downer EDI Works Pty Ltd	91.90
Hiway Stabilizers Australia Pty Ltd	100
Stabilised Pavements of Australia Pty Ltd	97.84

As no submissions were within the financial cost cap local content did not apply and therefore second stage scoring to consider local content was not required. East Coast Asphalt and Concrete Edging Pty Ltd achieved the highest overall evaluation score and is therefore deemed as the best value option for Council.

Evaluation Summary

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

The details of the price and non-price evaluation are shown on the Offer Evaluation Report and Offer Evaluation Scoring Sheet. A copy of the Offer Evaluation Report and Offer Evaluation Scoring Sheet are included as ATTACHMENTS 1 and 2 which are CONFIDENTIAL in accordance with Section 10A(2):

- (d) commercial information of a confidential nature that would, if disclosed:
- (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

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

OPTIONS:

That Council:

1. Accepts the Offer from Hiway Stabilizers Australia Pty Ltd ABN 40 150 650 150 to the value of \$501,432.74 (GST Exclusive).
2. Awards the Contract to a different Bidder, including reasons for this course of action.
3. Declines to accept any of the Offers, including reasons for this course of action.

CONCLUSION:

Council awards the Contract RFO2017014 to Hiway Stabilizers Australia Pty Ltd ABN 40 150 650 150 to the value of \$501,432.74 (GST Exclusive) as detailed in the offer evaluation report confidential **Attachment 1** for the Tweed Shire Council Road Stabilisation Program 2016/2017.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Policy v1.6.

The Offer invitation and evaluation have been conducted in accordance with the provisions of:

- The Local Government Act 1993 and the NSW Local Government (General) Regulation 2005
- Council's Procurement Policy

In accordance with Local Government (General) Regulations 2005.

b. Budget/Long Term Financial Plan:

Funded from 2016/2017 Roads budget 2.4.3.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. RFO2017014 - Offer Evaluation Report (ECM 4480560).

(Confidential) Attachment 2. RFO2017014 - Offer Evaluation Scoring Sheet (ECM 4480600).

22 [E-CM] RFO2017016 Tweed Shire Council Road Rehabilitation Program 2016/2017 Asphalt Works

SUBMITTED BY: Roads and Stormwater

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Request for Offer RFO2017016 Tweed Shire Council Road Rehabilitation Program 2016/2017 Asphalt Works was called to engage a suitably qualified and experienced organisation for the supply and laying of asphalt surfacing to urban streets at various locations within Tweed Shire. The approximate total quantity of asphalt is 1252 tonnes.

Offers were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Offer submissions closed at 4.00pm (local time) on Wednesday 29 March 2017 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

The evaluation of the offers against the Selection Criteria is contained in the Offer Evaluation Report included in **CONFIDENTIAL ATTACHMENTS 1 and 2**. The recommendations are based on the evaluation.

RECOMMENDATION:

That in respect to Contract RFO2017014 Tweed Shire Council Road Rehabilitation Program 2016/2017 Asphalt Works:

- 1. Council awards the contract to East Coast Asphalt and Concrete Edging Pty Ltd (ABN- 51 755 877 285) for the amount of \$318,710.00 (GST Excl).**
- 2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.**

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

REPORT:

Offer Background

Request for Offer RFO2017016 Tweed Shire Council Road Rehabilitation Program 2016/2017 Asphalt Works was called to engage a suitably qualified and experienced organisation(s) to supply and lay asphalt surfacing to urban streets at various locations within Tweed Shire. The approximate total quantity of asphalt is 1252 tonnes.

Offers were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Offer submissions closed at 4.00pm (local time) on Wednesday 29 March 2017 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

Offer Advertising/Distribution

The Offer was invited in accordance with the provisions of the Local Government Act 1993, the NSW Local Government (General) Regulation 2005 and the Tendering Guidelines for NSW Local Government. The Offer was officially advertised on Tuesday 7 March in The Sydney Morning Herald and also on Saturday 4 March in The Brisbane Courier Mail.

Offer Submissions

Offer submissions closed at 4.00pm (local time) on 29 March 2017 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

At the closing time for Offer submissions, the Tender Box was opened and two (2) Offers were recorded as below:

Bidder	ABN
Boral Resources QLD Pty Ltd	46 000 671 809
East Coast Asphalt and Concrete Edging Pty Ltd	51 755 877 285

Offer Evaluation Panel

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

Position
Construction Engineer - Infrastructure Delivery
Contracts Engineer - Infrastructure Delivery
Assets & Maintenance - Engineer Infrastructure Delivery

Evaluation Criteria

Offers were evaluated as per the Offer Evaluation Plan dated 28 March 2017.

*Offers were evaluated based on the criteria noted in the table below which were also listed in the Conditions of Offer:

Evaluation Criteria	Document Reference	Weighting (%)
Assessed Offer Price (as adjusted)	Schedule 3	67.5
Experience and Capability	Schedule 4	7.5
Methodology & Work Program	Schedule 6	7.5
Management Systems (WH&S, Quality and Environmental)	Schedule 7	7.5
Local Content	Schedule 11	10
	Total	100

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

The details of the price and non-price evaluation are shown on the Offer Evaluation Report and Offer Evaluation Scoring Sheet. A copy of the Offer Evaluation Report and Offer Evaluation Scoring Sheet are included as ATTACHMENTS 1 and 2 which are CONFIDENTIAL in accordance with Section 10A(2):

- (d) commercial information of a confidential nature that would, if disclosed:
- (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

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

OPTIONS:

That Council:

1. Awards the contract to East Coast Asphalt & Concrete Edging Pty Ltd.
2. Awards the Contract to a different Bidder, including reasons for this course of action.
3. Declines to accept any of the Offers, including reasons for this course of action.

CONCLUSION:

Council awards the Contract RFO2017016 to East Coast Asphalt and Concrete Edging Pty Ltd (ABN- 51 755 877 285) for \$318,710.00 (GST Excl) as detailed in the offer evaluation report confidential **Attachment 1** for the Tweed Shire Council Road Rehabilitation Program 2016/2017 Asphalt Works

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Policy v1.6.

The Offer invitation and evaluation have been conducted in accordance with the provisions of:

- The Local Government Act 1993 and the NSW Local Government (General) Regulation 2005
- Council's Procurement Policy

In accordance with Local Government (General) Regulations 2005.

b. Budget/Long Term Financial Plan:

Funded from 2016/2017 Roads budget 2.4.3.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. RFO2017016 - Offer Evaluation Report (ECM 4480462).

(Confidential) Attachment 2. RFO2017016 - Offer Evaluation Scoring Sheet (ECM 4480515).

23 [E-CM] RFO2017031 Supply of Industrial Clothing and Footwear

SUBMITTED BY: Infrastructure Delivery

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Request for Offer RFO2017031 Supply of Industrial Clothing and Footwear was called to source a supplier to provide industrial clothing and footwear into Council's Depot Store to Service the needs of operational staff.

At the time of closing nine Offers were received.

The evaluation of the offers against the Selection Criteria is contained in the Offer Evaluation Report included in **CONFIDENTIAL ATTACHMENTS 1 and 2**. The recommendations are based on the evaluation.

RECOMMENDATION:

That in respect to Contract RFO2017031 Supply of Industrial Clothing and Footwear:

1. Council awards the contract to Staples Pty Ltd, ABN 94 000 728 398 for a two year period with a further possible two by twelve month extension options.
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.
3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

REPORT:

Offer Background

Offer RFO2017031 Supply of Industrial Clothing and Footwear was called to source a supplier to provide industrial clothing and footwear into Councils Depot Store to Service the needs of operational staff.

Current supply contract in place expires on 31 of May 2017.

Request for Offer Advertising

Offers were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. The Request for Offers was advertised from 4 April 2017 in Sydney Morning Herald. The Offer was also advertised in Gold Coast Bulletin and on Council's website.

Offer submissions closed at 4.00pm (local time) on 26 April 2017 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

Offer Addendums

There were nil addendums (Notice to Bidders) issued before close of Offer.

Offer Submissions

At the closing time for Offer Submissions, the Tender Box was opened and nine Offers were recorded as below:

Bidder	ABN
Armstrongs P/L	Not submitted
Get it On P/L	37 257 379 548
Blackwoods P/L	43 000 010 300
One Stop Workwear P/L	72 360 818 347
RSEA Safety P/L	91 094 385 430
Staples P/L	94 000 728 398
Totally Workwear P/L	89 656 788 525
Workwear Group P/L	82 004 055 387
Absolute Workwear P/L	Not submitted

Offer Evaluation

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

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

Position
Project Manager Contracts Consultant
Senior Storekeeper
Systems Administration Officer

Offers were evaluated based on the criteria noted in the table below which were also listed in the Conditions of Offering.

Criterion	Document Reference	Weighting (%)
Value for Money (Normalised Offer Price) Comparison of tendered rates received	Schedule 5.6	80
Suitability of clothing Items offered	Schedule 5.6	5
Demonstrated capability to perform the Services in the required time frame	Schedule 5.4	5
Relevant experience with contracts/services of a similar nature	Schedule 5.4	
References from previous Client's	Schedule 5.4	
Local Content	Schedule 5.5	10%
	Total	100

The details of the price and non-price evaluation are shown on the Offer Evaluation Report and Offer Evaluation Scoring Sheet. A copy of the Offer Evaluation Report and Offer Evaluation Scoring Sheet are included as ATTACHMENTS 1 and 2 which are CONFIDENTIAL in accordance with Section 10A(2):

- (d) commercial information of a confidential nature that would, if disclosed:
- (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

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

OPTIONS:

That Council:

1. Awards the Contract to Staples Pty Ltd for a two year period with a further possible two by twelve month extension options.
2. Declines to accept any of the Offers, including reasons for this course of action.

CONCLUSION:

The submission from Staples Pty Ltd for the Supply of Industrial Clothing and Footwear is the most advantageous offer received.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Policy v1.6 The Offer invitation and evaluation have been conducted in accordance with the provisions of:

- The Local Government Act 1993 and the NSW Local Government (General) Regulation 2005
- Council's Procurement Policy, in accordance with Local Government (General) Regulations 2005.

b. Budget/Long Term Financial Plan:

Funding provided within Budget allocations for the Supply of Industrial Clothing and Footwear. Provision for the RFO2017031 Supply of Industrial Clothing and Footwear is included in the 2017 financial year budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. RFO2017031 - Offer Evaluation Report (ECM 4514327).

(Confidential) Attachment 2. RFO2017031 - Offer Evaluation Scoring Sheet (ECM 4514370).

24 [E-CM] RFO2016078 Supply Electricity for Large Sites from 1 July 2017

SUBMITTED BY: Infrastructure Delivery

Validms



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Request for Offer RFO2016078 was called to ensure continued electricity supply to Councils large site infrastructure after the completion of contract EC2014-036 Supply Electricity Large Sites 1 July 2014 to 30 June 2017 which is due to expire on 30 June 2017.

The offer was advertised as per the requirements of the Local Government Regulation 2005 and is scheduled to close at 4:00pm NSW Local Time on 10 May 2017.

The offer document requests that all offers presented are valid until 4pm Friday 19 May 2017 to allow sufficient time for a detailed assessment, Late Report to Council, Council determination and the signing of a Retail Electricity Supply Agreement by Council and the Awarded Bidder.

Once offers have been received on 10 May 2017, Council officers will undertake an assessment and provide a Late Report to Council to be included in the Agenda for the Council Meeting of 18 May 2017.

RECOMMENDATION:

That Council considers a Late Report for RFO2016078 Supply Electricity for Large Sites from 1 July 2017 at the Council meeting scheduled for 18 May 2017.

REPORT:

As per summary of Report.

OPTIONS:

That:

1. A late report for RFO2016078 Supply Electricity for Large Sites from 1 July 2017 be received.
2. A late report for RFO2016078 Supply Electricity for Large Sites from 1 July 2017 not be received.

CONCLUSION:

That Council considers a late report for RFO2016078 Supply Electricity for Large Sites from 1 July 2017 at the Council Meeting scheduled for 18 May 2017.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Policy v1.6.

b. Budget/Long Term Financial Plan:

Electricity is an operational cost covered in the budget allocation for each operational site that Council is responsible for.

The Water and Waste Water Unit and Recreation Services Units are the largest consumers due to operational and public recreation needs.

Contract EC2014-036 Supply Electricity Large Sites 1 July 2014 to 30 June 2017 due to expire on 30 June 2017 incurs average monthly expenses of \$330,000 incl GST for all sites (annual expense of \$3,960,000 incl GST).

All Divisions of Council will be affected by Contract RFO2016078.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

25 [E-CM] RFO2017017 2016/2017 Asphalt Resurfacing Program

SUBMITTED BY: Roads and Stormwater

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Request for Offer RFO2017017 2016/2017 Asphalt Resurfacing Program was called to engage a suitably qualified and experienced organisation(s) to provide Asphalt Resurfacing to various locations in Tweed Shire.

At the time of closing two Offers were received.

The evaluation of the offers against the Selection Criteria is contained in the Offer Evaluation Report included in **CONFIDENTIAL ATTACHMENTS 1 and 2**. The recommendations are based on the evaluation.

RECOMMENDATION:

That in respect to Contract RFO2017017 2016/2017 Asphalt Resurfacing Program:

1. Council awards the contract to East Coast Asphalt & Concrete Edging Pty Ltd ABN 51 755 877 285 for the amount of \$970,777.73 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.
3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

REPORT:

Offer Background

Request for Offer RFO2017017 was called to engage a suitably qualified and experienced organisation(s) to provide Asphalt Resurfacing to various locations in Tweed Shire.

The work to be performed under the subsequent Contract includes the provision of all labour, plant and materials and the performance of all operations of whatever kind necessary for the complete and proper supply and placement of Asphalt Resurfacing.

Offer Advertising/Distribution

The Offer was invited in accordance with the provisions of the Local Government Act 1993, the NSW Local Government (General) Regulation 2005 and the Tendering Guidelines for NSW Local Government. The Offer was officially advertised on Tuesday 7 March 2017 in The Sydney Morning Herald and also on 6 March 2017 in the Tweed Link.

Offer Addendums

Nil.

Offer Submissions

Offer submissions closed at 4.00pm (local time) on 29 March 2017 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

At the closing time for Offer submissions, the Tender Box was opened and two Offers were recorded as below:

Bidder	ABN
Boral Resources QLD Pty Ltd	46 000 671 809
East Coast Asphalt & Concrete Edging Pty Ltd	51 755 877 285

Offer Evaluation

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

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

Position
Contract Engineer
Engineering Assistant
Internal Auditor

Evaluation Criteria

Offers were evaluated as per the Offer Evaluation Plan dated 28 February 2017.

Evaluation Discussion

Both bidders perform work for Council on a regular basis. They have equal non-price assessed scores and both are considered equal in terms of local content (both obtain asphalt materials from Asphalt plants in Gold Coast Shire).

The Local Content scoring method was applied but did not affect offer placings as the second price bidder was not within the price cap.

The price offered by East Coast Asphalt & Concrete Edging Pty Ltd provided the most advantageous option for Council.

Bidder	Evaluation Score
Boral Resources QLD Pty Ltd	94.58
East Coast Asphalt & Concrete Edging Pty Ltd	100.00

Evaluation Summary

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

The details of the price and non-price evaluation are shown on the Offer Evaluation Report and Offer Evaluation Scoring Sheet. A copy of the Offer Evaluation Report and Offer Evaluation Scoring Sheet are included as ATTACHMENTS 1 and 2 which are CONFIDENTIAL in accordance with Section 10A(2):

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

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

OPTIONS:

That Council:

1. Awards the contract RFO2017017 to East Coast Asphalt & Concrete Edging Pty Ltd ABN 51 755 877 285 for the amount of \$970,777.73 (exclusive of GST).
2. Awards the Contract to a different Bidder, including reasons for this course of action.
3. Declines to accept any of the Offers, including reasons for this course of action.

CONCLUSION:

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

It is recommended that Council awards contract RFO2017017 to East Coast Asphalt & Concrete Edging Pty Ltd ABN 51 755 877 285 for the amount of \$970,777.73 (exclusive of GST).

COUNCIL IMPLICATIONS:

a. Policy:

The Offer invitation and evaluation have been conducted in accordance with the provisions of:

- The Local Government Act 1993
- The NSW Local Government (General) Regulation 2005
- Council's Procurement Policy v1.6

b. Budget/Long Term Financial Plan:

Provision for RFO2017017 is included in the Roads and Stormwater Maintenance Budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. RFO2017017 - Offer Evaluation Report (ECM 4480712).

(Confidential) Attachment 2. RFO2017017 - Offer Evaluation Scoring Sheet (ECM 4480746).

REPORTS FROM THE DIRECTOR CORPORATE SERVICES

26 [CS-CM] Community Engagement Strategy

SUBMITTED BY: Director Corporate Services

Validms



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

This report was re-submitted to the Council meeting held 20 April 2017 where it was resolved that:

"... this item be deferred for consideration at the 18 May 2017 Council Meeting.

*The Motion was **Carried***

FOR VOTE - Cr R Byrnes, Cr C Cherry, Cr R Cooper, Cr K Milne, Cr W Polglase, Cr P Allsop

AGAINST VOTE - Cr J Owen"

The report is reproduced as follows for the information of Council. The original confidential attachment is also attached to the Business Paper of 18 May 2017.

A workshop was held on the review of Council's existing community engagement was held on Saturday 4 February 2017 at the Sustainable Living Centre. This full day workshop was attended by the majority of Councillors, senior staff and members of Council's Communication and Customer Services Unit. Special guests included members of Council's Community Engagement Network and was facilitated by the Managing Director of Articulous Communications and IAP2 trainer, Amanda Newbery.

One of the aims of the workshop was to outline best practice methods in community engagement with a view to Councillors having input into the preparation of a revision of Council's Community Engagement Strategy.

Towards the end of the workshop, there was discussion among the few remaining Councillors, regarding the next step in developing the revised Community Engagement Strategy and the extent of community engagement needed before the draft document is placed on exhibition for community input.

Since the workshop, a number of Councillors have expressed differing viewpoints of how to proceed. Therefore the aim of this report is to determine the way forward to enable the review of the existing Community Engagement Strategy to progress.

RECOMMENDATION:

That:

- 1. Councillors determine their preferred option for the required level of community engagement for the development of the revised Community Engagement Strategy.**
- 2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.**

REPORT:

A workshop was held on the review of Council's existing community engagement was held on Saturday 4 February 2017 at the Sustainable Living Centre. This full day workshop was attended by the majority of Councillors, senior staff and members of Council's Communication and Customer Services Unit. Special guests included members of Council's Community Engagement Network and was facilitated by the Managing Director of Articulous Communications and IAP2 trainer, Amanda Newbery.

One of the aims of the workshop was to outline best practice methods in community engagement with a view to Councillors having input into the preparation of a revision of Council's Community Engagement Strategy.

Towards the end of the workshop, there was discussion among the few remaining Councillors, regarding the next step in developing the revised Community Engagement Strategy and the extent of community engagement needed before the draft document is placed on exhibition for community input.

Since the workshop, a number of Councillors have expressed differing viewpoints of how to proceed. Therefore the aim of this report is to determine the way forward to enable the review of the existing Community Engagement Strategy to progress.

Following the workshop and agreed outcomes, Articulous Communications has prepared an options report for Council's consideration. It takes into account possible methods, level of engagement required, time, costs, risks and Councillor involvement. Taking into consideration the feedback and desires expressed at the workshop, Articulous Communications believe that Option 3 in the attachment would best meet the views expressed by Councillors at the completion of the workshops. This option though, carries with it significant costs and the requirement of additional resources.

Given Council's requirements to work within a financial sustainability framework, an alternative for Council consideration is Option 2 as a more affordable option which would still provide comprehensive engagement and allow for the public to have their say on how to have their say.

Option 2 would see Council preparing a DRAFT Community Engagement Strategy Version 2 and placement on exhibition accompanied with a comprehensive and robust engagement strategy in line with Council's existing Community Engagement Strategy. The reasons this is recommended are:

- The Community Engagement Strategy is a guiding document for our commitment to our Tweed Community – it is not intended to provide specifics on which engagement method or technique or project specific which differs for every single project.
- We collect engagement feedback on an ongoing basis through all of our engagement and know where we have gaps and need to improve on our existing Policy and believe a draft version is better to engage on so we can demonstrate that we may already be aware of the areas we need to improve on. One example of this gap identification is the low response rate by those community members under 30 years to the recent Service Planning Survey. The next few months will

see Council introduce a suite of social media channels as a part of its engagement toolkit, which will work towards addressing this gap.

- We have been engaging with our community on the Community Strategic Plan for many months now, and feedback to the CEN members is also that there is a point where we can over engage.

The Draft of the revised Community Engagement Strategy consultation would comprise of a dedicated project page on Your Say Tweed featuring the brainstorming tools and comments from the community, a quick poll on Your Say Tweed, stakeholder and face to face meetings and much more.

OPTIONS:

The Options presented in the proposal include:

Option 1: Draft provided to the community for feedback.

Option 2: Seek input to create a draft strategy which is then sent back to the community for further feedback and refinement.

Option 3: Deliberative forum of a mix of community members (representative sample, plus stakeholder representatives) to provide input into developing the engagement strategy.

Option 4: Citizen's panel of randomly selected residents.

CONCLUSION:

Councillors are requested to consider their preferred option for the engagement required for the development of a revised Community Engagement Strategy.

COUNCIL IMPLICATIONS:

a. Policy:

Community Engagement Strategy v1.1

b. Budget/Long Term Financial Plan:

There are currently no funds allocated in the existing 16/17 Financial Year budget to cover the costs involved to implement Option 3 and 4.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Tweed Shire Council Community Engagement Options-
Amanda Newberry (ECM 4439529).

27 [CS-CM] Corporate Quarterly Performance Report 1 January to 31 March 2017

SUBMITTED BY: Financial Services

Validms



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

The Corporate Quarterly Report for the period 1 January to 31 March 2017 is presented to Council for consideration.

This report and accompanying attachments detail the progress of the 2016/2017 Operational Plan activities up to 31 March 2017.

RECOMMENDATION:

That Council receives and notes the Corporate Quarterly Performance Report as at 31 March 2017.

REPORT:

At the Council meeting held 16 June 2016 the Operational Plan 2016/2017 was adopted by Council and a reporting structure has been developed which is based upon four themes identified below:



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



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



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



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

OPTIONS:

Not Applicable.

CONCLUSION:

An undertaking given through the overarching Community Strategic Plan was that the General Manager will report quarterly to Council on the progress in meeting activities and targets of the Operational Plan. This is the third quarterly report on the progress of the 2016/2017 plan and following adoption by Council will be made available via the Integrated Planning and Reporting Framework page on Council's website.

COUNCIL IMPLICATIONS:

a. Policy:

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

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

In line with the impacts of the adopted Operational Plan.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Operational Plan Quarterly Review for period 1 January to
31 March 2017 (ECM 4512344)

28 [CS-CM] Quarterly Budget Review - March 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 third quarter statutory budget review for this financial year and summarises the estimated expenditure and income changes to the 2016/2017 Budget.

This statutory report is prepared in accordance with the Local Government (General) Regulations 2005, sections 202 and 203. Council will have a balanced budget as at 30 June 2017 in all Funds.

RECOMMENDATION:

That the:

1. Quarterly Budget Review Statement as at 31 March 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 2017.

Description	Change to Vote	
	Deficit	Surplus
General Fund		
<u>Expenses</u>		
Employee costs	20,000	0
Materials & Contracts	508,089	0
Interest	0	0
Other Operating costs	0	5,082
Capital	553,388	0
Loan Repayments	0	0
Transfers to Reserves	0	0
	<hr/>	<hr/>
	1,081,477	5,082

Description	Change to Vote	
	Deficit	Surplus
<u>Income</u>		
Rates and Annual Charges	0	0
Interest revenue	0	0
Operating Grants & Conts	0	815,828
Capital Grants & Conts	0	0
User Charges & Fees	0	40,035
Other Operating Revenue	0	42,782
Loan Funds	0	0
Recoupments	0	0
Transfers from Reserves	0	177,750
Asset Sales	0	0
	0	1,076,395
Net Surplus/(Deficit)		0
Sewer Fund		
<u>Expenses</u>		
Employee costs	0	0
Materials & Contracts	0	0
Interest	0	0
Other Operating costs	0	0
Capital	86,000	0
Loan Repayments	0	0
Transfers to Reserves	0	30,000
	86,000	30,000
<u>Income</u>		
Rates and Annual Charges	0	0
Interest revenue	0	0
Operating Grants & Conts	0	0
Capital Grants & Conts	0	0
User Charges & Fees	0	0
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	0	56,000
Transfers from Reserves	0	0
Asset Sales	0	0
	0	56,000
Net Surplus/(Deficit)		0
Water Fund		
<u>Expenses</u>		
Employee costs	0	0
Materials & Contracts	0	0
Interest	0	0
Other Operating costs	0	0
Capital	0	0
Loan Repayments	0	0
Transfers to Reserves	0	0
	0	0

Description	Change to Vote	
	Deficit	Surplus
<u>Income</u>		
Rates and Annual Charges	0	0
Interest revenue	0	0
Operating Grants & Conts	0	0
Capital Grants & Conts	0	0
User Charges & Fees	0	0
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	0	0
Transfers from Reserves	0	0
Asset Sales	0	0
	<hr/>	<hr/>
	0	0
Net Surplus/(Deficit)	<hr/>	<hr/>
		0

REPORT:

Budget Review 31 March 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 2016/2017 Budget	
General Fund		Net Effect on LTFP
No variations		
	0	0

Detailed list of changes

In/Ex	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
1. Proposed Variations						
General						
Ex	1	Ex-Capital	Access & Inclusion Plan	70,121	67,068	Hearing loops
In	1	In-TFR	Access Reserve	-24,357	-67,068	Funding for above
Ex	2	Ex-Capital	Rous River Way Park		45,117	Embellishment
In	2	In-Fees	Contribution - Riva Vue		-45,117	Funding for above
Ex	3	Ex-Op	Amenities Hall Kingscliff (7YP)	124,799	-124,799	Rationalise budgets
Ex	3	Ex-Capital	KFMP Amenities Hall upgrade	212,500	56,365	Rationalise budgets
Ex	3	Ex-Op	Kingscliff Community Hall	30,472	68,434	Rationalise budgets
Ex	4	Ex-Op	Community facilities infrastructure framework	17,062	-17,062	Rationalise budgets
Ex	4	Ex-Capital	Tweed Library expansion/refit	2,346,765	17,062	Rationalise budgets
In	5	In-OG&C	Library Local Priority Grant	-77,000	-8,479	Funding received
Ex	5	Ex-Op	Library grant expenditure	77,000	-1,521	Allocation of grant funding
Ex	5	Ex-Capital	Tweed Library expansion/refit	2,346,765	10,000	Allocation of grant funding
Ex	6	Ex-Op	Catchment Water Quality	205,942	20,000	Adjust Natural Resource Mgt budgets
Ex	6	Ex-Op	Tweed Coast Cudgen Creek	33,516	17,000	Adjust Natural Resource Mgt budgets
Ex	6	Ex-Op	Bilambil Creek Riparian restoration	0	20,000	Adjust Natural Resource Mgt budgets
Ex	6	Ex-Op	Bio-engineered River bank erosion stabilisation	145,408	10,000	Adjust Natural Resource Mgt budgets
Ex	6	Ex-Op	Tygalgah - Tweed River estuary riparian restoration	0	12,000	Adjust Natural Resource Mgt budgets
Ex	6	Ex-Op	National Tree Day site 2015	0	4,682	Adjust Natural Resource Mgt budgets
Ex	6	Ex-Op	Uki riparian parks	0	13,000	Adjust Natural Resource Mgt budgets
Ex	6	Ex-Op	Cudgenbil hole - National Tree Day 2016	0	14,000	Adjust Natural Resource Mgt budgets
In	6	In-TFR	Catchment Water Quality Reserve	-334,803	-110,682	Funding for above
Ex	7	Ex-Op	Food & Garden Organics Collection System		590,546	Environmental Trust funded project
In	7	In-OG&C	NSW Environmental Trust		-590,546	Funding for above

In/Ex	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
Ex	8	Ex-Op	Art Gallery grant expenditure	91,500	48,500	Actual funding received
In	8	In-OG&C	Arts NSW grant funding	-51,500	-48,500	Funding for above
Ex	9	Ex-Op	Bio-engineered River bank erosion stabilisation	145,408	40,000	OEH funded project
In	9	In-OG&C	Office of Environment & Heritage Mitigating Dog Attacks in the Tweed Coast	-10,000	-40,000	Funding for above
Ex	10	Ex-Op	Office of Environment & Heritage		28,000	OEH funded project
In	10	In-OG&C	Office of Environment & Heritage		-28,000	Funding for above
Ex	11	Ex-Op	Love Cats Love Wildlife		47,068	Environmental Trust funded project
In	11	In-OG&C	NSW Environmental Trust		-47,068	Funding for above
Ex	12	Ex-OpOther	Community Sponsorship Policy	34,503	12,000	Re-allocate rollovers from 2015/2016
Ex	12	Ex-OpOther	Festivals Policy	76,027	-12,000	Re-allocate rollovers from 2015/2016
Ex	13	Ex-OpEmp	Design Misc Projects - Engineering	120,170	-10,000	Internal budget re-allocation
Ex	13	Ex-OpEmp	Design Misc Projects - Other	26,084	10,000	Internal budget re-allocation
Ex	14	Ex-Op	Investing in the future of Pottsville's koalas		38,235	Environmental Trust funded project
In	14	In-OG&C	NSW Environmental Trust		-38,235	Funding for above
Ex	15	Ex-Capital	341 Tweed Valley Way		16,100	Refurbishment costs
Ex	15	Ex-Op	341 Tweed Valley Way		6,894	Operating & maintenance costs
In	15	In-OpOther	341 Tweed Valley Way		-4,006	Rental income
Ex	15	Ex-Op	Passive recreation asset maintenance program		-18,988	Funding for above
Ex	16	Ex-Op	Flying fox camp management	35,000	15,000	Frangela Drive reserve
In	16	In-OG&C	Office of Local Government		-15,000	Funding for above
Ex	17	Ex-Capital	Sportsfield capital work	176,475	20,000	Black Rocks gate
Ex	17	Ex-Op	Les Burger Field	23,695	4,000	Weed control
Ex	17	Ex-Capital	Koala Beach sportsfield lights	8,600	2,200	Approvals
Ex	17	Ex-Capital	751 Eviron Road		18,500	Renovations
Ex	17	Ex-Capital	Ron Wilkinson field		44,200	Lighting
Ex	17	Ex-Capital	Koala Beach sportsfield		200,000	Lighting etc
Ex	17	Ex-Capital	Pottsville Tennis facility	27,000	31,000	Lighting
Ex	17	Ex-Capital	Arkinstall Park Stage 2		7,000	Feasibility study
Ex	17	Ex-Op	Active recreation asset maintenance program	740,020	-326,900	Funding for above
In	18	In-OpOther	Round Mountain Pony Club		-38,776	Insurance settlement storm damage
In	18	In-Ex-Capital	Round Mountain Pony Club		38,776	Repairs to structure
In	19	In-Fees	Plumbing inspection fee	-248,850	-50,000	Adjust Building/Environmental Health budget
In	19	In-Fees	Building DA application fees	-451,624	75,000	Adjust Building/Environmental Health budget
Ex	19	Ex-OpOther	Environmental Health Legal Expenses	21,855	-1,082	Adjust Building/Environmental Health budget
In	19	In-Fees	Environmental Health Legal Income	-1,082	1,082	Adjust Building/Environmental Health budget
Ex	19	Ex-OpEmp	Administrative assistant	59,651	25,000	Adjust Building/Environmental Health budget
Ex	19	Ex-OpEmp	Building Control	1,437,331	-25,000	Adjust Building/Environmental Health budget
In	19	In-OpEmp	Environmental Compliance - caravan parks	118,626	10,000	Adjust Building/Environmental Health budget
In	19	In-OpEmp	Environmental Health	549,472	-10,000	Adjust Building/Environmental Health budget
Ex	19	Ex-OpOther	Building Legal Expenses	33,021	-4,000	Adjust Building/Environmental Health budget
In	19	In-Fees	Building Legal income	-7,091	4,000	Adjust Building/Environmental Health budget

In/Ex	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
In	19	In-Fees	Stormwater drainage applications	-42,810	5,000	Adjust Building/Environmental Health budget
In	19	In-Fees	Driveway, K&G, Path applications	-9,755	3,500	Adjust Building/Environmental Health budget
In	19	In-Fees	Inspection fee for construction certificate	-170,640	-8,500	Adjust Building/Environmental Health budget
In	19	In-Fees	Health approvals	-269,400	-28,091	Adjust Building/Environmental Health budget
In	19	In-Fees	Environmental Health income - general	-7,091	7,091	Adjust Building/Environmental Health budget
In	19	In-Fees	Footpath usage income	-92,372	15,000	Adjust Building/Environmental Health budget
In	19	In-Fees	On-Site Sewage Management fees	-253,796	-19,000	Adjust Building/Environmental Health budget
					<u>0</u>	
			Sewer Fund			
Ex	20	Ex-Capital	Various Capital Works		86,000	New minor projects
Ex	20	Ex-TTR	Transfers to Asset Replacement Res.		-30,000	Funding adjustment
In	20	In-Recoup	Transfers from Capital Contributions Res.		-56,000	Funding adjustment
					<u>0</u>	
			Water Fund			
			No variations		<u>0</u>	
					<u>0</u>	
			2. Variations Arising from Council Resolutions			
				2,450,365		
Ex	21	Ex-Capital	Tweed Heads Library expansion/re-fit		-20,000	Council report 16 June 2016
Ex	21	OpEmp	Library salaries - consultancy		20,000	Council report 16 June 2016
					<u>0</u>	
			Summary of Votes by Type			
			2016/17 Variations		0	
			Council Resolutions		0	
					<u>0</u>	
			Key to Category codes			
		Ex-				
		OpEmp	Employee costs			
		Ex-Op	Materials & contracts			
		Ex-				
		Interest	Interest on loans			
		Ex-				
		OpOther	Other operating expenses			
		Ex-Capital	Capital works			
		Ex-Loan				
		Reps	Repayment on principal on loans			
		Ex-TTR	Transfers to reserves			
		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/Ex	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
	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		20,000	
			Materials & Contracts		508,089	
			Interest		0	
			Other Operating costs		-5,082	
			Capital		639,388	
			Loan Repayments		0	
			Transfers to Reserves		-30,000	
					<u>1,132,395</u>	
			<u>Income</u>			
			Rates and Annual Charges		0	
			Interest revenue		0	
			Operating Grants & Conts		-815,828	
			Capital Grants & Conts		0	
			User Charges & Fees		-40,035	
			Other Operating Revenue		-42,782	
			Loan Funds		0	
			Recoupments		-56,000	
			Transfers from Reserves		-177,750	
			Asset Sales		0	
					<u>-</u>	
					<u>1,132,395</u>	
			Net		<u>0</u>	
			Summary of Votes - by Division			
			Corporate Services		0	
			Planning & Regulation		0	
			Community & Natural Resources		0	
			Engineering		0	
			General Manager		0	
					<u>0</u>	

Results by fund:

General Fund

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

Water Fund

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

Sewer Fund

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

Quarterly Budget Review Statements

Income and Expense - Consolidated Budget Review Statement for the quarter ended 31 March 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	103,615	3	-	103,618	-	103,618	79,183
User Charges and Fees	44,047	85	108	44,240	40	44,280	36,274
Interest and Investment Revenue	9,922	774	(567)	10,129	-	10,129	7,205
Other Revenues	1,986	220	30	2,236	43	2,279	1,798
Grants & Contributions - Operating	20,358	18	706	21,082	816	21,898	16,102
Grants and Contributions - Capital	3,759	10,811	1,290	15,860	-	15,860	3,915
- Contributions (S94)	11,609	513	-	12,122	-	12,122	11,340
Net gain from the disposal of assets	-	-	-	-	-	-	-
Total Income	195,296	12,424	1,567	209,287	899	210,186	155,817

Expense

Employee costs	57,662	741	33	58,436	20	58,456	38,621
Borrowing Costs	12,550	-	-	12,550	-	12,550	8,098
Materials & Contracts	47,497	21,099	564	69,160	509	69,669	31,585
Depreciation	43,227	(481)	-	42,746	-	42,746	32,420
Legal Costs	460	-	-	460	-	460	547
Consultants	568	-	-	568	-	568	137
Other Expenses	15,611	10	(19)	15,602	(5)	15,597	10,697
Net Loss from Disposal of Assets	-	-	-	-	-	-	3
Total Expenses	177,575	21,369	578	199,522	524	200,046	122,108

Net Operating Result

	17,721	(8,945)	989	9,765	375	10,140	33,709
--	--------	---------	-----	-------	-----	--------	--------

Net Operating Result before capital items

	2,353	(20,269)	(301)	(18,217)	375	(17,842)	18,454
--	-------	----------	-------	----------	-----	----------	--------

Funding Statement - Consolidated - Source & Application of Funds

Operating Result (Income Statement)	17,721	(8,945)	989	9,765	375	10,140
-------------------------------------	--------	---------	-----	-------	-----	--------

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)			
Add Back non-funded items:						
Depreciation	43,227	(481)	-	42,746	-	42,746
		-	-	-	-	-
Add non-operating funding sources						
Transfers from Externally Restricted Cash	18,103	5,130	(6,350)	16,883	56	16,939
Transfers from Internally Restricted Cash	9,257	33,487	(801)	41,943	178	42,121
Proceeds from sale of assets	1,457	-	-	1,457	-	1,457
Loan Funds Utilised	1,976	6,501	-	8,477	-	8,477
Repayments from Deferred Debtors	-	-	-	-	-	-
Funds Available	91,741	35,692	(6,162)	121,271	609	121,880
Funds were applied to:						
Purchase and construction of assets	40,875	35,579	(6,399)	70,055	639	70,694
Repayment of principal on loans	8,047	-	-	8,047	-	8,047
Transfers to Externally Restricted Cash	12,386	222	-	12,608	-	12,608
Transfers to Internally Restricted Cash	30,433	(109)	237	30,561	(30)	30,531
Funds Used	91,741	35,692	(6,162)	121,271	609	121,880
Increase/(Decrease) in Available Working Capital	-	-	-	-	-	-

* Includes Carried Forward Works revotes

Income and Expense- General Fund Budget Review Statement for the quarter ended 31 March 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
--	-------	----------	-------	---------	-----	---------	--------

Net Operating Result before capital items

	(1,023)	(21,578)	188	(22,413)	375	(22,038)	4,472
--	---------	----------	-----	----------	-----	----------	-------

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
Add non-operating funding sources						

	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)				
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 Carried Forward Works revotes

Income and Expense- Sewer Fund Budget Review Statement for the quarter ended 31 March 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	28,437			28,437	-	28,437	20,762
User Charges and Fees	1,387			1,387	-	1,387	2,398
Interest and Investment Revenue	3,510	423	(349)	3,584	-	3,584	1,731
Other Revenues	16			16	-	16	16
Grants & Contributions - Operating	463			463	-	463	492
Grants and Contributions - Capital	-			-	-	-	-
- Contributions (S64/S94)	2,869	513		3,382	-	3,382	1,946
Net gain from the disposal of assets				-	-	-	
Total Income	36,682	936	(349)	37,269	-	37,269	27,345

Expense

Employee costs	9,101			9,101	-	9,101	5,233
Borrowing Costs	2,211			2,211	-	2,211	1,115
Materials & Contracts	7,619			7,619	-	7,619	3,149
Depreciation	10,183	(294)		9,889	-	9,889	7,637
Legal Costs	-			-	-	-	-
Consultants	150			150	-	150	5
Other Expenses	2,586			2,586	-	2,586	1,217
Net Loss from Disposal of Assets				-	-	-	
Total Expenses	31,850	(294)	-	31,556	-	31,556	18,356

Net Operating Result

	4,832	1,230	(349)	5,713	-	5,713	8,989
--	-------	-------	-------	-------	---	-------	-------

Net Operating Result before capital items

	1,963	717	(349)	2,331	-	2,331	7,043
--	-------	-----	-------	-------	---	-------	-------

Funding Statement - Sewer Fund - Source & Application of Funds

Operating Result (Income Statement)	4,832	1,230	(349)	5,713	-	5,713
Add Back non-funded items:						
Depreciation	10,183	(294)	-	9,889	-	9,889
Add non-operating funding sources						

	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)				
Transfers from Externally Restricted Cash	4,765	1,072	(2,709)	3,128	56	3,184	
Transfers from Internally Restricted Cash	5,125	347	(266)	5,206	-	5,206	
Proceeds from sale of assets				-	-	-	
Loan Funds Utilised				-	-	-	
Repayments from Deferred Debtors				-		-	
Funds Available	24,905	2,355	(3,324)	23,936	56	23,992	
Funds were applied to:							
Purchase and construction of assets	6,950	2,133	(3,361)	5,722	86	5,808	
Repayment of principal on loans	2,686		-	2,686	-	2,686	
Transfers to Externally Restricted Cash	2,869	222	-	3,091	-	3,091	
Transfers to Internally Restricted Cash	12,400		37	12,437	(30)	12,407	
Internal charges				-		-	
Funds Used	24,905	2,355	(3,324)	23,936	56	23,992	
Increase/(Decrease) in Available Working Capital	-	-	-	-	-	-	

Income and Expense- Water Fund Budget Review Statement for the quarter ended 31 March 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	5,318			5,318	-	5,318	4,095
User Charges and Fees	22,618	44	78	22,740	-	22,740	17,423
Interest and Investment Revenue	2,234	351	(218)	2,367	-	2,367	1,472
Other Revenues	277	10		287	-	287	260
Grants & Contributions - Operating	389			389	-	389	376
Grants and Contributions - Capital	-			-	-	-	
- Contributions (S64/S94)	6,948			6,948	-	6,948	3,771
Net gain from the disposal of assets				-	-	-	
Total Income	37,784	405	(140)	38,049	-	38,049	27,397

Expense

Employee costs	6,389			6,389	-	6,389	3,530
Borrowing Costs	4,445			4,445	-	4,445	3,333
Materials & Contracts	9,662			9,662	-	9,662	3,599
Depreciation	7,415	(187)		7,228	-	7,228	5,562
Legal Costs	-			-	-	-	-
Consultants	150			150	-	150	5
Other Expenses	1,362			1,362	-	1,362	655
Net Loss from Disposal of Assets				-	-	-	3
Total Expenses	29,423	(187)	-	29,236	-	29,236	16,687

Net Operating Result	8,361	592	(140)	8,813	-	8,813	10,710
-----------------------------	--------------	------------	--------------	--------------	----------	--------------	---------------

Net Operating Result before capital items	1,413	592	(140)	1,865	-	1,865	6,939
--	--------------	------------	--------------	--------------	----------	--------------	--------------

Funding Statement - Water Fund - Source & Application of Funds

Operating Result (Income Statement)	8,361	592	(140)	8,813	-	8,813
Add Back non-funded items:						
Depreciation	7,415	(187)	-	7,228	-	7,228
Add non-operating funding sources						

	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)				
Transfers from Externally Restricted Cash	10,519	(53)	(3,413)	7,053	-	7,053	
Transfers from Internally Restricted Cash	3,757	(197)	(653)	2,907	-	2,907	
Proceeds from sale of assets				-		-	
Loan Funds Utilised				-	-	-	
Repayments from Deferred Debtors				-		-	
Funds Available	30,052	155	(4,206)	26,001	-	26,001	
Funds were applied to:							
Purchase and construction of assets	9,128	284	(4,406)	5,006	-	5,006	
Repayment of principal on loans	1,349		-	1,349	-	1,349	
Transfers to Externally Restricted Cash	6,948		-	6,948	-	6,948	
Transfers to Internally Restricted Cash	12,627	(129)	200	12,698	-	12,698	
Internal charges				-		-	
Funds Used	30,052	155	(4,206)	26,001	-	26,001	
Increase/(Decrease) in Available Working Capital	-	-	-	-	-	-	

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 31 March 2017 and should be read in conjunction with other documents in the QBRS.

Capital Budget Review Statement - Consolidated - for the quarter ended 31 March 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)			

Capital Funding **

Rates and other untied funding	21,316	370	(50)	21,636	431	22,067	10,596
Capital Grants & Contributions	8,368	17,165	1,290	26,823	55	26,878	12,907
Internal Restrictions (Reserves)		6,885	128	7,013	67	7,080	3,400
External Restrictions	5,678	1,398	(1,646)	5,430	30	5,460	2,622
- s64 & s94 funds	10,127	4,186	(6,122)	8,191	56	8,247	3,960
Other Capital Funding Sources							
- loans	1,976	5,576		7,552		7,552	3,627
Income from sale of assets							
- plant and equipment	1,457			1,457		1,457	700
- Land,Buildings,Furniture,Fittings							
Total Capital Funding	48,922	35,580	(6,400)	78,102	639	78,741	37,812

Capital Expenditure

New Assets

- Plant and Equipment	4		133	137	67	204	253
- Land,Buildings,Furniture,Fittings	2,142	4,030		6,172		6,172	3,070
- Roads, Bridges, Footpaths		1,174		1,174		1,174	400
- Drainage							
- Water & Sewer Infrastructure	6,377	1,827	(5,476)	2,728	30	2,758	1,420
- Other		1,033	24	1,057	267	1,324	247

Renewals (Replacement)

- Plant and Equipment	4,578			4,578		4,578	3,069
- Land,Buildings,Furniture,Fittings	2,022	1,157	144	3,323	137	3,460	1,082
- Roads, Bridges, Footpaths	11,400	5,154	5	16,559		16,559	9,021
- Drainage	450			450		450	148
- Water & Sewer Infrastructure	2,499	1,158	(398)	3,259	56	3,315	1,384
- Other		13,089		13,089	75	13,164	966

Upgrades

- Plant and Equipment							
- Land,Buildings,Furniture,Fittings		100		100		100	83
- Roads, Bridges, Footpaths	5,693	5,573	1,062	12,328		12,328	6,083
- Drainage	650	1,171		1,821		1,821	1,160
- Water & Sewer Infrastructure	5,060	(568)	(1,894)	2,598		2,598	1,230
- Other		682		682	7	689	283
Loan Repayments (principal)	8,047			8,047		8,047	7,913
Total Capital Expenditure	48,922	35,580	(6,400)	78,102	639	78,741	37,812

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 31 March 2017 and should be read in conjunction with other documents in the QBRs.

* Note: includes carried forward works revotes

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

Cash and Investments Budget Review Statement for the quarter ended 31 March 2017

	Original Budget			Recommended changes for Council Resolution	Projected year end result	Actual * YTD
	(000's)	Sep Review (000's)	Dec Review (000's)			
Unrestricted	5,974			5,974	5,974	11,856
Externally restricted						
RTA Contributions	0			0	0	0
Developer contributions	31,046			31,046	31,046	33,801
Domestic waste management	14,912			14,912	14,912	14,912
Special Rates	214			214	214	249
Special purpose grants	4,846			4,846	4,846	4,846
Water Supplies	43,616			43,616	43,616	52,380
Sewerage Services	69,816			69,816	69,816	79,872
Other	22,039			22,039	22,039	10,000
Total Externally restricted	186,489	0	0	186,489	186,489	196,060
Internally restricted						
Employee Leave entitlements	11,622			11,622	11,622	12,703
Unexpended loans	0			0	0	7,445
Unexpended grants	0			0	0	5,340
7 Year Plan	4,873			4,873	4,873	4,828
Works Carried Forward	0			0	0	11,397
Replacement of Plant and Vehicles	3,786			3,786	3,786	4,940
Tip improvements	9,172			9,172	9,172	9,172
Asset renewals	1,938			1,938	1,938	4,808
Other				0	0	12,350
Total Internally restricted	31,391	0	0	31,391	31,391	72,983
Total Restricted	217,880	0	0	217,880	217,880	269,043
Total cash and investments	223,854	0	0	223,854	223,854	280,899
Available cash	5,974	0	0	5,974	5,974	11,856

* 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	269,043
Total invested funds as per March Investment Report	282,124
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	280,899
Cash on hand and at bank	(1,225)
Investments	<u>282,124</u>
	280,899

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 31 March 2017 and should be read in conjunction with other documents in the QBRs.

Key Performance Indicators Budget Review Statement for the quarter ended 31 March 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>34,620</u>	3.8:1
Current liabilities	8,996	
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	16,011	12.05%
Selected operating income	132,866	
Target:		15%

Purpose:

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

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 31 March 2017 and should be read in conjunction with other documents in the QBRs.

Budget Review Contracts and Other Expenses for the quarter ended 31 March 2017

PART A-Contracts Listing		Contract value	Award	Duration of	Budgeted
Contractor	Contract detail & purpose	\$	date	contract	(Y/N)
Frontier Software	Human Resources/Payroll System	\$552,759.00	02-Feb-17	N/A	Y
Xylem Water Solutions Australia Limited	Supply and Servicing of UV Disinfection Lamps and Equipment	\$195,800.00	16-Feb-17	24 months	Y
CSG Enterprise Solutions	Supply and Maintenance of Multifunction Devices and Printers	\$754,502.10	16-Mar-17	N/A	Y

PART B - Consultancy and Legal expenses		Expenditure	Budgeted
Expense		YTD \$	(Y/N)
Consultancies		210,075	Y
Legal expenses		556,292	Y

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 31 March 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 31 March 2017 indicates that Council’s projected financial position at 30 June 2017 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 1 May 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.

29 [CS-CM] Mayor and Councillors Annual Fees 2017/2018

SUBMITTED BY: Corporate Governance

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

SUMMARY OF REPORT:

The Local Government remuneration tribunal has made a determination under Section 241 of the Local Government Act 1993 in relation to fees payable to mayors and councillors for the 2017/2018 financial period.

The Tribunal has determined that an increase of 2.5 per cent in the minimum and maximum fee for the mayoral office and councillors is applicable for the 2017/2018 financial period.

Therefore, Council needs to determine the fees payable for the 2017/2018 period.

RECOMMENDATION:

That the fees payable for the Mayor and Councillor for the 2017/2018 financial period be the maximum fees payable to members of the Regional Rural category council as determined by the Local Government Remuneration Tribunal, being:

Mayor	\$42,120
Councillor	\$19,310

REPORT:

The Local Government remuneration tribunal has made a determination under Section 241 of the Local Government Act 1993 in relation to fees payable to mayors and councillors for the 2017/2018 financial period.

The Tribunal has determined that an increase of 2.5 per cent in the minimum and maximum fee for the mayoral office and councillors is applicable for the 2017/2018 financial period. This increase equates to an annual increase in the maximum fee payable to the mayor of \$1,030 and councillor of \$470.

The categories of Council's have been slightly amended by the Tribunal and despite being classified as a Regional City under the Draft North Coast Regional Growth Plan; council is listed by the Tribunal as one of the 37 Regional Rural Councils.

The Tribunal has provided the following advice in response to the placing of council's within the various categories:

In undertaking the review the Tribunal examined the existing categories, a range of statistical and demographic data and considered the views of councils and Local Government NSW. Having regard to that information the Tribunal has determined a categorisation model which differentiates councils primarily on the basis of their geographic location. Other factors which differentiate councils for the purpose of categorisation include population, the sphere of the council's economic influence and the degree of regional servicing.

Regional Rural

Councils categorised as Regional Rural will typically have a minimum population of 20,000.

Other features which distinguish them from other non-metropolitan councils include:

- a major town or towns with the largest commercial component of any location in the surrounding area*
- a significant urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages or may be located on or close to the coast with high levels of population and tourist facilities*
- provide a full range of higher-order services including business, office and retail uses with arts, culture, recreation and entertainment centres*
- regional services to the wider community through principal referral hospitals, tertiary education services and major regional airports*
- these councils may also attract large visitor numbers to established tourism ventures.*

In accordance with Section 241 of the Local Government Act 1993, the Tribunal has determined minimum and maximum annual fees for the Regional Rural category as follows:

	2016/2017		2017/2018	
	Minimum	Maximum	Minimum	Maximum
Councillor	\$8,540	\$18,840	\$8,750	\$19,310
Mayor*	\$18,180	\$41,090	\$9,310	\$42,120

**It is noted the Mayoral fee is payable in addition to the fee paid to the Mayor as a Councillor in accordance with Section 249(2) of the Local Government Act 1993, which collectively equates to a maximum annual amount of \$61,430.*

The Tribunal has also considered requests for separate fees to be paid to the Deputy Mayor and has noted that the Local Government Act 1993 does not empower the Tribunal to determine a fee payable to a Deputy Mayor with the following Section being applicable:

"Section 249 – Local Government Act 1993 - Fixing and payment of annual fees for the mayor

- (1) *A council must pay the mayor an annual fee.*
- (2) *The annual fee must be paid in addition to the fee paid to the mayor as a councillor.*
- (3) *A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
- (4) *A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*
- (5) ***A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee."***

The fees payable during 2016/2017 were resolved to be the maximum fees for Councillor of \$18,840 and the Mayor of \$41,090. Council further resolved that should any councillor not wish to accept an increase from the previous year's fees that they could elect to return the additional amount to be receipted to an appropriate job number.

Therefore, Council needs to determine the fees payable for the 2017/2018 period.

OPTIONS:

Council can determine the fees applicable across the range of the minimum to the maximum for the Regional Rural category.

CONCLUSION:

That council determines the applicable fees payable to the Mayor and Councillor for the 2017/2018 period.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable
Section 241 of the Local Government Act 1993

b. Budget/Long Term Financial Plan:

Due allowance is provided within the appropriate budgets for the payment of the annual fees to the mayor and councillors.

The proposed increase to the maximum fees for the mayor and seven councillors totals \$4,320 over the financial period.

c. Legal:
Not Applicable.

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Local Government Remuneration Tribunal Annual Report
and Determination of Fees for 2017/2018 (ECM 4509692)

30 [CS-CM] Code of Meeting Practice

SUBMITTED BY: Corporate Governance

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

SUMMARY OF REPORT:

Following the Council Resolution made on 16 March 2017 to amend the commencement times of Meetings and Community Access sessions in the Code of Meeting Practice -

"4.1.2 Time Limits on Council Meetings

- (a) An Ordinary, Extraordinary, Special Meeting or Planning Committee which commences at 6.00pm, will be scheduled to conclude at 11.00pm (with a meal break between 7.30pm and 8.15pm).*
- (b) If the business of the meeting is unfinished at 11.00pm, a resolution of the Council will be necessary to extend the time of the meeting."*

and

"PART 13 – COMMUNITY ACCESS

Community Access sessions will be incorporated into both the Planning Committee and Council Meeting format and these sessions will be conducted prior to these scheduled meetings from 5.00pm until 5.45pm."

The proposed amendments have been duly exhibited and at the time of preparing this report no submissions have been received.

Therefore, the amendments to the Code of Meeting Practice Version 2.5 can be resolved by Council and will come into effect for the Planning Committee Meeting due to be held on Thursday 1 June 2017, with Community Access to commence at 5.00pm and the Meeting to commence at 6.00pm. The venues and dates of the Planning and Council Meetings remain unchanged for the remainder of 2017.

RECOMMENDATION:

That the Code of Meeting Practice Version 2.5 be updated with the following amendments:

"4.1.2 Time Limits on Council Meetings

- (a) An Ordinary, Extraordinary, Special Meeting or Planning Committee which commences at 6.00pm, will be scheduled to conclude at 11.00pm (with a meal break between 7.30pm and 8.15pm).
- (b) If the business of the meeting is unfinished at 11.00pm, a resolution of the Council will be necessary to extend the time of the meeting."

and

"PART 13 – COMMUNITY ACCESS

Community Access sessions will be incorporated into both the Planning Committee and Council Meeting format and these sessions will be conducted prior to these scheduled meetings from 5.00pm until 5.45pm."

REPORT:

Following the Council Resolution made on 16 March 2017 to amend the commencement times of Meetings and Community Access sessions in the Code of Meeting Practice -

"4.1.2 Time Limits on Council Meetings

- (a) An Ordinary, Extraordinary, Special Meeting or Planning Committee which commences at 6.00pm, will be scheduled to conclude at 11.00pm (with a meal break between 7.30pm and 8.15pm).*
- (b) If the business of the meeting is unfinished at 11.00pm, a resolution of the Council will be necessary to extend the time of the meeting."*

and

"PART 13 – COMMUNITY ACCESS

Community Access sessions will be incorporated into both the Planning Committee and Council Meeting format and these sessions will be conducted prior to these scheduled meetings from 5.00pm until 5.45pm."

The proposed amendments were been duly exhibited from 21 March 2017 and at the time of preparing this report no submissions have been received.

Therefore, the amendments to the Code of Meeting Practice Version 2.5 can be resolved by Council and will come into effect for the Planning Committee Meeting due to be held on Thursday 1 June 2017, with Community Access to commence at 5.00pm and the Meeting to commence at 6.00pm. The venues and dates of the Planning and Council Meetings remain unchanged for the remainder of 2017.

OPTIONS:

Adopt the changes to the commencement times for Community Access and Meetings, as well as noting the meal break and the time for review of finalisation of the meetings.

CONCLUSION:

The proposed amendments to the Code of Meeting Practice were been duly exhibited from 21 March 2017 and at the time of preparing this report no submissions have been received, therefore the amendments are able to be adopted as proposed.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice v2.5

b. Budget/Long Term Financial Plan:

Minimal expenditure will be incurred by this change in the commencement of meetings.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

Inform - We will keep you informed.

The proposed changes were duly exhibited from 21 March 2017, with no submissions being received.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

31 [CS-CM] Enterprise Risk Management Policy Version 2.0

SUBMITTED BY: Corporate Governance

Validms



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Council resolved on 16 March 2017 to place the Enterprise Risk Management Policy Version 2.0 on public exhibition from 23 March 2017, inviting submissions.

At the time of preparing this report no submissions have been received and therefore the Policy can be adopted.

RECOMMENDATION:

That the Enterprise Risk Management Policy Version 2.0 be adopted.

REPORT:

Council resolved on 16 March 2017 to place the Enterprise Risk Management Policy Version 2.0 on public exhibition from 23 March 2017, inviting submissions. The revised Policy has been subject to an internal review as well as sign off by the Audit Committee.

At the time of preparing this report no submissions have been received and therefore the Policy can be adopted.

OPTIONS:

Adopt the Enterprise Risk Management Policy Version 2.0.

CONCLUSION:

The Enterprise Risk Management Policy Version 2.0 has been duly advertised, inviting public submissions and as no submissions have been received the Policy can be adopted.

COUNCIL IMPLICATIONS:

a. Policy:

Enterprise Risk Management v2.0

b. Budget/Long Term Financial Plan:

As per existing budget allocation.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

Inform - We will keep you informed.

The Draft Enterprise Risk Management Policy Version 2.0 was placed on public exhibition from 23 March 2017.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Enterprise Risk Management Policy Version 2.0
(ECM 4435980)

32 [CS-CM] In Kind and Real Donations - January to March 2017

SUBMITTED BY: Financial Services

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Details of in kind and real donations for the period January to March 2017 are reproduced in this report for Council's information.

RECOMMENDATION:

That Council notes the total donations of \$75,623.53 for the period January to March 2017.

REPORT:

Council maintains a register of in kind and real donations. Details of these donations for the period January to March 2017 are reproduced as follows:

In Kind and Real Donations - January to March 2017			
Financial Assistance			
Amount	Recipient	Donated Item	Date
\$ 30,000.00	The University of Queensland	Budget Allocation - Koala Management Research	16/01/17
\$ 29,445.00	Tweed District Rescue Squad Inc	Budget Allocation - Annual Donation	22/02/17
\$ 2,000.00	Travis and Chloe Hay	Budget Allocation - Local Heritage Assistance F	22/02/17
\$ 3,000.00	Nellmary McEwan	Budget Allocation - Local Heritage Assistance F	22/02/17
\$ 1,000.00	Burringbar School of Arts	Budget Allocation - Local Heritage Assistance F	29/03/17
\$ 3,000.00	Sandsucker Ent Pty Ltd Trading as Chillingham Store	Budget Allocation - Local Heritage Assistance F	29/03/17
\$ 68,445.00			
Goods and/or Materials			
\$ 142.00	Possums Child Care Centre	1 X Term Swimming Lessons	Jan/Feb/Mar
\$ 105.00	Uki Primary School	6 x TRAC Family Entry	Jan/Feb/Mar
\$ 675.00	Seniors Week Committee	54 X Aquafitness Class Entries	Jan/Feb/Mar
\$ 200.00	TRAC - Learn to Swim Promotion	50 x Slide n Dive Passes	Jan/Feb/Mar
\$ 24.50	Tweed Landcare Committee	Printing	Feb/March
\$ 1,146.50			
Provision of Labour and/or Plant & Equipment			
Amount	Recipient	Donated Item	Date
\$ 177.60	Chamber of Commerce (Street Decorations)	Provision of Labour & Council Plant	13/01/17
\$ 2,286.97	Life Education Van Relocation	Provision of Labour & Council Plant	Feb/Mar
\$ 319.23	Tweed Coast Enduro - Pottsville Triathlon	Provision of Labour & Council Plant	24/02/17
\$ 1,110.95	Tweed Coast Holiday Parks - Kingscliff Triathlon	Provision of Labour & Council Plant	24/03/17
\$ 3,894.75			
Rates			
Amount	Recipient	Donated Item	Date
\$ 259.35	Twin Towns Police and Community Youth Club	Water Usage	11/01/17
\$ 98.88	Twin Towns Police and Community Youth Club	Sewer Usage	11/01/17
\$ 110.25	Crabbes Creek Hall Pty Ltd	Council Rates 2016/2017	21/02/17
\$ 468.48			
Tweed Link Advertising			
Amount	Recipient	Donated Item	Date
\$ 27.00	Community Notices - Cudgen Progress Association	Advertising	Jan/Feb/Mar
\$ 27.00	Community Notices- Fingal Head Community Association	Advertising	Jan/Feb/Mar
\$ 27.00	Community Notices - Kingscliff Ratepayers and Progress Association	Advertising	Jan/Feb/Mar
\$ 27.00	Community Notices - Chinderah District Residents Association	Advertising	Jan/Feb/Mar
\$ 59.40	Community Notices - Cabarita Beach/Bogangar Residents Association	Advertising	Jan/Feb/Mar
\$ 32.40	Community Notices - Casuarina & South Kingscliff Residents Association	Advertising	Jan/Feb/Mar
\$ 199.80			
Room Hire			
Amount	Recipient	Donated Item	Date
\$ 114.00	Tweed Community Care Forum	Room Hire - South Tweed HACC	Jan/Feb/Mar
\$ 782.00	Australian Red Cross	Room Hire - South Tweed HACC	Jan/Feb/Mar
\$ 57.00	Twin Towns Friends Association	Room Hire - South Tweed HACC	08/02/17
\$ 56.00	Banora Point & District Residents Association	Room Hire - Banora Point Com Centre	Feb/March
\$ 276.00	South Sea Islanders Community	Room Hire - South Sea Islander Room	Jan/Feb/Mar
\$ 184.00	Tweed Hospital Auxiliary	Room Hire - South Sea Islander Room	Feb/March
\$ 1,469.00			
\$75,623.53	Total Donations 3rd Quarter (January,February, March 2017)		

OPTIONS:

Not Applicable.

CONCLUSION:

For Councillor's Information and inclusion in Annual Report.

COUNCIL IMPLICATIONS:

a. Policy:

Donations and Subsidies Version 1.2.

b. Budget/Long Term Financial Plan:

As per Budget estimates.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

33 [CS-CM] Rhythmicana Festival formerly Tweed Valley Country Roots Festival

SUBMITTED BY: Director

Validms



Supporting Community Life



Strengthening the Economy

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
- 2.1.1 Work closely with government and community organisations to improve services to children and families, youth, elderly, Indigenous people, disadvantaged and minority groups and to build stronger and more cohesive communities
- 3 Strengthening the Economy
- 3.1 Expand employment, tourism and education opportunities
- 3.1.2 Attract major events to the Tweed
- 3.1.3 Provide opportunities for visitors to enjoy access to the arts through cultural facilities, festivals and programs
- 3.1.4 Market the Tweed as a destination for business and tourism
- 3.1.6 Support creative practitioners and entrepreneurs to access professional and business development opportunities, to enhance their contribution to the creative economy
- 3.3 Maintain and enhance the Tweed lifestyle and environmental qualities as an attraction to business and tourism

SUMMARY OF REPORT:

At the Council meeting of 21 July 2016, it was agreed to establish a three-year arrangement, on a sliding financial scale, with the Tweed Valley Country Roots Fest Pty Ltd to stage a Music Festival at the Murwillumbah Showground with the first year event proposed to be conducted from 1 to 2 October 2016.

On 28 July 2016 Council was formally advised by the organisers that the *“2016 Tweed Valley Country Roots Fest will be postponed until October 2017.”* The reason provided for the postponement was due to the negativity surrounding the 2015 Murwillumbah Country Roots Fest, which the current organisers were not associated with.

Council resolved, at its meeting of 18 August 2016, to reaffirm its resolution of 21 July 2016 to establish a three-year arrangement with Tweed Valley Country Roots Fest Pty Ltd and endorse the release of the first-year funding of \$15,000 in December 2016 for the marketing of the 2017 event, and any future release of funds being conditional upon the terms detailed in the funding agreement between Council and the applicant.

In December 2016 the organisers contacted Council and advised that Michael Chugg from Chugg Entertainment was now a festival partner and to further remove themselves from the negativity surrounding the 2015 music event, they were starting fresh with a new festival name – “Rhythmicana Fest”. The email from the organisers is reproduced within the report.

As a result of the name change, Council was not able to enter into the three-year agreement and release the first-year funding as the entity had changed. However, all previous plans for the festival will remain the same – October long weekend and Murwillumbah Showground.

RECOMMENDATION:

That Council:

1. **Enters into a three-year Events Sponsorship Agreement with Rhythmicana Fest Pty Ltd (ABN 37 618 666 630) for the conduct of Rhythmicana Fest, on a sliding financial scale, as follows:**

2016/2017	2017/2018	2018/2019
\$15,000	\$10,000	\$7,500

2. **Endorses the release of funds from the:**
 - (a) **2016/2017 budget of \$15,000 prior to 30 June 2017 to enable promotion of the 2017 festival.**
 - (b) **2017/2018 budget of \$10,000 prior to 31 December 2017 to enable promotion of the 2018 festival.**
 - (c) **2018/2019 budget of \$7,500 prior to 31 December 2018 to enable promotion of the 2019 festival.**
3. **Advises Rhythmicana Fest Pty Ltd that any requests for in-kind will be charged to the applicant as per the adopted Fees and Charges, and in keeping with the Tweed Shire Events Strategy 2016-2020.**

REPORT:

At the Council meeting of 21 July 2016, it was agreed to establish a three-year arrangement, on a sliding financial scale, with the Tweed Valley Country Roots Fest Pty Ltd to stage a Music Festival at the Murwillumbah Showground with the first year event proposed to be conducted from 1 to 2 October 2016.

On 28 July 2016 Council was formally advised by the organisers that the *"2016 Tweed Valley Country Roots Fest will be postponed until October 2017."* The reason provided for the postponement was due to the negativity surrounding the 2015 Murwillumbah Country Roots Fest, which the current organisers were not associated with.

The organisers' decision to postpone was not made lightly and they re-iterated their commitment to putting on a music event in the Tweed Shire. As a sign of good faith and in lieu of the 2016 October long weekend music festival, they hosted a smaller free street concert in association with the Tweed Foodie Fest on Friday 30 September 2016, with acts including Kasey Chambers, Bill Chambers and more.

Council resolved, at its meeting of 18 August 2016, to reaffirm its resolution of 21 July 2016 to establish a three-year arrangement with Tweed Valley Country Roots Fest Pty Ltd and endorse the release of the first-year funding of \$15,000 in December 2016 for the marketing of the 2017 event, and any future release of funds being conditional upon the terms detailed in the funding agreement between Council and the applicant.

The event organisers met with Council's Event Officer on 18 November 2016 and advised they were considering a festival name change. It was recommended at the time for any changes to be formally advised to council.

In December 2016 the organisers contacted council and their email is reproduced below:

"..... As previously mentioned, Michael Chugg (www.chuggentertainment.com) is coming on board with the festival as a partner. This is obviously great news for all concerned as he and his team bring a wealth of knowledge, resources and success with this type of event. He is Australia's largest music promotor and also has partnerships with festivals such as Laneway and CMC Rocks.

As I've also mentioned, due to the negative connection of the previous event (MCRfest 2015) we now feel it's in everyone's best interests to start fresh with a new festival name "Rhythmicana Fest".

We feel this name covers all styles of music that we intend to embrace at the festival, and it also partly connects to the Americana music genre AmericanaMusic.org is now the world's most exciting genre of music with official recognition through the Grammy Awards and Billboard charts. We have strong ties with this USA organisation and they are very keen to expand their association internationally, specifically with us and Rhythmicana Fest.

All our previous plans will remain the same, such as date (Oct Long weekend 2017), venue (showgrounds) etc. We hope this doesn't affect our festival funding as our announcement plans are still to launch/promote at the Tamworth Country Music Festival in January 2017.

Let me know if you require anything further and we look forward to our ongoing relationship with the Tweed Shire Council in building an iconic and nationally recognised music event.

*Regards
Nash”*

OPTIONS:

That Council:

1. Enters into a three-year Events Sponsorship Agreement with Rhythmicana Fest Pty Ltd (ABN 37 618 666 630) for the conduct of Rhythmicana Fest, on a sliding financial scale, as follows:

2016/2017	2017/2018	2018/2019
\$15,000	\$10,000	\$7,500

2. Endorses the release of funds from the:
 - (a) 2016/2017 budget of \$15,000 prior to 30 June 2017 to enable promotion of the 2017 festival.
 - (b) 2017/2018 budget of \$10,000 prior to 31 December 2017 to enable promotion of the 2018 festival.
 - (c) 2018/2019 budget of \$7,500 prior to 31 December 2018 to enable promotion of the 2019 festival.
3. Advises Rhythmicana Fest Pty Ltd that any requests for in-kind will be charged to the applicant as per the adopted Fees and Charges, and in keeping with the Tweed Shire Events Strategy 2016-2020.

Or

4. Withdraw its support of the Rhythmicana Fest (formerly the Tweed Valley Country Roots Fest).

CONCLUSION:

Council was not able to enter into the three-year agreement and release the first-year funding as the entity had changed, therefore it is recommended that Council now enters into a three-year Events Sponsorship Agreement with Rhythmicana Fest Pty Ltd (ABN 37 618 666 630) for the conduct of the Rhythmicana Fest (formerly the Tweed Valley Country Roots Fest).

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

COUNCIL IMPLICATIONS:

a. Policy:

Events Strategy v1.0

Events Sponsorship Version 1.0

b. Budget/Long Term Financial Plan:

Budget allocation has been made in the 2016/2017 Budget of \$15,000 with payment to be made prior to 30 June 2017 to enable promotion of the 2017 festival.

Budget allocation has been made in the 2017/2018 Draft Budget of \$10,000 with payment to be made prior to 31 December 2017 to enable promotion of the 2018 festival.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

At its meeting of 19 May 2016, Council resolved to open the funding application round on Friday 20 May 2016 under the Events Sponsorship Policy. Councillors considered the funding applications received after the close of the public exhibition period for the draft Events Sponsorship Policy on Thursday 30 June.

At its meeting of 21 July 2016, Council agreed to establish a three-year arrangement, on a sliding financial scale, with the Tweed Valley Country Roots Fest Pty Ltd to stage a Music Festival at the Murwillumbah Showground from 1 to 2 October 2016.

The event organisers advised Council on 28 July 2016 to postpone the festival and reiterated their commitment to putting on a music event in the Tweed Shire. As a sign of good faith and in lieu of the 2016 October long weekend music festival, they hosted a smaller free street concert in association with the Tweed Foodie Fest on Friday 30 September 2016, with acts including Kasey Chambers, Bill Chambers and more.

At its meeting of 18 August 2016 Council reaffirmed its support of a three-year arrangement with Tweed Valley Country Roots Fest Pty Ltd and endorsed the release of the first-year funding of \$15,000 in December 2016 for the marketing of the 2017 event.

The event organisers met with Council's Event Officer on 18 November 2016 and advised they were considering a festival name change. In December 2016 formal advice of a name change was received, therefore Council was not able to enter into the three-year agreement and release the first-year funding as the entity had changed.

A copy of event organiser's email outlining the reasons for the change of name is reproduced within the report.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

34 [CS-CM] Multi-Year Events Sponsorship Agreement - Battle on the Border

SUBMITTED BY: Director

Validms



Supporting Community Life



Strengthening the Economy

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

At its' meeting of 17 March 2016 Council resolved:

“that:

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

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

2. *Any funding provided to QSM Sports for the Battle on the Border cycling events is conditional upon QSM Sports providing Council with a report detailing the return on investment arising out of each year's event....”*

The annual Battle on the Border Cycling Festival is a competitive and social cycling festival that has been held in the Tweed Shire for the past eight years and attracts a national profile due to the growing number of participants and levels of competitiveness.

Unfortunately the event was affected by weather in year one (2016) and again in year two (2017) of the three-year Events Sponsorship Agreement between QSM Sports and Tweed Shire Council. In both instances the *“Force Majeur”* clause of the Agreement came into effect:

“means an act, omission or circumstance over which Council or the Recipient could not reasonably have exercised control, including without limitation, cyclone, employee strike, terrorist incident, floods and the like.”

A copy of the 2016 Post Event Evaluation is a confidential attachment to this report.

Council’s support is being sought for the 2016/2017 budgeted amount of \$7,500 to be rolled over to the 2017/2018 budget year for the postponed Battle on the Border Cycling Festival, on a yet to be determined date in 2017.

RECOMMENDATION:

That:

1. **Council acknowledges the significant weather event that has impacted on the organiser’s ability to conduct the Battle on the Border Cycling Festival in April 2017 and agrees for the 2016/2017 budgeted amount of \$7,500 to be rolled over to the 2017/2018 budget year and issued to QSM Sports for the postponed event, on a yet to be determined date in 2017.**
2. **Any in-kind support for the Battle on the Border Cycling Festival is to be negotiated with the event organiser and delegated Council officers, and in keeping with the Tweed Shire Events Strategy 2016-2020.**
3. **Any funding provided to QSM Sports for the Battle on the Border cycling events is conditional upon QSM Sports providing Council with a report detailing the return on investment arising out of each year’s event.**
4. **ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain:-**
 - (d) ***commercial information of a confidential nature that would, if disclosed:***
 - (i) ***prejudice the commercial position of the person who supplied it, or***
 - (ii) ***confer a commercial advantage on a competitor of the council, or***
 - (iii) ***reveal a trade secret***

REPORT:

The annual Battle on the Border Cycling Festival is a competitive and social cycling festival that has been held in the Tweed Shire for the past eight years and attracts a national profile due to the growing number of participants and levels of competitiveness.

Unfortunately the event was affected by weather in year one (2016) and again in year two (2017) of the three-year Events Sponsorship Agreement between QSM Sports and Tweed Shire Council. The *“Force Majeur”* clause of the Agreement came into effect for both events:

“means an act, omission or circumstance over which Council or the Recipient could not reasonably have exercised control, including without limitation, cyclone, employee strike, terrorist incident, floods and the like.”

The 2016 Battle on the Border event was held, however it was a reduced program due to an East Coast low which brought severe flooding from Friday night, 3 June until late Saturday night 4 June and as a result the remaining three stages were cancelled. The flooding and evacuation order for some parts of the Tweed impacted on the event’s economic generation and accommodation usage. A copy of the 2016 Post Event Evaluation is a confidential attachment to this report.

Following the weather event of 30 March to 1 April, the 2017 Battle on the Border was postponed two weeks out from the scheduled event (Friday 28 to Sunday 30 April) due the event organiser’s concerns around rider safety as a result of damage to the cycling course, and community welfare in light of the devastation and damage caused to the area by ex-Tropical Cyclone Debbie.

Cycling Australia along with Cycling Queensland and QSM Sports are working with key stakeholders and the local community to determine a suitable date to be announced in the near future.

Council’s support is being sought for the 2016/2017 budgeted amount of \$7,500 to be rolled over to the 2017/2018 budget year for the postponed Battle on the Border Cycling Festival, on a yet to be determined date in 2017.

The previous three year funding terms were as follows:

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

Two of the key priorities for delivering the Tweed Shire Events Strategy 2016-2020 are support, and develop and optimise. As the Battle on the Border has been provided both financial and in-kind support for a period in excess of three years, and in keeping with the newly adopted Events Strategy, the development period for this event to continue to be provided with financial resources has ceased.

OPTIONS:

That:

1. Council acknowledges the significant weather event that has impacted on the organiser's ability to conduct the Battle on the Border Cycling Festival in April 2017 and agrees for the 2016/2017 budgeted amount of \$7,500 to be rolled over to the 2017/2018 budget year and issued to QSM Sports for the postponed event, on a yet to be determined date in 2017.
2. Any in-kind support for the Battle on the Border Cycling Festival is to be negotiated with the event organiser and delegated Council officers, and in keeping with the Tweed Shire Events Strategy 2016-2020.
3. Any funding provided to QSM Sports for the Battle on the Border cycling events is conditional upon QSM Sports providing Council with a report detailing the return on investment arising out of each year's event.

CONCLUSION:

QSM Sports has held the Battle on the Border Cycling Festival for eight years. Road closures associated with the event are an inconvenience but necessary to safely conduct the races. The support requested is for essential traffic control and communication with the Tweed community.

The Battle on the Border Cycling Festival links strongly with the sport theme identified in the 2016-2020 Tweed Shire Events Strategy.

COUNCIL IMPLICATIONS:

a. Policy:

Events Strategy v1.0

b. Budget/Long Term Financial Plan:

A budget allocation has been made in the 2016/2017 Budget of \$7,500. It is recommended this budgeted amount be rolled over into the 2017/2018 draft budget to support the postponed Battle on the Border Cycling Festival, on a yet to be determined date in 2017.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

QSM Sports were in constant communication with Council and other key stakeholders following the severe weather event and provided regular updates. The event organisers were also willing to collaborate with Council and the community and host a free community event on Saturday evening 29 April 2017.

QSM Sports also 'Proudly supported' the Tweed Floods Community Drive Washing Brigade.

Cycling Australia along with Cycling Queensland and QSM Sports are working with key stakeholders and the local community to determine a suitable date to be announced in the near future.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. 2016 Battle on the Border Post Event Evaluation (ECM 4234908)

35 [CS-CM] Markets Policy, Version 2.0

SUBMITTED BY: Director

Validms



Civic Leadership



Supporting Community Life



Strengthening the Economy

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.2 Improve decision making by engaging stakeholders and taking into account community input
- 1.2.1 Council will be underpinned by good governance and transparency in its decision making process
- 2 Supporting Community Life
- 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
- 2.1.3 Provide opportunities for residents to enjoy access to the arts, festivals, sporting activities, recreation, community and cultural facilities
- 3 Strengthening the Economy
- 3.1 Expand employment, tourism and education opportunities
- 3.1.4 Market the Tweed as a destination for business and tourism

SUMMARY OF REPORT:

At its meeting of 18 February 2016, it was resolved that the:

- “1. Council adopts the Markets Policy, Version 1.1, with the changes identified in bold and italics within the document;
2. Director Corporate Services provides an annual update to Council for its first two years of implementation and then a minimum of every two years thereafter, or as required and as detailed in the Policy.”

The Markets Policy, Version 1.1 was reviewed and the Draft Markets Policy, Version 2.0 was tabled for consideration at Council’s meeting of 16 March 2017, where it was resolved that:

“Council exhibits the draft Markets Policy, Version 2.0, including the following guiding principles:

Social and Cultural Enhancement

Supporting and enhancing the cultural integrity and values of the community including capacity for social interactions, music and entertainment.

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.”

No public submissions have been received.

RECOMMENDATION:

That Council adopts the Markets Policy, Version 2.0.

REPORT:

The purpose of the Market Policy is to establish Council's position in relation to markets that are held on Council land or facilities or public space of which Council is the responsible trustee. It outlines Council's expectations in relation to markets to ensure they are well managed, are complementary to offerings of local businesses, are supportive of the local community and are connected to the character and identity of the specific location.

This Policy does not include those markets that are held on private land by an individual, business or organisation, i.e. Murwillumbah Farmers / growers market. Whilst these types of markets are out of the scope of this policy they would require a development consent approval from Council's Development Assessment Unit.

In accordance with the conditions placed on the approval granted by Council for the Farmers Markets, the Draft Markets Policy review incorporated an enhancement of the sustainability principles as follows:

Sustainability:

For example the separation of compost and recycling from general waste, and elimination of unsustainable waste, including but not limited to plastic bags and containers, plastic lined takeaway coffee cups and sugar sachets, plastic straws and polystyrene containers etc.

Council also determined at its meeting of 16 March 2017 to include the following guiding principles into the Draft Markets Policy, prior to public exhibition:

Social and Cultural Enhancement:

Supporting and enhancing the cultural integrity and values of the community including capacity for social interactions, music and entertainment.

No public submissions have been received.

OPTIONS:

That:

1. The Markets Policy, Version 2.0 is adopted as recommended.
2. Council does not adopt the Markets Policy, Version 2.0.

CONCLUSION:

That Council adopts the Markets Policy, Version 2.0 which incorporates two new guiding principles – Sustainability, and Social and Cultural Enhancement.

COUNCIL IMPLICATIONS:

a. Policy:

Markets v1.1 to be replaced following the adoption of the Markets Policy v2.0.

Vending of Food on Public Reserves Version 1.1

b. Budget/Long Term Financial Plan:

Market compliance inspection fees were introduced in the 2016/2017 Fees and Charges.

It is to be noted that the NSW State Government has directed councils to make full use of Fees and Charges as part of the "Fit for the Future" Local Government Reforms Process.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

In accordance with Council's resolution of 16 March 2017 the draft Markets Policy, Version 2.0 was publicly exhibited from Monday 20 March 2017, with submissions accepted up until Monday 1 May 2017.

The review of the Markets Policy coincided with an Expression of Interest (EoI) process for new market operators, with a separate report to be tabled at a future Council meeting.

Specific engagement with operators from the Kingscliff and Salt business community has been undertaken by Council's Environmental Health Unit which has resulted in a strong level of support for appropriate, well managed markets in these locations.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Markets Policy, Version 2.0 (ECM 4437085)

36 [CS-CM] Monthly Investment and Section 94 Development Contribution Report for Period ending 30 April 2017

SUBMITTED BY: Financial Services

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested. The Manager Financial Services, being the Responsible Accounting Officer, certifies that investments have been made in accordance with Section 625 of the Local Government Act (1993), Clause 212 of the Local Government (General) Regulations and Council policies. Council had **\$272,963,038** invested as at **30 April 2017** and the accrued net return on these funds was **\$670,545** or **2.95%** annualised for the month.

RECOMMENDATION:

That in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 30 April 2017 totalling \$272,963,038 be received and noted.

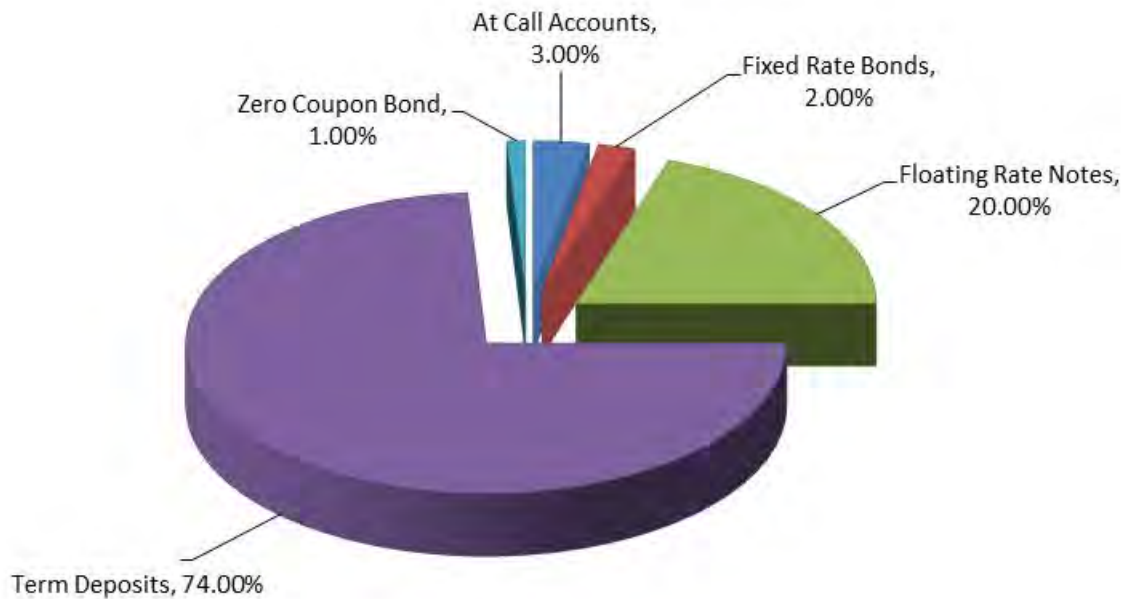
REPORT:

1. Restricted Funds as at 1 September 2016

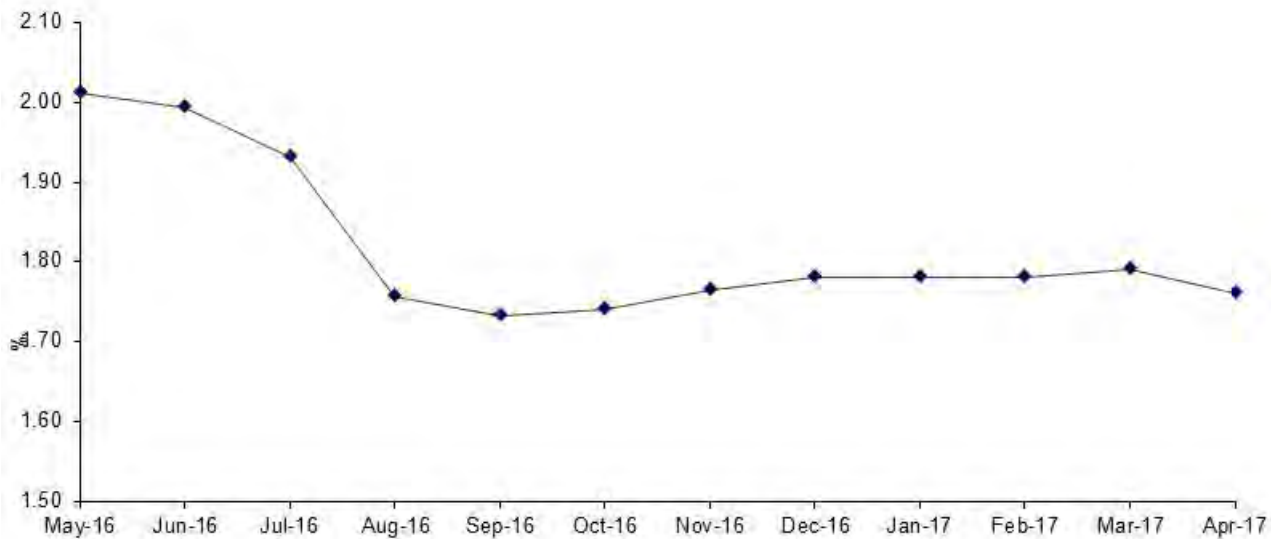
Description	(\$'000)			
	General Fund	Water Fund	Sewer Fund	Total
Externally Restricted (Other)	4,620	41,915	69,816	116,351
Crown Caravan Parks	19,035			19,035
Developer Contributions	31,046	1,701		32,747
Domestic Waste Management	14,912			14,912
Grants	4,846			4,846
Internally Restricted (Other)	48,756			48,756
Employee Leave Entitlements	12,703			12,703
Grants	3,344			3,344
Unexpended Loans	7,445			7,445
Total	146,707	43,616	69,816	260,139

Note: Restricted Funds Summary updated September 2016, corresponding with the Annual Financial Statements as at 30 June 2016

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
*	Suncorp (11/19)	1,000,000.00	1,001,770.00	2.47	FRN	05-Nov-19
*	Heritage (Morgans) (05/18)	3,000,000.00	3,021,900.00	2.92	FRN	07-May-18
	Rabo (Morgans) (02/20)	2,000,000.00	2,023,600.00	2.83	FRN	11-Feb-20
*	Bendigo (RBS) (11/18)	1,000,000.00	1,013,710.00	3.05	FRN	14-Nov-18
*	ME Bank (ANZ) (11/17)	2,000,000.00	2,012,220.00	2.78	FRN	17-Nov-17
*	Bendigo (Westpac) (08/20)	1,000,000.00	1,008,030.00	2.88	FRN	18-Aug-20
*	Suncorp (CBA) (08/19)	1,000,000.00	1,006,800.00	2.72	FRN	20-Aug-19
*	Bendigo Bank FRN (CBA) (02/20)	1,000,000.00	1,008,690.00	2.88	FRN	21-Feb-20
*	NPBS (Morgans) (02/18)	1,000,000.00	1,006,400.00	2.88	FRN	27-Feb-18
*	ANZ Green Bond (06/20)	2,000,000.00	2,058,140.00	3.25	Fixed Rate Bond	03-Jun-20
	Macquarie (RIMSEC) (03/20)	2,000,000.00	2,021,440.00	2.89	FRN	03-Mar-20
	Rabo (ANZ) (03/21)	2,000,000.00	2,049,860.00	3.29	FRN	04-Mar-21

	Counterparty	Face Value	Market Value	% Return on Face Value	Investment Type	Maturity Date
	AMP (Morgans) (6/18)	1,000,000.00	1,006,410.00	2.66	FRN	06-Jun-18
*	BOQ (06/18)	1,000,000.00	1,031,450.00	4.00	Fixed Rate Bond	12-Jun-18
*	BOQ (06/18)	1,000,000.00	1,007,120.00	2.78	FRN	12-Jun-18
	Heritage (RBS/RIMSEC) (06/17)	2,500,000.00	2,528,250.00	7.25	Fixed Rate Bond	20-Jun-17
*	CUA (12/17) ANZ	1,000,000.00	1,005,500.00	3.00	FRN	22-Dec-17
	Suncorp Metway (Covered Bond) (06/21)	2,000,000.00	2,018,820.00	2.90	FRN	22-Jun-21
*	CUA (04/19)	1,900,000.00	1,970,748.00	3.40	FRN	01-Apr-19
*	CUA (04/19)	2,000,000.00	1,970,748.00	3.40	FRN	01-Apr-19
	NPBS (Westpac) (04/20)	2,000,000.00	2,002,460.00	3.14	FRN	07-Apr-20
*	Suncorp (04/21)	2,000,000.00	2,032,040.00	3.15	FRN	12-Apr-21
	ME Bank (04/18)	1,000,000.00	1,004,380.00	3.07	FRN	17-Apr-18
	ANZ (04/20)	1,600,000.00	1,606,448.00	2.59	FRN	17-Apr-20
*	CBA (10/19)	2,000,000.00	2,011,360.00	2.62	FRN	18-Oct-19
	CBA (01/21)	1,000,000.00	1,012,580.00	2.93	FRN	18-Jan-21
	ME Bank (ANZ) (07/19)	1,000,000.00	1,006,870.00	3.22	FRN	18-Jul-19
*	Suncorp (NAB) (10/20)	3,000,000.00	3,035,040.00	3.00	FRN	20-Oct-20
*	Bendigo Bank (04/21)	3,000,000.00	3,042,690.00	3.21	FRN	20-Apr-21
*	CBA (04/19)	1,000,000.00	1,006,420.00	2.63	FRN	24-Apr-19
	NPBS (WBC) (01/22)	2,000,000.00	2,012,320.00	3.40	FRN	24-Jan-22
*	Macquarie (ANZ) (10/18)	1,000,000.00	1,004,820.00	2.80	FRN	26-Oct-18
*	BOQ (10/20)	2,500,000.00	2,513,975.00	2.92	FRN	20-Oct-20
	Westpac (07/20)	2,000,000.00	2,009,540.00	2.65	FRN	28-Jul-20
	Westpac (WBC) (10/20)	1,000,000.00	1,009,750.00	2.83	FRN	28-Oct-20
*	TMB (NAB) (10/19)	1,250,000.00	1,251,700.00	3.15	FRN	28-Oct-19

Counterparty	Face Value	Market Value	% Return on Face Value	Investment Type	Maturity Date
* CBA Bond (04/19)	1,000,000.00	1,036,240.00	4.25	Fixed Rate Bond	24-Apr-19
CBA/Merrill Lynch Zero Coupon Bond (01/18)	4,000,000.00	3,892,800.00	7.17	Fixed Rate Bond	22-Jan-18
	63,750,000.00	64,263,039.00	3.23		
LEGEND		ABS = Asset Backed Security			
Investment Type		Bond = Fixed Rate Bond			
		FRN = Floating Rate Note			
Counterparty		Bendigo = Bendigo & Adelaide Bank	NPBS - Newcastle Permanent Building Society		
AMP = AMP Bank		Heritage = Heritage Bank	ME = Members Equity Bank		
ANZ = ANZ Bank		ING = ING Bank	RaboDirect = Rabo Bank		
BOQ = Bank of Queensland		Investec = Investec Bank	Rural = Rural Bank (previously Elders Bank)		
CBA = Commonwealth Bank		Macquarie = Macquarie Bank	Suncorp = Suncorp Metway Bank		
CUA = Credit Union Australia		NAB = National Australia Bank	WBC = WBC Banking Corporation		

5. Term Deposits

Counterparty	Lodged or Rolled	Interest Due	Maturity Date	Principal	% Yield
ING (RIMSEC) (Jan 2019)	29-Jan-17	01-May-17	29-Jan-19	2,000,000.00	4.00
* Suncorp (May 2017)	25-Oct-16	02-May-17	02-May-17	2,000,000.00	3.15
* Suncorp (May 2017)	25-Oct-16	02-May-17	02-May-17	2,000,000.00	3.13
NAB (Feb 2020)	03-Feb-17	03-May-17	03-Feb-20	1,000,000.00	3.00
* IMB (Nov 2017)	06-Feb-17	05-May-17	06-Nov-17	1,000,000.00	3.05
AMP (RIMSEC) (May 2017)	10-May-16	09-May-17	09-May-17	3,000,000.00	3.15
ING (RIMSEC) (Feb 2020)	13-Feb-17	11-May-17	11-Feb-20	1,000,000.00	3.20
NAB (Feb 2020) annual interest	13-Feb-17	12-May-17	12-Feb-20	2,000,000.00	3.05
CBA (Feb 2020)	13-Feb-17	15-May-17	13-Feb-20	1,000,000.00	3.05
* Westpac (Curve) (Feb 2021)	17-Feb-17	17-May-17	17-Nov-21	1,000,000.00	3.15
* Westpac (Feb 2021)	17-Feb-17	17-May-17	17-Nov-21	1,000,000.00	3.15
* Westpac (Feb 2021)	20-Feb-17	18-May-17	18-Feb-21	2,000,000.00	3.30
CBA (May 2020)	20-Feb-17	19-May-17	19-May-20	2,000,000.00	2.80
CBA (May 2020)	20-Feb-17	19-May-17	19-May-20	1,000,000.00	3.00

	Counterparty	Lodged or Rolled	Interest Due	Maturity Date	Principal	% Yield
	NAB (May 2018)	22-Feb-17	22-May-17	22-May-18	2,000,000.00	4.30
*	Westpac (Aug 2020)	27-Feb-17	25-May-17	25-Aug-20	2,000,000.00	3.20
	NAB (May 2017)	29-Nov-16	30-May-17	30-May-17	3,000,000.00	2.70
	CBA (Aug 2021)	28-Feb-17	31-May-17	31-Aug-21	6,000,000.00	3.00
*	Bendigo Bank (Curve) (June 2019)	01-Jun-16	01-Jun-17	04-Jun-19	2,000,000.00	3.00
*	IMB (Mar 2020)	20-Mar-17	19-Jun-17	17-Mar-20	2,000,000.00	4.10
	NAB (Dec 2019)	20-Mar-17	19-Jun-17	17-Dec-19	2,000,000.00	2.90
*	MyState (July 2017)	01-Sep-16	04-Jul-17	04-Jul-17	2,000,000.00	3.20
*	IMB (Jan 2020)	06-Apr-17	06-Jul-17	06-Jan-20	1,000,000.00	3.00
*	Westpac (Apr 2021) quarterly interest	07-Apr-17	07-Jul-17	07-Apr-21	1,000,000.00	2.70
	Australian Military Bank (Curve) (July 2017)	05-Jul-16	11-Jul-17	11-Jul-17	1,000,000.00	2.70
*	Bankwest (Feb 2017)	07-Feb-17	11-Jul-17	11-Jul-17	3,000,000.00	4.05
*	Westpac (Jan 2021)	11-Apr-17	11-Jul-17	12-Jan-21	6,000,000.00	4.15
	RaboDirect (Curve) (Jul 2021)	27-Jul-16	27-Jul-17	27-Jul-21	1,000,000.00	3.05
	CBA (Aug 2017)	01-Mar-17	01-Aug-17	01-Aug-17	4,000,000.00	2.69
*	Suncorp (May 2015)	31-Jan-17	01-Aug-17	01-Aug-17	2,000,000.00	4.00
	RaboDirect (Curve) (Aug 2019)	07-Aug-16	07-Aug-17	13-Aug-19	2,000,000.00	2.77
	AMP (Curve) (Aug 2017)	03-Aug-16	08-Aug-17	08-Aug-17	2,000,000.00	3.00
*	BOQ (Aug 2017)	06-Aug-17	08-Aug-17	08-Aug-17	2,000,000.00	2.80
*	BOQ (Aug 2017)	06-Aug-16	08-Aug-17	08-Aug-17	3,000,000.00	2.80
*	BOQ (Aug 2017)	06-Aug-17	08-Aug-17	08-Aug-17	1,000,000.00	2.85
*	CUA (Aug 2017)	09-Aug-16	08-Aug-17	08-Aug-17	2,000,000.00	2.70
*	BOQ (Aug 2020)	09-Aug-16	09-Aug-17	11-Aug-20	5,000,000.00	2.70
	MMBS (Curve) (Aug 2018)	15-Aug-16	16-Aug-17	21-Aug-18	2,000,000.00	3.00
	Rabo (RIMSEC) (Feb 2018)	19-Aug-16	21-Aug-17	20-Feb-18	3,000,000.00	3.00

Counterparty	Lodged or Rolled	Interest Due	Maturity Date	Principal	% Yield
Rabo Bank (Curve) (Aug 2018)	21-Aug-16	21-Aug-17	21-Aug-18	2,000,000.00	3.10
* BOQ (Aug 2017)	21-Feb-17	22-Aug-17	22-Aug-17	4,000,000.00	2.75
* Bendigo Bank (Aug 2019)	23-Aug-16	23-Aug-17	27-Aug-19	5,000,000.00	2.85
CBA (Oct 2019)	23-Aug-16	23-Aug-17	23-Oct-19	1,999,999.00	2.84
Rabo (Curve) (Aug 2018)	26-Aug-16	26-Aug-17	28-Aug-18	3,000,000.00	2.55
* Bankwest (Jan 2017)	28-Mar-17	29-Aug-17	29-Aug-17	2,000,000.00	2.74
ING (Curve) (Aug 2017)	21-Feb-17	29-Aug-17	29-Aug-17	1,000,000.00	3.08
ING Bank (Aug 2017)	01-Mar-17	29-Aug-17	29-Aug-17	3,000,000.00	2.88
* Bendigo Bank (Curve) (Mar 2018)	31-Aug-16	31-Aug-17	06-Mar-18	2,000,000.00	3.05
Rabo Bank (Curve) (Sept 2019)	01-Sep-16	01-Sep-17	03-Sep-19	1,000,000.00	3.26
* Bendigo Bank (Sept 2019)	03-Sep-16	03-Sep-17	03-Sep-19	1,000,000.00	2.62
QLD PCU (RIMSEC) (Sept 2018)	05-Sep-16	04-Sep-17	04-Sep-18	1,000,000.00	2.65
ING (Curve) (Sept 2017)	21-Mar-17	12-Sep-17	12-Sep-17	3,000,000.00	2.79
NAB (Sept 2017)	13-Sep-16	12-Sep-17	12-Sep-17	3,000,000.00	2.62
Rural (Curve) (Feb 2017)	14-Feb-17	19-Sep-17	19-Sep-17	2,000,000.00	2.80
* Suncorp (Mar 2017)	21-Mar-17	19-Sep-17	19-Sep-17	4,000,000.00	2.60
P&N Bank (RIMSEC) (Sept 2017)	21-Sep-16	21-Sep-17	21-Sep-17	1,000,000.00	2.68
ING Bank (Curve) (Sept 2017)	21-Mar-17	26-Sep-17	26-Sep-17	1,000,000.00	2.73
NAB (Oct 2017)	04-Oct-16	03-Oct-17	03-Oct-17	2,000,000.00	2.93
* Bendigo (Oct 2017)	19-Oct-16	17-Oct-17	17-Oct-17	4,000,000.00	2.70
NAB (Oct 2017)	18-Oct-16	17-Oct-17	17-Oct-17	4,000,000.00	2.80
NAB (Oct 2017)	18-Oct-16	17-Oct-17	17-Oct-17	2,000,000.00	2.65
Defence Bank (Curve) (Oct 2017)	26-Oct-16	24-Oct-17	24-Oct-17	1,000,000.00	3.00
Defence Bank (Curve) (Nov 2018)	23-Nov-16	23-Nov-17	27-Nov-18	2,000,000.00	3.10
Rabo (Curve) (Jul 2018)	26-Nov-16	26-Nov-17	03-Jul-18	3,000,000.00	2.98

	Counterparty	Lodged or Rolled	Interest Due	Maturity Date	Principal	% Yield
*	Bendigo Bank (Curve) (Dec 2017)	07-Dec-16	12-Dec-17	12-Dec-17	2,000,000.00	3.00
*	Bendigo Bank (Dec 2017)	15-Dec-15	18-Dec-17	18-Dec-17	2,000,000.00	2.65
	Police SA (Curve)	21-Mar-17	19-Dec-17	19-Dec-17	2,000,000.00	2.50
*	Suncorp (March 2017)	28-Mar-17	19-Dec-17	19-Dec-17	2,000,000.00	3.01
*	BOQ (Jan 2017)	17-Jan-17	15-Jan-18	15-Jan-19	2,000,000.00	2.70
*	CUA (Curve) (Feb 2017)	14-Feb-17	16-Jan-18	16-Jan-18	2,000,000.00	2.60
	Rural (Curve)	28-Mar-17	23-Jan-18	23-Jan-18	1,000,000.00	2.74
*	ME Bank (Curve) (Jan 2020)	24-Jan-17	24-Jan-18	28-Jan-20	2,000,000.00	2.70
*	Auswide Bank (Curve) (Feb 2017)	07-Feb-17	13-Feb-18	13-Feb-18	1,000,000.00	3.40
*	Bendigo (Curve) (Feb 2017)	14-Feb-17	13-Feb-18	13-Feb-18	2,000,000.00	3.00
*	Bendigo Bank (Feb 2018)	16-Feb-17	13-Feb-18	13-Feb-18	3,000,000.00	2.70
*	BOQ (Feb 2017)	28-Feb-17	27-Feb-18	27-Feb-18	2,000,000.00	2.60
	Defence Bank (Curve) (Mar 2019)	28-Feb-17	28-Feb-18	05-Mar-19	1,000,000.00	2.70
	CBA (Mar 2018)	07-Mar-17	06-Mar-18	06-Mar-18	4,000,000.00	2.85
*	MEB (Curve) (Mar 2018)	01-Mar-16	06-Mar-18	06-Mar-18	2,000,000.00	2.71
	Rural Bank (Curve) (Mar 2018)	28-Feb-17	06-Mar-18	06-Mar-18	4,000,000.00	3.00
	BCU (Curve) (Mar 2018)	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	2.65
	Rural Bank (Curve) (Mar 2017)	07-Mar-17	07-Mar-18	13-Mar-18	1,000,000.00	2.85
	BOQ (Mar 2017)					
*	quarterly interest	28-Mar-17	20-Mar-18	20-Mar-18	2,000,000.00	2.66
*	Westpac (Curve) (Mar 2018)	14-Mar-17	20-Mar-18	20-Mar-18	4,000,000.00	2.70
	NAB (Jan 2020)	16-Jul-17	17-Apr-18	21-Jan-20	2,000,000.00	2.85
*	Bendigo Bank (Curve) (May 2018)	17-May-16	22-May-18	22-May-18	2,000,000.00	2.62

Counterparty	Lodged or Rolled	Interest Due	Maturity Date	Principal	% Yield
QLD PCU (Curve) May 2018)	17-May-16	22-May-18	22-May-18	2,000,000.00	2.60
Defence Bank (Curve) (May 2018)	25-May-16	28-May-18	28-May-18	1,000,000.00	2.65
Defence Bank (Curve) (June 2018)	31-May-16	05-Jun-18	05-Jun-18	1,000,000.00	
RaboDirect (Curve) (Jan 2019)	13-Jan-15	15-Jan-19	15-Jan-19	1,000,000.00	
Westpac (Feb 2022)	15-Feb-17	15-Feb-19	15-Feb-22	3,000,000.00	
Rabo Bank (Curve) (May 2020)	20-May-16	19-May-20	19-May-20	2,000,000.00	2.70
Total				200,999,999.00	2.95
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			

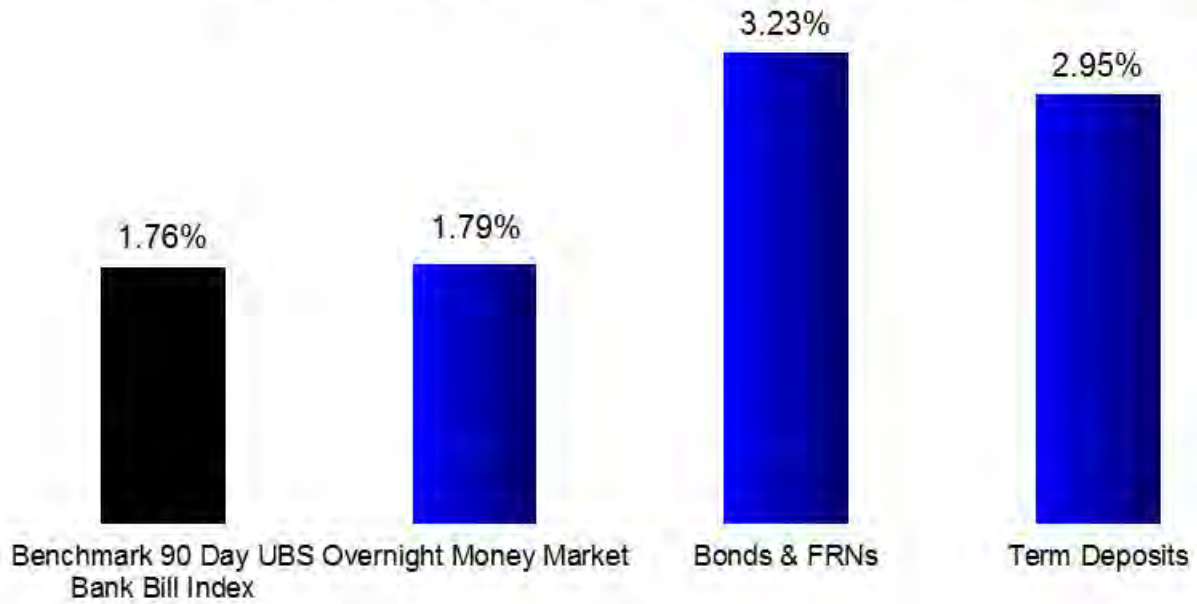
6. Ethical Investments

* Ethical Financial Institutions highlighted
\$140,370,109 which represents **51.42%** of the total portfolio
 Source: Australian Ethical - www.australianethical.com.au

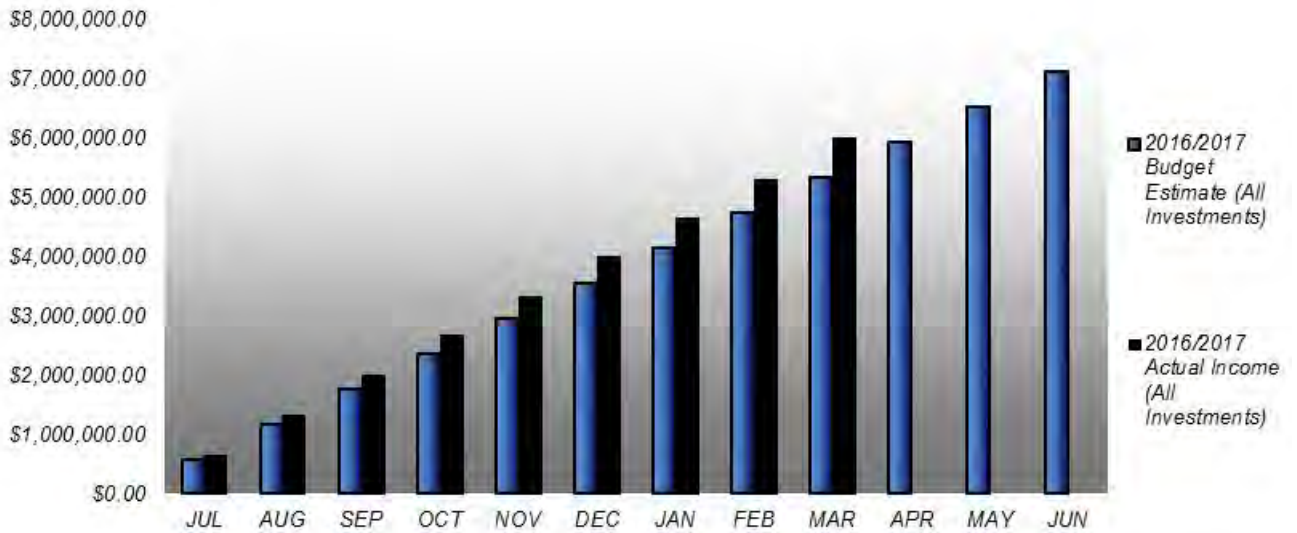
7. Performance by Category

Category	Face Value	Market Value	Weighted Average Return by Investment Category	Above or (Below) 90 day BBSW Benchmark
Benchmark 90 Day UBS Bank Bill Index			1.76%	
Overnight Money Market	7,700,000.00	7,700,000.00	1.79%	0.03%
Bonds & FRNs	63,750,000.00	64,263,039.00	3.23%	1.47%
Term Deposits	200,999,999.00	200,999,999.00	2.95%	1.19%
			Weighted Average Total Portfolio	
	272,449,999.00	272,963,038.00	2.98%	1.22%

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%	0.74%	A-1+	100%	21.14%
AA Category	100%	10.86%	A-1	100%	13.92%
A Category	60%	10.55%	A-2	60%	31.14%
BBB Category	20%	6.68%	A-3	0%	0.00%
Unrated	10%	2.04%	Unrated	10%	2.93%

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	48.05%	Minimum 40%
More than 365 days and less than 3 years	31.14%	Maximum 60%
3 years and less than 5 years	20.81%	Maximum 35%
Total	100.00%	

Market Value by Term Remaining

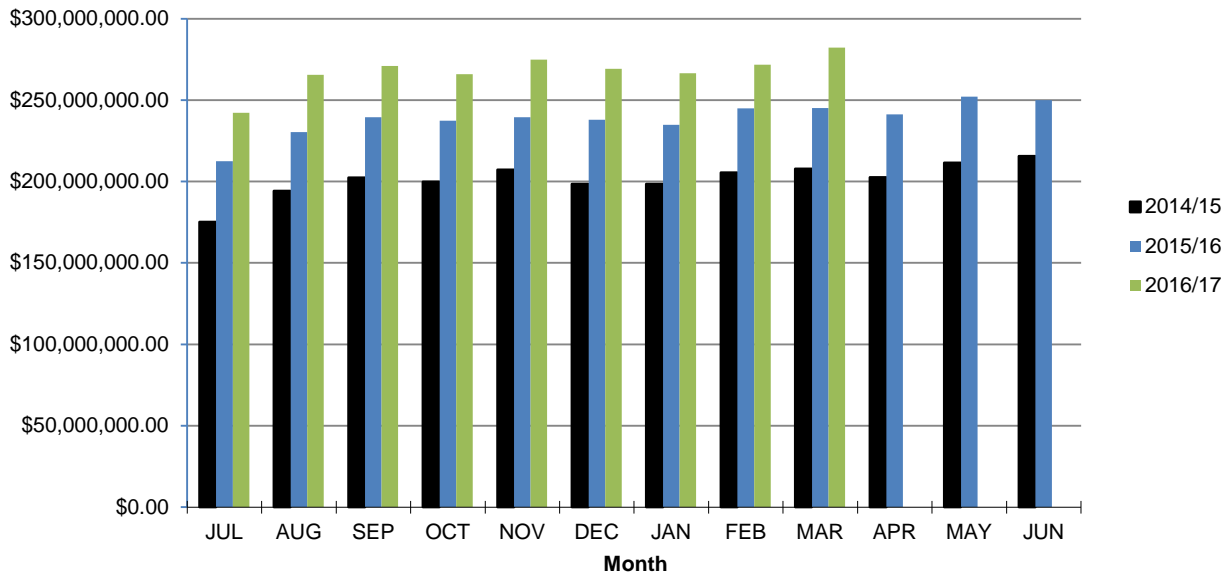


11. Investment Alternatives Explained

Investment Product	Maturity Range	Usual term to maturity	Major Benefits	Major risks
At Call Cash	At Call	Immediate to a few months	Highly liquid - same day access to funds with no impact on capital	Not a capital growth asset
			Highly secure as a bank deposit	Underperforms other asset classes in the long term
Bank Bill	1 - 180 days	Less than 1 year	Highly liquid - same day access to funds, usually with no or minimal impact on capital	Not a growth asset
			Highly secure (bank risk)	Underperforms other asset classes in the long term
				May incur a small loss for early redemption
Term Deposit	Up to 5 years	Less than 2 years	Liquid - same day access to funds	Will incur a small capital loss for early termination
			Highly secure as a bank deposit	Underperforms growth assets in the longer term
Floating Rate Note Bond	1 - 5 years	Greater than 2 years	Increased yield over bank bills	Not a growth asset
			Can accrue capital gain if sold ahead of maturity and market interest rates have fallen	Can incur capital losses if sold ahead of maturity and market interest rates have risen
			Coupon interest rate resets quarterly based on 90 day bank	Credit exposure to company issuing the paper

Investment Product	Maturity Range	Usual term to maturity	Major Benefits	Major risks
Fixed Rate/Bond	1 - 5 years	Greater than 3 years	bill swap rate	May not be bank guaranteed
			Relatively liquid	
			Less administration than bank bills	Underperforms other asset classes in the long term
			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	4,541,061	-815
2	Western Drainage	642,495	
3	DCP3 Community Facilities	1,739	
4	TRCP Road Contributions	15,191,380	773,039
5	Open Space	524,995	1,045
6	Street Trees	205,807	
7	West Kingscliff	903,374	
10	Cobaki Lakes	-1,439	
11	Libraries	2,214,508	752
12	Bus Shelters	119,600	59
13	Cemeteries	119,884	109
14	Mebbin Springs	96,164	
15	Community Facilities	1,645,717	1,247
16	Surf Lifesaving	98,705	
18	Council Administration/Technical Support	1,601,145	11,088
19	Kings Beach	927,328	
20	Seabreeze Estate	802	
21	Terranora Village	34,606	
22	Cycleways Shirewide	150,482	
23	Carparking Shirewide	1,516,766	
25	SALT	1,134,564	
26	Open Space Shire wide	1,272,999	4,416
27	Tweed Heads Masterplan	315,637	
28	Seaside City	518,924	
91	DCP14	115,083	
92	Public Reserve Contributions	137,399	
95	Bilambil Heights	562,762	
	Total	34,592,487	790,940

14. Economic Commentary

At its 2 May, 2017 meeting the Reserve Bank of Australia (RBA) decided to leave the cash rate unchanged at 1.50 per cent.

There has been a broad-based pick-up in the global economy since last year. Labour markets have tightened further in many countries and forecasts for global growth have been revised up. Above-trend growth is expected in a number of advanced economies, although uncertainties remain. In China, growth is being supported by increased spending on infrastructure and property construction, with the high level of debt continuing to present a

medium-term risk. The improvement in the global economy has contributed to higher commodity prices, which are providing a significant boost to Australia's national income. Australia's terms of trade have increased, although some reversal of this is occurring.

Headline inflation rates have moved higher in most countries, partly reflecting the higher commodity prices. Core inflation remains low. Long-term bond yields are higher than last year, although in a historical context they remain low. Interest rates have increased in the United States and there is no longer an expectation of additional monetary easing in other major economies. Financial markets have been functioning effectively.

The Bank's forecasts for the Australian economy are little changed. Growth is expected to increase gradually over the next couple of years to a little above 3 per cent. The economy is continuing its transition following the end of the mining investment boom, with the drag from the decline in mining investment coming to an end and exports of resources picking up. Growth in consumption is expected to remain moderate and broadly in line with incomes. Non-mining investment remains low as a share of GDP and a stronger pick-up would be welcome.

Indicators of the labour market remain mixed. The unemployment rate has moved a little higher over recent months, but employment growth has been a little stronger. The various forward-looking indicators still point to continued growth in employment over the period ahead. The unemployment rate is expected to decline gradually over time. Wage growth remains slow and this is likely to remain the case for a while yet.

The outlook continues to be supported by the low level of interest rates. Lenders have announced increases in mortgage rates, particularly those paid by investors and on interest-only loans. The depreciation of the exchange rate since 2013 has also assisted the economy in its transition following the mining investment boom. An appreciating exchange rate would complicate this adjustment.

Inflation picked up to above 2 per cent in the March quarter in line with the Bank's expectations. In underlying terms, inflation is running at around 1¾ per cent, a little higher than last year. A gradual further increase in underlying inflation is expected as the economy strengthens.

Conditions in the housing market continue to vary considerably around the country. Prices have been rising briskly in some markets and declining in others. In the eastern capital cities, a considerable additional supply of apartments is scheduled to come on stream over the next couple of years. Rent increases are the slowest for two decades. Growth in housing debt has outpaced the slow growth in household incomes. The recently announced supervisory measures should help address the risks associated with high and rising levels of indebtedness.

Taking account of the available information, the Board judged that holding the stance of monetary policy unchanged at this meeting would be consistent with sustainable growth in the economy and achieving the inflation target over time.

Council's Investment Portfolio

Council's investment portfolio is conservatively structured in accordance with Office of Local Government guidelines with approximately 77% 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 longer dated term deposit funds remains high due to diminished availability of wholesale funding, increased cost of wholesale funding and new banking capital requirements. This demand for longer term funds is highlighted by the lowering of many "at call" rates to less than the RBA cash rate and increased margins above the 90 day bank bill benchmark for term deposits.

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. As these longer-dated bonds and term deposits mature and are replaced with lower yielding investments the portfolio return will decrease. Overall, the investment portfolio has returned a **weighted average 1.22% 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	10,546,880.00	
FLOATING RATE NOTES	53,716,159.00	
ASSET BACKED SECURITIES	0.00	
FUND MANAGERS	0.00	
TERM DEPOSITS	65,999,999.00	
CALL ACCOUNT	7,700,000.00	137,963,038.00

WATER FUND

TERM DEPOSITS	55,000,000.00	
FUND MANAGERS	0.00	55,000,000.00

SEWERAGE FUND

TERM DEPOSITS	80,000,000.00	
FUND MANAGERS	0.00	80,000,000.00
TOTAL INVESTMENTS		\$272,963,038.00

It should be noted that the General Fund investments of \$137 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.

ORDERS OF THE DAY



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

37 [NOM] Tweed Shire Housing Opportunities

NOTICE OF MOTION:

Councillor K Milne moves 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.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

It is important to note that there are three elements to this Notice of Motion:

- Social housing,
- Affordable housing
- Flood resilient planning

The distinction needs to be made between housing affordability (the relationship between housing expenditure and income) and affordable housing (which is housing that it is within reach of low income earners).

Local councils have very limited to no control over house prices or market influences that put downward pressure on prices – and that increasing the supply of rezoned land will have little to no effect unless the local market is oversupplied already and developers are either willing or forced to construct new dwellings irrespective of this; the former is not ever likely to occur deliberately and the latter has no legal basis to force that situation.

State and Federal Government is best placed to bring about initiatives and incentives that can positively influence the housing issues mentioned. The Australian Government announced in January 2016 the COAG Council of Federal Financial Relations would form an affordable housing group and its discussion paper and consultation to-date was based around innovative financial models that might assist with increasing supply of affordable rental housing. Recent government initiatives have been focussed on increasing supply, and it is expected that the measures likely in the upcoming NSW budget will go to addressing first time buyers financing to enter the housing market not address directly the cost of that housing.

Council utilises flood resilient planning practice proactively through land-use planning and will continue our work on improving flood resilience, relocation or buy-back through flood management strategies for those existing properties at high risk, which may involve a degree of land-use planning also.

Council's Homelessness Policy could be reviewed to include an increased focus (in the implementation plan over the next 12 months) on those affected by the floods, which may assist with a short term response. However, this would need to be clearly linked with the Tweed Shire Housing Homelessness Network who drive many of the actions in the policy and potentially some of the outcomes that may be identified in the Recovery Plan through the Health and Wellbeing Sub-Committee from the Floods.

The new Census data (local level data to be released mid June) will provide a more accurate picture on the housing stock/situation in the region. Council needs to continue to lobby State Government regarding the lack of social housing in the Tweed.

It has been informally and anecdotally reported there is an increase in homelessness following the flood as an additional issue however, gaining access to accurate data has been difficult with so many agencies involved many of which will not make their statistics available to Council or the public. Department of Housing have informed staff that they have met the need of those made homeless as a result of the floods.

It is an important opportunity in regards to the Policy context to mention the State Government North Coast Region Plan that refers to the Growth in our region and the need for 'Great housing choice and lifestyle options' (Goal 4), to highlight the need for funding to deliver on the actions.

The recent report completed by Australian Housing and urban Research Institute (AHURI) for the Commonwealth Government which highlights the breadth of the issue around Affordable Housing which requires significant finance and clear policy direction and the flow on impact affordable housing is having on public housing stock, *Developing the scale and capacity of Australia's affordable housing strategy, April 2017*.

Council's Homelessness Policy lists the development of An Affordable Housing Strategy as a key action under Land-Use Planning. This will require a dedicated budget and will take up

to 12 months to complete, noting that it may not lead to lower housing in real terms and even if it does it will not be in the short-term and may still require further financial investment to implement.

It is unlikely that such a comprehensive and complex matter can be addressed in the short-term and that it is recommended that a scoping study covering the range of issues and likely costs for preparing a strategy to address these matters be prepared as the first step.

- As Council are not a direct service provider, there is no accurate data of those that were in Crisis Accommodation or Homeless prior to floods to inform accurate comparison on homelessness numbers prior to floods and following floods. We hear there is a significant increase in the number of secondary homeless as a result of the flood which was already our highest percentage of those homeless in Tweed. Some are presenting to the Recovery Centre.
- We know affordable rental is an issue impacting homelessness with 53% of Tweed household income being spent on rent, significantly higher than the 30% of income spent on rent considered as affordable (2011 Census).
 - Anglicare Australia Rental Affordability Snapshot released April 2017 notes Tweed Shire remains inaccessible for rentals for low income earners. The available stock does not meet the demographics for the region particularly single person households. Of the 72 properties available at this time only four were suitable for those on low incomes. 2011 Census data states of the 35,000+ households across Tweed 24% are privately rented.
 - We know the percentage of Social Housing as a percentage of all Households is significantly lower in Northern NSW at 3.2% compared to 5.1% NSW. Six providers of social and affordable rental housing across Tweed. As at July 2016, 1400+ on a wait list for Social Housing across Tweed Shire.
 - The Office for Emergency Management are responsible for the collation of data at the Recovery Centre. Between 6 April and 3 May 2017 – 1421 Adults and 415 children have been recorded as affected by the floods at the Murwillumbah Recovery Centre (please note some of these persons have re-presented on numerous occasions at Recovery Centre).
 - NSW Housing whom were at Recovery Centre have informed Council they were able to house all those displaced as a result of floods.

Delivery Program:

Validms



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Supporting Community Life
2.2	Improve opportunities for housing choice
2.2.1	Support provision of a wide range of housing types in new and existing urban areas.

Budget/Long Term Financial Plan:

Significant staff resources will be required to develop the requested report.

Legal Implications:

To be considered when collating the requested report.

Policy Implications:

The requested report will identify options to review existing Council policies.

38 [NOM] Traffic Safety - Bilambil Heights Roundabout

NOTICE OF MOTION:

Councillor R Byrnes moves that Council investigates the feasibility or alternate funding options and bring forward a report to Council on installing a roundabout and increased safety measures on the intersection of McAllisters Road, Scenic Drive, Bilambil Road and Terranora Parade at Bilambil Heights.

Councillor's Background Notes

Recommended Priority:

This is a notoriously dangerous intersection and has been the cause of many accidents in recent times. Residents of Bilambil Heights and surrounds deserve a safer and more negotiable intersection.

Description of Project:

Nil.

Management Comments:

Delivery Program:



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Supporting Community Life
2.4	An integrated transport system that services local and regional needs
2.4.1	Provide a safe and efficient network of arterial roads connecting neighbourhoods to town centres, employment, shopping, health, commercial and education facilities

A roundabout has been designed (concept) for the intersection and funding is included in the s94 Tweed Roads Contribution Plan. The Plan identifies the upgrade of the intersection in association with upgrades to McAllisters Road and its extension through to the Scenic Drive extension, connecting to Piggabeen Road and then to Cobaki Parkway. It is unlikely that the McAllisters Rd extension and intersection upgrade will be required in the medium to long term for traffic capacity purposes.

The Tweed Road Development Strategy (TRDS), which identifies the road network upgrades required based on future land use, is currently under review and will be the subject of a Council workshop 8 June 2017. The Strategy informs the s94 Plan.

Funding has been sought, without success, in previous years for the roundabout through the Federal Government's Blackspot Program. The Program is road safety focused and allocates funding across Australia by applying a benefit cost ratio (BCR) to each project

which is calculated by crash reduction (costs to the community) over the cost of the treatment. The projects with the highest BCRs are funded within the total allocated budget.

Officers are reviewing the estimated costs of the roundabout's construction and will include in the Blackspot assessment criteria as provided for the 2018/19 financial year's programme. The application process is expected to be opened in the next month. It should be noted however that the perception of a significant road safety history at the intersection may not be reflected in the recorded data provided to Council.

The last five years crash data indicates that 3 reported crashes (casualty) have occurred at the intersection with further crashes occurring along Scenic Drive to the north where between Monomeeth Avenue and 100m north of the Scenic Drive intersection there were 5 reported crashes. Those crashes appear to be primarily speed related and most likely would not be addressed by the roundabout construction over 200m away.

Budget/Long Term Financial Plan:

Funding is available under s94 Plan No.4 Tweed Road Contribution Plan, however the relative priority of this project against others in the works program will be reviewed in the TRDS. Alternately, Blackspot funding can be sought, but has previously been unsuccessful. Options for roundabout and traffic signal configurations will need to be assessed for cost effectiveness and traffic benefits.

Legal Implications:

Nil

Policy Implications:

Nil

39 [NOM] Parking Contribution Waiver - Murwillumbah CBD/South Murwillumbah

NOTICE OF MOTION:

Councillor R Byrnes moves that a general amnesty/waiver on payment of upfront parking contribution fees, limited to a maximum of 5 (parking) spaces be enacted for the period of 12 months on all new businesses in the Murwillumbah Central Business District and South Murwillumbah (specifically Prospero Street) region.

Councillor's Background Notes

Recommended Priority:

The intention of this motion is to stimulate economic growth in the Murwillumbah Business District following the disastrous impacts of the 2017 weather event.

Murwillumbah needs business and economic growth to rebound and thrive from this disaster. A waiver on parking contribution limited up to 5 (five) spaces will assist and attract new business opportunities in the specified area.

The cap on parking spaces is designed as an incentive for smaller businesses. The cap is also intended so there no perceived or possible exploitation by larger corporations avoiding the parking contribution and buying up free space. The intention of this motion is to favour small business, which is the backbone of the Murwillumbah economy.

Description of Project:

Nil.

Management Comments:

Delivery Program:

Validms



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.5 Provide vibrant and accessible town, community and business centres
- 2.5.1 Encourage establishment of well located centres to provide a wide range of mixed-use retail, commercial and community services, supported by high amenity public spaces, quality urban and good access by public transport or bicycle

Contributions under Plan No.23 Offsite Parking are only imposed on new businesses in CBD locations if they are unable to meet their car parking requirements under DCP-A2 Site Access and Parking Code. Additional parking is only necessary if the proposed development (such as a change of use) is a higher parking demand generator than the previously approved land use. An example would be a change from a shop to a café or to a

medical centre. Like for like changes of use (i.e. from a shop to another shop) will not generate any contributions, so is not a barrier to new business.

The contribution approach recognises that CBD land is constrained, and it is not physically possible for most sites in a CBD to be reconfigured to fit additional parking spaces to meet the additional demand. This is particularly the case in Murwillumbah where the CBD is a heritage conservation area. The contribution is used to provide centralised public facilities – in Murwillumbah this is the multi-storey carpark adjacent to the Civic Centre.

Those areas outside of the CBD, which are generally less constrained and are further removed from the centralised public car parking facilities, are expected to provide all of their car parking requirements onsite and do not have the contribution alternative. This is the case for South Murwillumbah, where there are no contributions to waive. The motion may need to be amended should the intent be that parking requirements for Prospero Street business be reduced by a maximum of 5 spaces.

The implications of the proposal are that new businesses may generate a shortfall in car parking for their staff and customers. The community has previously expressed concerns regarding parking demand, and have cited this as a potential disincentive for new businesses to establish in Murwillumbah. Options to convert parking areas in South Murwillumbah into open space were strongly opposed by the business community.

Budget/Long Term Financial Plan:

Car parking contributions in Murwillumbah are used to pay loans associated with the multi-storey car park. Aside from Council’s own contributions into the plan (such as for the aquatic centre and civic centre expansions), there have been few if any instances where contributions have been received in recent years. Typical payments in representative years are shown below:

Year	Parking Contributions - Murwillumbah
2006	\$63,735
2008	\$25,494
2010	\$12,747 + \$31,814
2013	\$31,814
TOTAL	\$165,604

Legal Implications:

Nil.

Policy Implications:

Council adopted a Business Investment Policy in August 2016, which includes a range of discounts, exemptions, deferrals and incentives for employment generating businesses and small businesses. The policy currently provides a deferred payment incentive for businesses subject to car parking contributions. Any contribution waivers proposed by Council should be implemented in the form of a revision to this Policy.

40 [NOM] Report Request - Food Vans

NOTICE OF MOTION:

Councillor R Byrnes moves that Council request the General Manager to bring back a report that details opportunities and constraints of enabling food vans to operate on:

- 1. The road reserves at Tumbulgum Farmers Market and/or Bullamakanka Rest Stop on Tweed Valley Way;**
- 2. Roads and Stormwater reserves and public reserves generally;**
- 3. Private property;**
- 4. Road reserves and public reserves at approved events;**

and that the report include details on how Council will consult with the community on aspects of allowing food vans to operate in public spaces.

Councillor's Background Notes

Recommended Priority:
Nil.

Description of Project:
Nil.

Management Comments:

Delivery Program:

Validms



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

The use of road reserve areas for any form of commercial use, including food vans and roadside stalls, requires an assessment of road safety and traffic impact. Such uses should be discouraged on roads that carry high volumes of traffic, have high posted speed limits, interfere with the operation of intersections, or may distract drivers.

The location of the Tumbulgum Farmers Market at the intersection of Tweed Valley Way and Riverside Drive is not ideal from a road safety perspective for all of the above reasons. Alternate locations such as the Bullamakanka rest area would be preferable as it is located

in a lower speed zone, is clear of major intersections, and allows for customers and operators to park safely away from the travel lanes. Consultation with adjoining landholders would be required in establishing new operating areas.

Business owners in established commercial areas pay contributions towards the provision and upgrading of road assets, as well as rents and fees such as for outdoor dining. There is an argument that the approval of food vans on public land, which do not attract the same establishment costs, does not provide a level playing field for existing small businesses.

Use of public land and reserves should not compromise their intent, which is generally to provide a service to the community. Alternate uses for food vans and the like must not lead to increased maintenance costs, which are derived from general rates, and would be diverted from normal operating budgets. Examples are provision of public toilets and water supplies, upgrades to road surfaces and drainage systems, and increased weed and grass control.

There are already assessment and approvals processes in place for food vans associated with special events.

Land uses on private land are subject to any approvals necessary under the Environmental Planning and Assessment Act, and Tweed Local Environment Plan.

Budget/Long Term Financial Plan:

Nil.

Legal Implications:

Nil.

Policy Implications:

Nil.

41 [NOM] Request to NSW Premier - Waive Payroll Tax on flood impacted North Coast

NOTICE OF MOTION:

Councillor R Byrnes moves that Council writes to the Premier of NSW, Gladys Berejiklian requesting the State Government waiver all Payroll Tax for the period of 12 months for all flood affected businesses on all declared North Coast Local Government areas.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Delivery Program:

Validms



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

Budget/Long Term Financial Plan:

Nil to Council.

Payroll Tax is a State based tax. The threshold currently sits at \$750,000 per annum.

Legal Implications:

Payroll Tax is legislated under Payroll Tax Act 2007 and commenced on 1 July 2007. It replaces the Pay-Roll Tax Act 1971.

Policy Implications:

The NSW and Commonwealth Governments have categorised the Flood as a Category C disaster. This provides assistance of \$15,000 cash grants to businesses and primary producers and eligibility for a \$130,000 loan which is interest free for two years and then with interest rates of 1.8% thereafter for a 12 year term. This assistance is only applicable to small businesses employing less than 20 FTE staff. Further Category C has only been declared in South Murwillumbah, Murwillumbah, Condong

and Bray Park. As at 8 May 2017, Tumbulgum, Burringbar, Mooball, Uki, Chinderah, Chillingham and Crabbes Creek were still being assessed by the Commonwealth. The NSW Government has also released the Northern Rivers Business Recovery Program, granting \$25,000 to eligible medium sized businesses employing 20+ FTE.

The Australian Taxation Officer (ATO) and the State Government has as part of the Recovery Package provided changes to tax obligations and payroll tax deferral (on application) for businesses affected by the disaster.

Council's Economic Development Officer/Business Facilitation worked with the Shire's six medium sized businesses to complete the grant applications for submission before the week ending 12 May 2017.

42 [NOM] Tweed Shire Police Numbers

NOTICE OF MOTION:

Councillor R Byrnes moves that Council writes to the NSW Police Minister seeking an explanation as to why no NSW Police recruits in the April graduation were allocated to the Tweed Byron Local Area Command to protect residents in our Shire.

Councillor's Background Notes

Recommended Priority:

Police on the beat are an important aspect in keeping our community safe. Council has a role in seeking answers as to why the State Government and our representatives have failed to secure more recruits to our area.

Description of Project:

Nil.

Management Comments:

Delivery Program:

Validms



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
 - 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
 - 2.1.4 Provide education and advocacy to promote and support the efforts of the police, emergency services and community groups to improve the safety of neighbourhoods and roads
-

Budget/Long Term Financial Plan:

Nil.

Legal Implications:

Nil.

Policy Implications:

The Mayor, Executive Officer and Manager Community and Cultural Services are currently members of the Community Safety Precinct Committee.

QUESTIONS ON NOTICE

43 [QON-Cr W Polglase] Flood Damage to Council Plant and Equipment

QUESTION ON NOTICE:

Councillor W Polglase asked:

Can the General Manager advise Council the cost of Council plant and equipment that was lost in the flood and what portion was covered by insurance?

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

44 [SUB-TSYC] Minutes of the Tweed Shire Youth Council Meeting held Wednesday 22 February 2017

SUBMITTED BY: Community and Cultural Services

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

The Minutes of the Tweed Shire Youth Council Meeting held Wednesday 22 February 2017 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Tweed Shire Youth Council Meeting held Wednesday 22 February 2017 be received and noted.

REPORT:

The Minutes of the Tweed Shire Youth Council Meeting held Wednesday 22 February 2017 are reproduced as follows for the information of Councillors.

Venue:

Tweed Heads Administration Office, Harvard Room

Time:

4.00pm

Present:

Deputy Mayor of Tweed Shire Cr Chris Cherry; Cr James Owen; Cr Ron Cooper; Joshua Carpenter, Maddison Uitendaal - Banora Point High School; Talia Green, Will Griffiths - Lindisfarne Anglican Grammar; Rosaleen Newell, Nathanael Adam - Murwillumbah High School; Neil Baldwin; Sylvia Roylance; Lisa Bailey (Minutes)

Apologies:

Jesse Wright - Mt St Patrick's College; Oscar Winters, Lucy Neilson-Senise - St Joseph's College; Troy Green, Tracey Stinson, Cr Reece Byrnes, Cr Pryce Allsop

Guests:

Robyn Grigg, Chantelle Howse, Shane Davidson

Minutes of Previous Meeting:

Moved: Nil.

Seconded: Nil.

Business Arising: Nil.

Agenda Items:

AI1 Introduction and Welcome from the Deputy Mayor of Tweed Shire, Cr Chris Cherry
Cr Cherry welcomed all to the first meeting of the 2017 Tweed Shire Youth Council, and acknowledged the Bundjalung Aboriginal Nation with the following statement:

"We wish to recognise the generations of the local Aboriginal people of the Bundjalung Nation who have lived in and derived their physical and spiritual needs from the forests, rivers, lakes and streams of this beautiful valley over many thousands of years as the traditional owners and custodians of these lands."

Cr Cherry noted apologies from the Mayor of Tweed Shire, Cr Katie Milne. Cr Cherry outlined the role of Youth Council members in bringing issues to the Councillors, presenting ideas, finding solutions and taking action.

Cr James Owen noted it is important to start with the basics, to know that each member has a voice, and represent the young people of the Shire. Cr Owen encouraged members to attend an upcoming Council Meeting and Community Access Meeting to gain a greater understanding of Council and how it works.

Cr Ron Cooper gave some insight into his past and current experience as a Councillor, noting how important it is for members of the community to feel they have been heard. The outcome may not be in their favour, but the opportunity to be heard is crucial.

AI2 Welcome by Neil Baldwin, Manager Corporate Governance

Mr Baldwin passed on apologies on behalf of Troy Green, General Manager Tweed Shire Council. Neil welcomed all members to this year's Youth Council, noting it may just be unique given the recent amalgamations across the State. It was noted that members will be given the opportunity to participate in Youth Speak and Neil asked that members start to gather thoughts from peer groups to prepare for this forum. It was also emphasised that members should feel welcomed in bringing issues to Councillors for their consideration and that the Youth Council will receive requests for submissions on appropriate matters. Neil noted that, in future, Agenda items would be sought from members, and the Agenda should be circulated with enough time for all members to consider the topics of discussion.

AI3 Code of Conduct, Neil Baldwin, Manager Corporate Governance/Public Officer

All members reviewed the Code of Conduct, with Mr Baldwin highlighting that, whilst debate is encouraged, members are expected to treat each other with fairness and respect.

AI4 Emergency Evacuation and Housekeeping, Sylvia Roylance, Community Development Officer - Families and Youth

Sylvia Roylance discussed the emergency evacuation route for the area and preferred exit routes were discussed. Members of the Customer Service team will be informed of expected attendees/visitors for each meeting. Each student member will be escorted by a Council officer when it is time to leave meetings.

AI5 Round Table Introductions - Student Members

Each student member was given the opportunity to introduce themselves and discuss their own personal reasons for joining the Youth Council. These topics ranged from wanting to learn more about Council itself and how the process assists members of the community, to raise awareness of youth issues, future employment opportunities, and to provide a voice for the young people of the Shire.

AI6 Youth Council Overview and Available Resources

Sylvia Roylance went through the information provided in the Student Pack drawing particular attention to the Tweed Shire Council Youth Strategy and asked that all members review this document to help inform future discussions. Also included was the Terms of Reference which all members are required to be familiar with.

AI7 Election of Chairperson and Deputy Chairperson

In accordance with Section 3 of the Terms of Reference, the group moved on to the process of electing a Chairperson and Deputy Chairperson. The roles of the two positions were explained to all members and voting took place.

Chairperson: Will Griffiths of Lindisfarne Anglican Grammar

Deputy Chairperson: Maddison Uitendaal of Banora Point High School.

Council Business:

Draft Community Strategic Plan 2017-2027

Mr Baldwin informed the members of the ordinary process following a new Council being elected. A ten year Community Strategic plan is to be established. There are about 52 services that Council provides and these services are grouped into four separate themes. Following endorsement of the Community Strategic Plan, the Delivery Program will be developed and implemented to provide the 'blue print' for what it wants to achieve during the four year term. Cr Cherry emphasised how important it is for members of the Youth Council to have a voice when submissions on Council Strategies are sought.

Tweed the Future Is Ours

Cr Owen gave a brief overview of the Community Engagement Network. The Network hold events at various places such as shopping centres, community markets and residents groups seeking feedback from members of the community to better inform Council on the service levels expected of residents in the future. Any members of Youth Council who would like to be involved in the Community Engagement Network should raise this with Sylvia to facilitate. Cr Cherry made all members aware of the Council's Smartphone Application which also provides an avenue for feedback and encouraged members of the Youth Council to share this information with their peers.

Youth Council Strategy and Action Plan (2013-2017)

Sylvia Roylance reviewed the Strategy and Action Plan in detail. As this document is due for revision at the conclusion of this year, it is intended to involve the current Youth Council in the development of this review.

Les Burger Field Informal Youth Recreation Space Upgrade

Mr Baldwin informed the members that Council resolved at its meeting on 16 February 2017 to put the concept plans of the Les Burger Field upgrade on public exhibition and encouraged all members to review and provide comment. Sylvia discussed the space and what is currently there for those who were not familiar. Sylvia also highlighted some of the suggestions for improvement, and advised the group of where to find the links on Council's website to provide comment.

Youth Council Business:

National Youth Week 2017 - Friday 31 March to Sunday 9 April. Sylvia Roylance briefly discussed National Youth Week, advising further information would be circulated to members for consideration of any events they may be interested in holding or becoming involved in.

International Women's Day Breakfast

Cr Cherry provided information on this event and encouraged all female members of the Youth Council to attend. This day is about celebrating women in times where there is still inequity in a lot of areas of our lives.

Next Meeting:

The next meeting of the Tweed Shire Youth Council Committee will be held Wednesday 24 May 2017 at the Murwillumbah Civic and Cultural Centre, Council Chambers, Tumbulgum Road, Murwillumbah. Agenda items to be forwarded to Sylvia Roylance for inclusion on the Agenda.

The meeting closed at 5.53pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Youth Policy

Tweed Youth Strategy and Action Plan 2013-2017

Terms of Reference - adopted 22 October 2015 (ECM 3808358).

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.

45 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 10 March 2017

SUBMITTED BY: Community and Cultural Services



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 10 March 2017 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Aboriginal Advisory Committee Meeting held Friday 10 March 2017 be received and noted.

REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 10 March 2017 are reproduced as follows for the information of Councillors.

Venue:

Minjungbal Aboriginal Museum and Cultural Centre

Time:

9.53am

Present:

Aunty Joyce Summers (Canowindra Tweed Byron Aged and Disabled Aboriginal Corporation); Jackie McDonald (Tweed Wollumbin Aboriginal Education Consultative Group); Desrae Rotumah (Tweed Aboriginal Co-operative Society); Marvette Logan (Australian Unity Home Care Services-North Coast Aboriginal Branch); Mayor Katie Milne; Tracey Stinson, Robyn Grigg, Chantelle Howse, Robert Appo, Gabby Arthur (Minutes) (Tweed Shire Council).

Apologies:

Des Williams (Tweed Byron Local Aboriginal Land Council); Lewena Williams (Tweed Aboriginal Corporation for Sport);

Guests (in order of arrival):

Neil Baldwin (Tweed Shire Council) (arrived at 9.30am); Ian Fox (Ian Fox and Associates) (arrived at 10.47am); Robyn Eisermann (Tweed Shire Council) (arrived at 10.47am); Sally Cooper (Tweed Shire Council) (arrived at 11am)

Jackie McDonald opened the meeting with a welcome to all present and paid respect to Elders past and present.

Chair: Desrae Rotumah

Moved: Jackie McDonald

Seconded: Aunty Joyce Summers

RESOLVED that the Chair was declared vacant and nominations were called. Desrae Rotumah was nominated and was unanimously elected to Chair the meeting.

Chantelle Howse was introduced and welcomed to the Aboriginal Advisory Committee (AAC) meeting.

Marvette Logan was welcomed back to the AAC meeting on behalf of Australian Unity Home Care Services-North Coast Aboriginal Branch.

Minutes of Previous Meeting:

Moved: Desrae Rotumah

Seconded: Jackie McDonald

RESOLVED that the Minutes of the Aboriginal Advisory Committee meeting held Friday 23 September 2016 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

BA1. Business Arising from meeting held on 23 September 2016

(A2) Public Art projects at Wommin Bay Road underpass, Chinderah/Kingscliff and the roundabout in Alma Street, Murwillumbah

Jackie McDonald requested that a copy of the brief for the Public Art projects at Wommin Bay Road underpass, Chinderah/Kingscliff and the roundabout in Alma Street, Murwillumbah be provided to the next meeting.

Action: CDO-Aboriginal to provide a copy of the brief for the Public Art projects at Wommin Bay Road underpass, Chinderah/Kingscliff and the roundabout in Alma Street, Murwillumbah to the AAC at the next meeting.

BA2. Business Arising from meeting held on 23 September 2016

(A3) Avondale Park West (Lot 1327 DP 1005077) (AHIMS Ref # 04-2-0005)

There is still time for the AAC to provide comments to the Avondale Park West Plan of Management. Jackie sought advice from the AAC as to whether it will make a collective submission to the Plan of Management. Jackie advised that the draft Plan of Management wasn't tabled at the AAC meeting on 23 September and requested that a copy be provided to the AAC. Robert advised Sally Cooper is attending for a later Agenda Item and will provide clarification on the progress of the Plan of Management.

BA3. Business Arising from meeting held on 23 September 2016

(IC1) Letter from TSC re Naming of new road at Terranora 'Cooriki' Avenue

Robert confirmed he has liaised with Vanessa Gwynne to advise that the name 'Cooriki' is a Bundjalung word, however is not appropriate to use as the language is of another dialect.

Agenda Items:

A1. Committee Governance - Neil Baldwin (Tweed Shire Council)

Neil provided information in relation to changes to the Local Government Act and that the Mayor is now elected for two years and the Deputy Mayor for one year. The delegates for the AAC are Mayor Milne as the primary delegate and Cr Chris Cherry and Cr Reece Byrnes are the alternates.

In accordance with the new term of Council, the AAC's Terms of Reference will be reviewed and any changes will go to Council to be adopted.

Council resolved to appoint the organisations to the AAC rather than individual delegates.

Neil advised that Council has sent the documents: 'Standards of Conduct for Council Officials' and 'Your Obligations as a council committee member' to the organisations. Neil tabled a copy of the Model Code of Conduct Policy and Administration of the Model Code of Conduct Procedure, which are to be kept in the AAC meeting folder.

Neil read through and discussed the 'Expected standards of behaviour' and 'What happens if the standards are not met' sections set out in the 'Standards of Conduct for Council Officials' document. Neil also read through and discussed the 'Your obligations as a council committee member'. The AAC does not have to use Council's Code of Meeting Practice and can set its own Code of Meeting Practice. Council works on the 'Principles for Local Government' which are set out at the beginning of the Council meeting agenda. Robert

advised that he would provide a copy of the 'Principles for Local Government' to the AAC at the next meeting.

Action: CDO-Aboriginal to provide a copy of the 'Principles for Local Government' to the AAC at the next meeting.

Neil advised that the Model Code of Conduct is applicable to Councillors, staff and committee members.

Neil advised that a letter has been prepared which he is requesting that committee members sign if they feel comfortable acknowledging they have received the correct documentation and are committing to abide by the rules. The letter was handed out to AAC members who advised they will need approval from their individual organisations prior to signing the documentation.

Action: AAC members to sign and return to Council the letter acknowledging they have received the 'Standards of Conduct for Council Officials' and 'Your Obligations as a council committee member' documentation and are committing to abide by the rules.

Neil advised that a list of the Committees of Council together with a copy of the Terms of Reference, membership, Agendas and Minutes are posted on Council's website.

Neil was thanked for coming along to the meeting.

Neil Baldwin left the meeting at 10.45am
Ian Fox and Robyn Eisermann arrived at 10.47am

A3. Ian Fox (Ian Fox and Associates) and Robyn Eisermann (Tweed Shire Council)

(a) 27 Tweed Coast Road, Hastings Point

Ian advised that he has been engaged by Graham Knuckey of Remnant Archaeology who is preparing a Cultural Heritage report for the owners of 27 Tweed Coast Road, Hastings Point. Ian advised that Council approved a Development Application (DA) to remove an existing structure and erect a new residence at the location which is in the vicinity of a registered AHIMS Aboriginal site. In the course of preliminary construction, it was noted that cultural material within the development area had been impacted. Council officers once aware of the impact advised the OEH compliance team which sent a delegation of officers to investigate the disturbance. The owners were advised to engage a cultural heritage consultant to undertake a cultural heritage investigation to ensure the protection of the cultural material within the development site.

Ian advised that a site inspection was held last week with registered stakeholders attending along with the archaeologist Dr Graham Knuckey.

Ian tabled documents which set out some historical European information.

- In 1890, the first survey shows the allotment before there was any home structures on the property.
- Only a bush track existed which goes within metres of 27 Tweed Coast Road.
- In 1905, Portion 284 was resurveyed and remapped to show the Coast Road which was proposed to be constructed and installed at that time.

- This road follows the same alignment as the current Tweed Coast Road.
- The AHIMs registration point for the midden is on the opposite side of the road of the development site.
- No records were found of the extent of the midden and through this investigation it appears that it possibly extends under the road and into adjoining properties.
- A 1944 aerial survey map has provided further detail to the alignment of the existing road.
- The midden is mapped in Council's Aboriginal Cultural Heritage Mapping.

Robyn Eisermann advised that the site is mapped in Council's Aboriginal Cultural Heritage Mapping as a known landscape but acknowledged the AHIMS site is on the opposite side of the development. At this time there is no legislative requirement that triggers consideration of the draft mapping, only the NPW Act considerations to not 'harm'. The triggers are only in place if the site is identified as a place of Aboriginal Heritage significance through the Local Environmental Plan. The management plan is trying to tie up these ends. Staff are generally informally checking the mapping with Robyn as the mapping isn't currently available to staff on Council's GIS system due to the restriction on the use of the data under the Memorandum of Understanding. If something is identified then staff are contacting TBLALC for advice. Broadly, there is a lack of understanding of harm because of misconceptions that where something (a house or whatever) is already on the site, that land is disturbed and there will be no further impact on Aboriginal heritage cultural items. The NPW Act legislation says you have to 'avoid doing something' rather than 'doing something'.

Robyn advised that Council has sent a letter to all property owners in the vicinity of 27 Tweed Coast Road, Hastings Point (the mapped 'known' area), advising them to seek further cultural heritage advice prior to undertaking any activities which may cause harm to the midden and advising them of their obligations under the legislation for this to occur regardless of what consents have been issued.

Ian advised that Graham Knuckey is preparing a draft Cultural Heritage Assessment report following the OEH consultation guidelines, which should be available early June 2017.

Ian was requested to attend future AAC meetings to provide updates on 27 Tweed Coast Road, Hastings Point.

(b) Shire Wide Cultural Heritage Mapping and draft Cultural Heritage Management Plan - Robyn Eisermann (Tweed Shire Council)

Robyn advised that the Cultural Heritage Management Plan is largely drafted. Part of the process is the developing of a matrix which will give the land a risk rating. Robyn is hoping to hold one or two half day workshops (as needed) with the Aboriginal community in April. Whether this will be open to all community will be guided by the AACs recommendations.

Jackie advised that the AAC has been providing Council with Aboriginal Cultural Heritage advice over many years and finds it frustrating that after all these years; Aboriginal Cultural Heritage is still being impacted. Jackie advised that the AAC brought this midden to the attention of Council 15 years ago and that the Aboriginal community has always known it is a very large midden. Jackie acknowledged that there is a failure in the legislation to put the onus back on landowners who are often unaware of Aboriginal Cultural Heritage themselves and asked how can we ensure a repeat of this does not happen again? Robyn advised this is what Council is trying to address through the Cultural Heritage Mapping process and development of the Management Plan which seeks to draw all legislative requirements

together into a framework and policy/procedure/guideline to ensure suitable consideration and protection of Aboriginal Cultural Heritage in the planning process. Even if not mapped, still need to be careful to do a Due Diligence. The LEP gives the ability to identify an *Aboriginal place of heritage significance, as defined* and thereby trigger appropriate legislation and assessment.

Robyn Grigg left the meeting at 11.13am

Jackie noted that the planning legislation is very complicated and would like to have a better understanding of how it is used and the implications to the Aboriginal community. Robyn offered to do a workshop with the AAC in relation to the planning legislation.

Ian advised that the definition of what is 'Aboriginal Cultural Heritage' changes in all the legislation which causes difficulty.

Robyn advised she has been communicating with OEH which is supportive of Council in the drafting and implementing of the Cultural Heritage Plan of Management. Robyn advised she has also been liaising with the Department of Planning but acknowledged it is yet to provide formal comment, though its mandate is to increase the level of 'complying' development.

Sally Cooper arrived at 11.00am

Robyn is seeking advice from the AAC to run a workshop for the Cultural Heritage Plan of Management in April 2017. Robyn enquired whether a full day or two half days are preferred as there is likely to be quite a lengthy discussion moving through the Plan of Management.

Action: CDO-Aboriginal to work with AAC and advise Robyn Eisermann of suitable dates in April 2017 for the Cultural Heritage Plan of Management workshop.

Ian Fox and Robyn Eisermann left at 11.31am

A5. Sally Cooper (Tweed Shire Council)

(a) Terranora Broadwater Sewer Replacement

Sally advised Council is undertaking replacement and maintenance of sewer pipes at the base of Hillcrest Avenue, Tweed Heads South. The work is mostly above-ground but there is a section of 70 metres about 1.6m deep and 50cm wide that is underground and involves replacing existing pipes with larger pipes. Sally is seeking advice from the AAC as to whether there is any Aboriginal Cultural Heritage of significance in this area. Sally tabled a plan outlining the area where works will occur. Sally advised that the proposed works that will have least impact and minor ground disturbance would be opening up an existing trench, putting in a larger pipe and closing it up again seems to be the best way to avoid harm.

Robert advised Sally that he has knowledge of Council working in the 1980s to form a track that damaged the middens in that area and that Council records may be of assistance if she can locate them. Sally asked the AAC if they have any cultural information that may assist with the planning of the proposed works. Robert recommended that it would be best to have

a site inspection with the AAC members as there are numerous Aboriginal Cultural Heritage sites present within the work area.

Action: CDO-Aboriginal to liaise with Sally Cooper and AAC members to advise of suitable dates for site visit to Hillcrest Avenue.

(b) Works at Hillcrest Avenue, Tweed Heads South coming down the hill to James Street Sally advised further works are proposed at the base of Hillcrest Avenue which is located nearby to the above works. This job will require resurface, kerb and gutter and stormwater outlet into a drain. Sally is seeking advice of whether the AAC are aware of any cultural heritage considerations for this area as well. Robert noted that the formed road was constructed many years ago and the site is heavily disturbed with drainage and road surfacing. Sally suggested that as AAC members will be on site already that both sites can be discussed during that site visit.

Action: CDO-Aboriginal to liaise with Sally Cooper and AAC members to advise of suitable dates for site visit to Hillcrest Avenue.

(c) Avondale Park West (Lot 1327 DP 1005077) (AHIMS Ref # 04-2-0005)
Sally advised that the draft Plan of Management to re-categorise the land for Avondale Park is still being developed. Sally has consulted with the Aboriginal community and the general community, and a public hearing will be held on 30 March. The draft Plan of Management was brought to the last AAC meeting. The Plan of Management acknowledges the cultural heritage in the vicinity of the park and to protect it against future development if the land is re-categorised at a later date. At a previous AAC meeting it was discussed that a layer of mulch will cover the midden material exposed by previous disturbance and planted with Lomandra to deter further impact.

Action: Gabby to obtain a copy of the draft Plan of Management for Avondale Park from Sally Cooper and to forward a hard copy to Jackie McDonald.

A2. Robert Appo (Tweed Shire Council)

(a) Terms of Reference

Robert advised that it is a requirement of Council to review and update the Terms of Reference for each Council committee after a change of Council. Robert advised he has been reviewing the Terms of Reference and has found that there are a couple of areas that are required to be changed:

- 'Bundjalung Home Care' has changed to 'Australian Unity Home Care Services-North Coast Aboriginal Branch'
- Bugalwena Aboriginal Health Service (Bugalwena) - Robert advised that in accordance with the Terms of Reference:
'Termination of Membership
9.1 Membership of the Committee will be terminated automatically after a member's absence from three consecutive meetings without apologies.'

Robert is seeking advice from the AAC on how to proceed and whether the Committee would like the CDO-Aboriginal to contact Bugalwena to encourage the organisation to attend further AAC meetings. If Bugalwena is unable to attend, then perhaps another organisation could be nominated under the revised Terms of Reference.

Action: *CDO-Aboriginal was requested to send a letter to Bugalwena seeking advice of whether it would like to remain as a member organisation of the AAC.*

Robert suggested that it may be time to consider amending the Terms of Reference to reflect that the majority of Agenda items coming to the AAC are planning related matters.

Action: *CDO-Aboriginal to review Terms of Reference, make suggestions for amendments and bring back to next meeting for the AAC to review and provide further comment.*

General Business:

GB1. AAC 20 year celebration

Tracey advised that Council wants to acknowledge and celebrate the AAC's 20 years as a committee of Council. Council's records indicate the first meeting was held in April 1998 however Jackie indicated an earlier meeting may have occurred and that she would go through her records to determine. To be discussed at next meeting.

Tracey Stinson left the meeting at 12.27pm

(b) Reconciliation Action Plan (RAP)

Robert advised that the RAP is with Reconciliation Australia for endorsement. The RAP Working Group met yesterday regarding actions of the RAP and lead staff and units for implementation.

The RAP Working Group would like a launch for the RAP around Reconciliation Week in May 2017. The Group been requested to come back with some ideas for the event including where it will be held.

The RAP Working Group is looking forward to the Councillor cultural awareness training possibly being held in conjunction with Reconciliation Week in May. It is hoped that the Directors, RAP Working Group members and the AAC will be able to attend the training. It is likely the Slabb brothers will be engaged to facilitate the cultural awareness training, which is expected to be for half a day and most likely held at Minjungbal Aboriginal Museum and Cultural Centre.

A4. Tim Robins (Everick Heritage Consultants)

Robert advised that Everick is unable to attend today's meeting but requested that the following documents be tabled on its behalf. Discussion in relation to Everick's lack of attendance and requirement for Council to provide the copies to the AAC.

- 57 Crabbes Creek Road, Crabbes Creek
- Cobaki Waste Water Treatment Plant
- 23 Tweed Coast Road, Hastings Point - House Plan
- 166 Chinderah Bay Road - Project Area Plan

GB3 Cultural Heritage Assessment for ILS (instrument landing system at Gold Coast Airport)

Jackie noted that the AAC approved the Cultural Heritage Assessment for the ILS under the impression that the ILS would have either nil or minor ground disturbance as the site was to

be covered with fill. Jackie advised that the amended plan to build the ILS and extend the runway seems to contradict this approach.

Action: *CDO-Aboriginal to research previous AAC Minutes relating to the ILS.*

GB2. Australia Day

Mayor Milne advised that she recently attended Australia Day celebrations and enquired whether the Aboriginal community would like to have its own celebration day, as Australia Day celebrations are funded by Council.

The AAC advised that NAIDOC Week is the time that Aboriginal people celebrate their culture.

Marvette advised that in accordance with its RAP, Australian Unity is giving staff the option to take the Australia Day public holiday during NAIDOC Week. Further information is available at:

- <http://australianunity.com.au/reconciliation>
- <http://www.australianunity.com.au/thoughtplus/more-thoughts/2016/november/our-reconciliation-action-plan>

Action: *Marvette Logan to send CDO-Aboriginal links to Australian Unity reconciliation action plan.*

GB4. Bundjalung Aboriginal Language Nest

Jackie provided an update on the Bundjalung Aboriginal Language Nest program.

GB5. Aboriginal Recognition

Mayor Milne asked the AAC whether the Aboriginal recognition needs to be updated to reflect the local language speaking people or the broader Bundjalung Nation. The AAC advised that in order to provide consistency, the preferred wording is that used on the entry signage to the Shire: 'Tweed Shire acknowledges the Nganduwal/Minjungbal people of the Bundjalung Nation.'

Next Meeting:

The next meeting of the Aboriginal Advisory Committee will be held on Friday 7 April 2017.

The meeting closed at 1.15pm

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - Aboriginal Advisory Committee adopted 19 September 2013 (ECM 3146605).

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

46 [SUB-TCKMC] Minutes of the Tweed Coast Koala Management Committee meeting held Tuesday 28 March 2017

SUBMITTED BY: Natural Resource Management

Validms



Civic Leadership



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.1 Ensure actions taken and decisions reached are based on the principles of sustainability
- 1.2 Improve decision making by engaging stakeholders and taking into account community input
- 4 Caring for the Environment
- 4.1 Protect the environment and natural beauty of the Tweed
- 4.2 Conserve native flora and fauna and their habitats

SUMMARY OF REPORT:

The Minutes of the Tweed Coast Koala Management Committee meeting held Tuesday 28 November 2017 are reproduced in the body of this report of the information of Councillors.

RECOMMENDATION:

That the Minutes of the Tweed Coast Koala Management Committee meeting held Tuesday 28 March 2017 be received and noted.

REPORT:

The Minutes of the Tweed Coast Koala Management Committee meeting held Tuesday 28 November 2017 are reproduced as follows for the information of Councillors.

Venue:

Canvas & Kettle, Murwillumbah Civic Centre

Time:

2.00pm

Present:

Cr Katie Milne, Cr Chris Cherry, Lorraine Vass, Jenny Hayes (part), Rhonda James, Bill Hoskins, David Norris, Marama Hopkins, Scott Hetherington, Tracey Stinson, Tanya Fountain, Kim Stephan, Neil Baldwin

Apologies:

Jenny Hayes (part)

Minutes of Previous Meeting: Not applicable (first meeting)

Agenda Items:

1. *Welcome to new committee*

- Cr Katie Milne welcomed the new committee and thanked the members for their commitment and contribution to Tweed Coast koala conservation through nominating for the committee.
- Scott Hetherington advised that NSW Office of Environment and Heritage is yet to nominate a representative to sit on the committee. NSW Rural Fire Service is unable to provide a representative to attend regular meetings, but will attend as necessary for relevant agenda items.

2. *Briefing of committee members on code of conduct and other matters of protocol*

- Neil Baldwin (Manager Corporate Governance) provided a briefing on obligations and key matters as per Council's Model Code of Conduct, the adopted Terms of Reference of the committee and relevant NSW Government standards. Key points identified included:
 - Requirement of all committee members to avoid, disclose and/or manage appropriately any real or perceived conflicts of interest.
 - Committee membership does not confer the ability to act as a spokesperson for Council or the committee. The committee Chair can represent the committee as spokesperson once Council has considered and resolved in relation to any matters put forward by the committee.
 - Advisory committees are not able to consider matters in confidential session.
 - All committee resolutions are made as recommendations to Council for consideration when the confirmed minutes are presented to Council.

- As per the Terms of Reference, the two nominated Council officer positions on the committee do not hold voting rights.

Moved: Rhonda James

Seconded: Lorraine Vass

RESOLVED that the draft minutes of the Tweed Coast Koala Management Committee meeting will be distributed by Council officers for review and endorsement within 7 days of meeting and prior to presentation to Council.

3. *Nomination of Chair*

Moved: Rhonda James

Seconded: Cr Katie Milne

RESOLVED that Scott Hetherington be nominated as Chair of the Tweed Coast Koala Management Committee until June 2018.

4. *Introductory round table*

- Members of the committee, and observers present, provided an introductory explanation of the skills and experience that they offer the committee and their expectations for what the committee can achieve.

Jenny Hayes joined the meeting at 3:20pm.

5. *Introduction to Koala Plan of Management works program and outcomes to date*

- Scott Hetherington presented a summary of the Tweed Coast Koala Plan of Implementation Year 2 (2016) Annual Report. This report identifies the outcomes, achievements, issues and challenges associated with implementation of the plan during 2016. The report will be presented to Council to receive and note and also published on the Tweed koalas webpage.
- David Norris suggested that opportunities for involving community members in koala surveys be explored.

6. *Presentation (Koala habitat plantings on the Tweed Coast of NSW – characteristics and use by koalas)*

- Tanya Fountain delivered a presentation of the results of assessment of the characteristics and use by koalas of koala habitat plantings installed between 2011 and 2015 at 21 sites on the Tweed Coast.
- General discussion followed which noted and supported the approach to measuring success of plantings through their use by koalas, rather than the standard measures of growth and survival of plantings.
- David Norris noted that additional koala habitat plantings have been carried out by Dunloe Sands to the south of the Pottsville Wetland.

General Business:

7. *Restoration requirements in association with compliance actions*

- Cr Chris Cherry sought clarification as to whether restoration actions are required when incidents of vegetation removal are investigated and compliance actions implemented.
- Scott Hetherington confirmed that the requirement for restoration works is a standard outcome of compliance actions.

8. *Status of the Tweed Coast Koala Plan of Management with regard to SEPP 44*

- David Norris sought clarification of the current status of Tweed Coast Koala Plan of Management under the NSW State Environmental Planning Policy No. 44 Koala Habitat Protection.
- Scott Hetherington explained that the plan was adopted as a strategy of Council pending the outcomes of the current SEPP 44 review by the NSW State Government. The plan is currently being implemented in full as a strategy of Council including as a matter for consideration in relation to Section 79C of the *Environmental Planning and Assessment Act 1974* with respect to Council's role as a consent authority for determining development applications.

9. *Report of removal of mature Preferred Koala Food Trees on the Tweed Coast*

- Several recent incidents of the removal of preferred koala food trees on the Tweed Coast were noted, including that these incidents have been reported to Council.
- The outcomes of investigation of these incidents were not able to be provided as they are not yet known.
- Scott Hetherington advised that information on the status of the Tweed Coast koala population, the significance of mature koala food trees, and the relevant approvals required for tree removal will be prepared by Council officers. This information will be distributed to landholders and residents by mail and in the Tweed Link.

Next Meeting:

The 2017 meetings of the Tweed Coast Koala Management Committee will be held as follows:

Tuesday 9 May 2017 2.00 – 5.00pm

Tuesday 15 August 2017 2.00 – 5.00pm

Tuesday 7 November 2017 2.00 – 5.00pm

The meeting closed at 4.40pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:

Model Code of Conduct

Terms of Reference – adopted 17 November 2017 (ECM4316512)

b. Budget/Long Term Financial Plan:

Not applicable

c. Legal:

Not Applicable

d. Communication/Engagement:

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

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

Inform - We will keep you informed.

Council adopted the Tweed Coast Comprehensive Koala Plan of Management (KPOM) as a strategy of Council in February 2015. One of the fundamental actions of the KPOM is to establish a Koala Management Committee (KMC) to advise and assist Council with implementation and review of the KPOM, including any contiguous Individual Koala Plans of Management.

The function of the Tweed Coast Koala Management Committee is to ensure broad community representation and inter-agency involvement in the processes of implementation of the KPOM.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

47 [SUB-TCWC] Minutes of the Tweed Coast and Waterways Committee held Wednesday 26 April 2017

SUBMITTED BY: Natural Resource Management

Validms



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

4	Caring for the Environment
4.3	Maintain and enhance Tweed's waterways and its catchments
4.3.1	Manage water resources sustainably and minimise impact on the environment by achieving more integration of water supply, wastewater and stormwater services

SUMMARY OF REPORT:

The Minutes of the Tweed Coast and Waterways Committee Meeting held Wednesday 26 April 2017 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

1. The Minutes of the Tweed Coast and Waterways Committee Meeting held Wednesday 26 April 2017 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

Additional Committee Representation

That Council calls for nominations for the Tweed Coast and Waterways Committee from representatives of the power boat using community and Kingscliff.

GB1. Shoaling in river near Stott's Island

That Council writes to Geoff Provest advising that shoals within the navigation channels adjacent to Stott's Island should be dredged immediately for reasons of safety and commerce.

REPORT:

The Minutes of the Tweed Coast and Waterways Committee Meeting held Wednesday 26 April 2017 are reproduced as follows for the information of Councillors.

Venue:

Canvas & Kettle Meeting Room

Time:

9.00am

Present:

Cr Chris Cherry, Cr Katie Milne, Bill Hoskins, Bill Fenelon, David Cranwell, John Harbison, Sam Dawson, Scott Petersen, Patrick Dwyer, Carl Cormack, Rod McDonagh, Rhonda James, Ben Fitzgibbon, Robert Quirk, Hamish Brace, Lindy Smith, Tom Alletson, Jane Lofthouse, Tracey Stinson.

Acknowledgement of Country by Tracey Stinson.

Welcome to the first meeting of the Tweed Coast and Waterways Committee by Cr Chris Cherry.

Tom Alletson referred members to documents sent to them upon confirmation of their appointment to the Committee, that being the Committee terms of reference and Council Model Code of Conduct. Tom also table a procedures document that summarised processes and membership of the Committee.

Minutes of Previous Meeting:

Given that this was the first meeting of the Tweed Coast and Waterways Committee (TCWC), no previous minutes were presented.

A discussion of the protocol for confirming minutes prior to their presentation to Council ensued.

It was agreed that Neil Baldwin would be invited to address the next TCWC meeting to confirm matters relating to the responsibilities of TCWC members and minute confirmation protocol.

Election of the Chairperson:

Nominations for position of Chairperson were called.

Rhonda James was nominated by Robert Quirk and seconded by Lindy Smith.

Robert Quirk was nominated by Ben Fitzgibbon and seconded by Scott Petersen.

A vote was taken and Rhonda James was elected as Chairperson by a clear majority.

Election of Deputy Chairperson:

Nominations for the position of Deputy Chairperson were called.

Robert Quirk was nominated by Scott Petersen and seconded by Carl Cormack. There were no additional nominations.

Additional Committee Representation:

Tom Alletson advised the Committee of administrative problems that resulted in there being no stakeholder representatives from the power boating community being present on the TCWC. For reasons of inclusiveness and recognising that group is an important contributor to decision making on the future use of the river it was recommended that Council call for expressions of interest from the community for a representative of this sector.

It was also noted that the Committee has no representative from Kingscliff. The importance of Kingscliff as a township and the site of significant coastal protection works was highlighted with a recommendation that Council appoint a representative of this locality to the Committee.

Moved: Robert Quirk

Seconded: Sam Dawson

RECOMMENDATION:

That Council call for nominations for the Tweed Coast and Waterways Committee from representatives of the power boat using community and Kingscliff.

Agenda Items:

A1. Briefing of Committee Members on Code of Conduct

Neil Baldwin to be invited to the June meeting to confirm matters of importance.

A2. Overview of NRM Unit by Jane Lofthouse

Program leaders and projects being implemented across the Natural Resource Management (NRM) Unit were presented by Jane Lofthouse.

A3. Tweed Estuary Management Plan

Tom Alletson presented an update on the Tweed Estuary Management Plan. Two documents were summarised for the Committee, the Community Values Report and Water Quality Assessment.

The Committee was briefed on the workshop to be held on May 10 to prepare a vision for the estuary management plan.

A4. Tweed Estuary Boating Plan

Rod McDonagh and Carl Cormack from NSW Maritime briefed the Committee on the process of reviewing the Tweed Estuary Boating Plan of Management. It was advised that a document was planned to be available for review by the end of June, but that this was delayed due to the flood.

A5. Kingscliff Foreshore Redevelopment

Stewart Brawley briefed the Committee on progress with this project.

A6. Foreshore Erosion, Cudgera Creek, Hastings Point

Tom Alletson briefed the Committee on erosion occurring adjacent to the boat shed at Peninsular Street Hastings Point on the banks of Cudgera Creek. The importance of access to the area was highlighted as well as costs and implications of a number of management approaches. The Committee requested that Tom present a recommendation at the June meeting after checking into the implications of public access across the boat shed, in view of the recently completed licencing process for this structure.

General Business:

GB1. Shoaling in river near Stott's Island

Scott Petersen briefed the Committee on the impacts of flooding on navigation depths in the river near Stotts Island.

Moved: Robert Quirk

Seconded: Scott Petersen

RECOMMENDATION:

That Council write to Geoff Provest advising that shoals within the navigation channels adjacent to Stott's Island should be dredged immediately for reasons of safety and commerce.

Next Meeting:

The next meeting of the Tweed Coast and Waterways Committee will be held 14 June 2017.

The meeting closed at 12.30pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Additional Committee Representation

Nil.

GB1. Shoaling in river near Stott's Island

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Additional Committee Representation

That Council call for nominations for the Tweed Coast and Waterways Committee from representatives of the power boat using community and Kingscliff.

GB1. Shoaling in river near Stott's Island

That Council writes to Geoff Provest advising that shoals within the navigation channels adjacent to Stott's Island should be dredged immediately for reasons of safety and commerce.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - Adopted by Council at its meeting on 17 November 2016 Minute No: 517 (ECM4316118).

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

C1 [GM-CM] Murwillumbah Airfield - Lease Options

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: -

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

Validms



Strengthening the Economy

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

C2 [GM-CM] Potential Employment Land - Wardrop Valley

REASON FOR CONFIDENTIALITY:

Local Government Act

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

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

Validms



Strengthening the Economy

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C3 [E-CM] RFO2017036 Supply and Delivery of Selected Materials

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: -

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

Validms



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

THIS PAGE IS BLANK