



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 20 July 2017

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

Principles for Local Government

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

Guiding Principles for Tweed Shire Council

(1) Exercise of functions generally

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

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

(2) Decision-making

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

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

(3) Community participation

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

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CONFIRMATION OF MINUTES

1 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 15 June 2017

SUBMITTED BY: Corporate Governance

mhm



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

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

ROLE: **Leader**

The Minutes of the Ordinary and Confidential Council Meeting held Thursday 15 June 2017 are attached for information and adoption by Council.

On reviewing the subject Minutes, it has come to the attention of the Mover to Item 10 [PR-CM] Kingscliff Locality Plan - Provision of Open Space and Public Benefit, that an incorrect part of the original recommendation as included within the Agenda Report, has been included within the Motion resolved by Council.

RECOMMENDATION:

That:

1. **The Minutes of the Ordinary and Confidential Council Meetings held Thursday 15 June 2017 be adopted as a true and accurate record of proceedings of that meeting with the following highlighted amendments to Minute Number 252.**

"10 [PR-CM] Kingscliff Locality Plan - Provision of Open Space and Public Benefit

ALTERNATE MOTION

252
Cr R Cooper
Cr R Byrnes

RESOLVED that:

1. *Council receives and notes this report, specifically that:*
-

- a) *In accordance with s94 CP 7 - West Kingscliff Contributions Plan, the continued strategy is to pursue additional sports fields over the West Kingscliff site.*
- ~~b) *With reduced and/or retention of existing building heights across the Draft Kingscliff Locality Plan (DKLP) study area and corresponding reduced development yield and residential density, other community public benefits including provision of a new library, town square, multi-storey car park and other public domain improvements will be more difficult to procure under s94 contributions framework and unlikely to be incentivised under voluntary planning agreements with no uplift or offset of floor area in development yield. This reduced level of service and public domain improvement should be transparently communicated through the DKLP process, Open Space Strategy and future community infrastructure network plan be noted.*~~
- b) *A future Councillor workshop will be scheduled with the Gales Holdings/Intrapac development team who will present concepts of staged development strategy with a focus on the West Kingscliff greenfield development site.*
- c) *A future Councillor workshop will be scheduled with the owners of the Kingscliff Shopping Village (KSV) site who will present concepts of staged vision and development aspirations over the KSV site be noted.*
2. *The preferred building height across the proposed Business and Knowledge Precinct within the Draft Kingscliff Locality Plan - B7 Business Park area be limited to a building height of 13.6m.*
3. *In acknowledgement of the wishes of 14,250 signatories of the Heights of Buildings in Kingscliff Petition and the 1,250 people who completed the Future of Kingscliff survey, both of which are available for perusal by the General Manager and councillors, moves that Council or the officers of Council not negotiate with landholders or their representatives, any increase in heights of buildings on all land subject to the Draft Kingscliff Locality Plan - such heights as resolved in the resolution of 16 March 2017 - Kingscliff Locality Plan Consultation Options.*
4. *The General Manager ensures priority is given to harmonising the shire-wide LEP specifically as it relates to the Kingscliff DCP.*
5. *A further report be brought back on other possible options, including but not limited to amending planning controls, to achieve potential benefits outlined within the report.*
6. *Council notes section 55 of the Local Government Act 1993, and considers the following points:*
 - *How acquiring an asset directly from a developer can comply with section 55 of the Local Government Act 1993, which requires contestable bidding in almost all circumstances.*

- *How fair price can be determined for a benefit received when there are no competing tenders. And the two parties are somehow sharing the financial benefit of a marginal increase in yield.*
- *How necessary financial transparency can be achieved when much of the documentation will need to be confidential-in-confidence.*
- *How development industry equity be maintained when selecting and dealing with just one particular developer.*
- *How Council will manage subsequent “merit” determinations of development applications for similar adjoining uses of equal density once several relaxations are in place, and a dense “character” is already evident.*
- *How to control and choose between proliferation of proposals for participation elsewhere once the principle is in place.*
- *The long-term amenity benefit of introducing such a weakening policy that can potentially undermine Council’s statutory planning regime.*

The Motion was **Carried** on the Casting Vote of the Deputy Mayor.

FOR VOTE: - Cr R Byrnes, Cr R Cooper, Cr C Cherry
AGAINST VOTE - Cr J Owen, Cr W Polglase, Cr P Allsop
ABSENT. DID NOT VOTE - Cr K Milne"

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.

Should Council not amend the Minutes as suggested a Rescission Motion will need to be lodged to amend the Minutes.

REPORT:

As per Summary.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

Attachment 1

Minutes of the Ordinary Council Meeting held Thursday 15 June 2017 (ECM 4578205).

(Confidential) Attachment 2

Minutes of the Confidential Council Meeting held Thursday 15 June 2017 (ECM 4577626).

2 [CONMIN-CM] Confirmation of Minutes of Ordinary Council Meeting held Thursday 6 July 2017

SUBMITTED BY: Corporate Governance

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LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

The Minutes of the Ordinary Council Meeting held Thursday 6 July 2017 are attached for information and adoption by Council.

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held Thursday 6 July 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.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Attachment 1

Minutes of the Ordinary Council Meeting held Thursday 6 July 2017 (ECM 46223978).

SCHEDULE OF OUTSTANDING RESOLUTIONS

3 [SOR-CM] Schedule of Outstanding Resolutions as at 20 July 2017

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LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

CODE OF MEETING PRACTICE:

Section 2.8 Outstanding Resolutions

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

16 JULY 2015

ORDERS OF THE DAY

31 [NOM] Parking Requirements for Small Businesses

408

Cr K Milne
Cr P Youngblutt

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

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

e) Options to address the implications for Council or the community from the above.

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

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.

Lease negotiations are currently underway for a long term lease for the site.

Murwillumbah District Business Chamber entered into a sub-licence which commenced on 21 January for an office on site and have subsequently vacated the building in accordance with their lease termination.

Following the March/April flood event Destination Tweed are 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.

Destination Tweed entered into a sub-licence agreement with Council until 19 June 2017. This licence will remain in hold over until sub-lease negotiation agreement has been finalised. These negotiations will not commence until a sub-lease has been entered into between NSW Rail and Council.

On the weekend of 1 July 2017 the empty offices at the railway station were broken into with an estimated \$3,000 worth of damage. Options to further secure the site and security are being explored.

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: Officers liaising with Mayor and Deputy Mayor on the best consultation process to progress this.

18 MAY 2017

7 [GM-CM] Environmental Upgrade Agreements

186

**Cr K Milne
Cr C Cherry**

RESOLVED 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.

Current Status: Officers implementing resolution of Council meeting of 18 May 2017.

REPORTS FROM THE DIRECTOR CORPORATE SERVICES

26 [CS-CM] Community Engagement Strategy

209

Cr R Cooper
Cr K Milne

RESOLVED that this item be deferred to allow for internal discussion of the consultation models and attendant strategies and possible variations to option 3 being *Deliberative forum of a mix of community members (representative sample, plus stakeholder representatives) to provide input into developing the engagement strategy.*

Current Status: Council workshop held 30 June 2017 where a draft strategy was presented and discussed. Individual discussions with Councillors to follow before draft is finalised.

ORDERS OF THE DAY

37 [NOM] Tweed Shire Housing Opportunities

222

Cr K Milne
Cr C Cherry

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

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

Current Status: Council's agenda items to the National General Assembly with respect to social and affordable housing were supported by the General Assembly. Meetings held with local member for Lismore, Councillors, Department of Housing and housing providers in May. In June Department of Housing representatives offered four people who were deemed homeless currently located at Chinderah Bay Drive Chinderah housing assistance which was declined by all offered. Officers have prepared a brief for external assistance to put together a report to Council to inform any further work in this area.

Post flood there have been community calls for a caravan park or tiny homes type development to be considered to address the shortfall in housing. During June 2017 Council has received a development application for a proposed caravan park comprising 172 long term sites and 15 short term sites at no. 355 Tomewin Road, Dungay. This is currently on exhibition and may go to the JRPP or Council for determination.

38 [NOM] Traffic Safety - Bilambil Heights Roundabout

223

Cr R Byrnes
Cr K Milne

RESOLVED that Council investigates the feasibility or alternate funding options and bring forward a report to Council on installing a roundabout and/or increased safety measures on the intersection of McAllisters Road, Scenic Drive, Bilambil Road and Terranora Parade at Bilambil Heights.

Current Status: Investigations to be undertaken. Officers targeting report for September Council meeting.

40 [NOM] Report Request - Food Vans

225

Cr R Byrnes
Cr R Cooper

RESOLVED 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.

Current Status: Investigations to be undertaken as resources permit. Officers targeting report for September Council meeting

15 JUNE 2017

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

10 [PR-CM] Kingscliff Locality Plan - Provision of Open Space and Public Benefit

252

**Cr R Cooper
Cr R Byrnes**

RESOLVED that:

1. Council receives and notes this report, specifically that:
 - a) In accordance with s94 CP 7 - West Kingscliff Contributions Plan, the continued strategy is to pursue additional sports fields over the West Kingscliff site.
 - b) With reduced and/or retention of existing building heights across the Draft Kingscliff Locality Plan (DKLP) study area and corresponding reduced development yield and residential density, other community public benefits including provision of a new library, town square, multi-storey car park and other public domain improvements will be more difficult to procure under s94 contributions framework and unlikely to be incentivised under voluntary planning agreements with no uplift or offset of floor area in development yield. This reduced level of service and public domain improvement should be transparently communicated through the DKLP process, Open Space Strategy and future community infrastructure network plan be noted.
 - c) A future Councillor workshop will be scheduled with the owners of the Kingscliff Shopping Village (KSV) site who will present concepts of staged vision and development aspirations over the KSV site be noted.
2. The preferred building height across the proposed Business and Knowledge Precinct within the Draft Kingscliff Locality Plan - B7 Business Park area be limited to a building height of 13.6m.
3. In acknowledgement of the wishes of 14,250 signatories of the Heights of Buildings in Kingscliff Petition and the 1,250 people who completed the Future of Kingscliff survey, both of which are available for perusal by the General Manager and councillors, moves that Council or the officers of Council not negotiate with landholders or their representatives, any increase in heights of buildings on all land subject to the Draft Kingscliff Locality Plan - such heights as resolved in the resolution of 16 March 2017 - Kingscliff Locality Plan Consultation Options.

4. The General Manager ensures priority is given to harmonising the shire-wide LEP specifically as it relates to the Kingscliff DCP.
5. A further report be brought back on other possible options, including but not limited to amending planning controls, to achieve potential benefits outlined within the report.
6. Council notes section 55 of the Local Government Act 1993, and considers the following points:
 - How acquiring an asset directly from a developer can comply with section 55 of the Local Government Act 1993, which requires contestable bidding in almost all circumstances.
 - How fair price can be determined for a benefit received when there are no competing tenders. And the two parties are somehow sharing the financial benefit of a marginal increase in yield.
 - How necessary financial transparency can be achieved when much of the documentation will need to be confidential-in-confidence.
 - How development industry equity be maintained when selecting and dealing with just one particular developer.
 - How Council will manage subsequent “merit” determinations of development applications for similar adjoining uses of equal density once several relaxations are in place, and a dense “character” is already evident.
 - How to control and choose between proliferation of proposals for participation elsewhere once the principle is in place.
 - The long-term amenity benefit of introducing such a weakening policy that can potentially undermine Council’s statutory planning regime.

Current Status: Refer to the Confirmation of Minutes of meeting of 20 July 2017 for update on this item.

ORDERS OF THE DAY

37 [NOM] Short Term Holiday Letting

279

Cr C Cherry
Cr R Byrnes

RESOLVED that Council provides a report on the:

1. Impact current and predicted levels of short term holiday letting on available housing in Tweed Shire.
2. Implications of potentially allowing licensed short term holiday letting to occur in tourist and rural zones only, and the issues involved in requiring licenses for all short term holiday letting.

Current Status: Officers currently preparing information to present in a future report to Council.

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C1 [PR-CM] Approvals to Operate Markets - SALT, Tweed Heads and Murwillumbah

C 55

That Council recognises the strong submission of Aggressive Salmon and that the General Manager liaise directly with them to identify a suitable site noting that this may be subject to development application requirements and that a further report be brought back to Council in this regard.

Current Status: Approvals for Salt, Tweed Heads and Murwillumbah resolved at 15 June 2017 Council meeting. Also as resolved at the meeting officers are ow working to identify alternate site for Aggressive Salmon to undertake markets.

MAYORAL MINUTE

4 [MM-CM] Mayoral Minute for June 2017

SUBMITTED BY: Cr K Milne, Mayor

mhm



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LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

Councillors

COMMITTEE MEETINGS

Attended by the Mayor

- 22 June Destination Tweed - Twin Towns Services Club, Wharf Street, Tweed Heads.
-

INVITATIONS / MAYORAL REPRESENTATION:

Attended by the Mayor

- 1 June Flood Appeal Assessment Committee - Tweed Heads Civic Centre, Corner Brett and Wharf Streets, Tweed Heads.
 - 4 June World Environment Day Festival - Knox Park, 24 Brisbane Street, Murwillumbah.
 - 5 June Citizenship Ceremony - Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
 - 8 June Tweed Heads Police Cheque Presentation for Mayor's Flood Appeal - Tweed Heads Police Station, 52 Recreation Street, Tweed Heads.
 - 8 June World Environment Day Cheque Presentation - Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
-

- 22 June Murwillumbah Philharmonic Choir Cheque Presentation for Mayor's Flood Appeal - Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
- 22 June Refugee Week Living Library Event - Murwillumbah Library, Tumbulgum Road, Murwillumbah.
- 22 June Parenting Seminar and Flood Appeal Cheque Presentation from Maggie Dent - Lindisfarne Anglican College, Mahers Lane, Terranora.
- 24 June Funding Announcement with Geoff Provest - Anchorage Boardwalk, Island Drive, Tweed Heads. Crs Allsop and Cherry also attended.
- 26 June Briefing with Planning Minister - Tweed Heads Civic Centre, Corner Brett and Wharf Streets, Tweed Heads. Crs Allsop, Cherry, Cooper, Owen and Polglase also attended.
- 27 June Funding Announcement by Minister of Planning - Kingscliff Boardwalk on Cudgen Creek, off Sutherland Street, Cudgen. Crs Allsop, Cherry, Cooper and Owen also attended.
- 28 June Environmental Defenders Office Workshop - Tweed Water Alliance - Citadel Hall, 21 Queen Street, Murwillumbah. Cr Cherry also attended.

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

- 25 June Wild About Pottsville Event - Pottsville Marketplace, Phillip Street, Pottsville. Crs Allsop, Cherry, Cooper and Owen attended.

Inability to Attend by or on behalf of the Mayor

- 22 June Kingscliff Lions Club Annual Change Over Dinner - Cudgen Leagues Club, 3 Wommin Bay Road, Kingscliff. This event clashed with Council Workshops.
- 28 June Defence Reserves Support Council Presentation - Reserve Barracks, Dry Dock Road, Tweed Heads South. Cr Owen accepted but was unable to attend on the day.

REQUESTS FOR WORKSHOPS:

Councillors did not request any additional workshops during June 2017.

CONFERENCES:

Conferences attended by the Mayor and/or Councillors

- 18-21 June National General Assembly - National Convention Centre, 31 Constitution Avenue, Canberra ACT. Crs Milne, Cherry, Owen and Polglase attended.

Information on Conferences to be held

- 24 July Environmental Impact Assessment Project Workshop - Ballina Surf Life Saving Club, Lighthouse Parade, East Ballina.

The Department recognises that there are opportunities to improve Environmental Impact Assessment (EIA) for State Significant projects. As part of the new guidelines, proponents are being asked to implement a range of initiatives including earlier and better engagement with the community, ensuring that the EIA focusses on the most important issues, providing more information about project change processes following approval and greater accountability for those preparing EIA's. We invite you to comment on nine documents on exhibition by 1 September at www.planning.nsw.gov.au/EIAreview

Registration is free. Two sessions are available 12pm-2.30pm or 4.30pm-7pm eiaproject.eventbrite.com.au
- 11-12 Sept 2017 Australian Regional Development Conference - Novotel Coffs Harbour.

12 Keynote speakers and 48 presenters and poster presentations are confirmed for this year's program. This conference is the must attend event on the regional investment, growth and strategic development calendar, facilitating professional development and the exchange of current ideas and practices between industry professionals from all over Australia.

Earlybird registration \$799, two night's accommodation.
<https://regionaldevelopment.org.au/>
- 13-15 Sept Local Government Aboriginal Network Conference - Albury Entertainment Centre, Albury.

The conference will bring together 150-200 delegates and will be the platform for Aboriginal and non-Aboriginal Councillors, staff, agencies and suppliers of services to come together and discuss current and emerging issues facing Aboriginal people in their local communities.

Earlybird registration \$680, two flights, three night's accommodation.
www.alburycity.nsw.gov/events/lganconference
- 8-10 Nov 26th Annual NSW Coastal Conference - Port Stephens NSW.

The theme of 'Next Wave' evokes the idea of potential and new beginnings. Topics include: Getting Dirty - the practicalities of implementation, works on the ground. Confronting The Past - lessons

learnt, moving forward after major events. Facing The Future - population and social change, climate change, sea level rise, coastal management planning, adaptive management, resilience. Alternative Facts - public engagement and consultation, dealing with conflict, integrated knowledge, sectoral perspectives eg. recreation, tourism, emergency management. Risky Business - all aspects of risk (risk governance, assessment, evaluation, management etc.), economic valuation, cost benefit analysis, funding, legal, policy.

Earlybird registration \$765, two flights, three night's accommodation, transfers. www.coastalconference.com

SIGNING OF DOCUMENTS BY THE MAYOR:

- 5 June Transfer Granting Easement - Lot 2 DP413764 - Wommin Bay Road Chinderah
 - 5 June Licence Agreement - Tweed Coast Sea Rescue Inc. - Peninsular Street Hastings Point
 - 5 June Transfer - 426 Commissioners Creek Road Commissioners Creek
 - 9 June Licence Agreement - NSW Fisheries - Berth 11 Southern Boatharbour Tweed Heads
 - 23 June Licence Agreement - SALT Surf Lifesaving Club - Lot 173 DP1075495 and part Lot 901 DP1066477
 - 30 June Request document - Road Closure - Walmsleys Road Bilambil Heights
 - 30 June Request document - Acquisition of Easements to drain Sewage - Kingscliff
-

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

b. Budget/Long Term Financial Plan:

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

c. Legal:

Not applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

RECOMMENDATION:

That:

- 1. The Mayoral Minute for the month of June 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 20 July 2017

SUBMITTED BY: Corporate Governance



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Collaborator

SUMMARY OF REPORT:

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

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

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

RECOMMENDATION:

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

REPORT:

As per Summary

OPTIONS:

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

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

CONCLUSION:

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

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice 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.

ORDERS OF THE DAY

mhm



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

6 [NOM] Supporting Artists and Activating our Towns

In accordance with Part 5.3(b) of Council's Code of Meeting Practice this item was deferred by the Deputy Mayor for consideration at 20 July 2017 Council Meeting.

NOTICE OF MOTION:

Councillor K Milne moves that Council brings forward a report on providing a greater focus on facilitating/encouraging/enabling activities in our main Tweed Heads, Murwillumbah and Kingscliff towns on a more regular weekend/monthly and/or night time basis through, for example small fees paid for musicians, artists and entertainers, and consideration of reallocating funds from the major events sponsorship budget for this purpose.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Markets - A report was considered at the Council meeting of 15 June with reference to issuing Section 68 approvals to operate markets at SALT Central park, Kingscliff; Knox Park, Murwillumbah; and Recreation Street, Tweed Heads. The recommended applicant's expression of interest to operate markets at these sites addressed the following guiding principle in the updated Markets Policy, Version 2.0:

Social and Cultural Enhancement - Supporting and enhancing the cultural integrity and values of the community including capacity for social interactions, music and entertainment.

Events - The 2017/2018 Events Sponsorship applications for funding closed on Tuesday 13 June 2017. The application form was amended this year to include the *Social and Cultural Enhancement* guiding principle from the Markets Policy with an expectation that event organisers include this principle into their event. A report is included in this Agenda for consideration of the applications.

Events strategy - Council's events sponsorship draft budget allocation is for our primary role in events - to provide event support, event development, event attraction and to refine the event process.

Council events - Events hosted by Council make every effort to engage with local musicians and entertainers, e.g. Tweed Shire Australia Day main ceremony (high school student singer), and Kingscliff Christmas Tree Lighting event (singers from Kingscliff High School)

Cultural Plan - A report was tabled at the June Council meeting where the draft Cultural Plan was placed on public exhibition. The Cultural Plan provides a framework for Council's engagement with arts and culture over the next four years. This includes provisions for the activation of public spaces through arts and cultural activities.

Youth Strategy - The Tweed Youth Strategy and Action Plan shapes Council's efforts to support and engage youth across the shire. Specifically, it aims to provide opportunities for creative and cultural expression – including through live music at new and existing events. Discussions regarding activation of Jack Evans Boat Harbour through a Youth Cultural initiative have commenced.

Delivery Program:

mhm



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

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.1 People
- 3.1.7 Events - Council seeks to showcase the area's unique natural environment and cultural heritage by assisting organisers to stage festivals and other events in Tweed Shire.

ROLE: **Collaborator**

Budget/Long Term Financial Plan:

Both the Cultural Plan and Youth Plan have budget allocated to actions relating to this Notice of Motion.

Legal Implications:

Nil.

Policy Implications:

Nil.

7 [NOM] Housing Affordability and Inclusionary Zoning

In accordance with Part 5.3(b) of Council's Code of Meeting Practice this item was deferred by the Deputy Mayor for consideration at 20 July 2017 Council Meeting.

NOTICE OF MOTION:

Councillor K Milne moves that Council seeks advice from State Government on the potential for Inclusionary Zoning to be incorporated into Tweed Shire's housing developments where appropriate, in light of the severe housing stress in this Shire, and brings a report on this matter back to a Council meeting as soon as possible.

Councillor's Background Notes

Recommended Priority:

Some councils in NSW have the ability to require new developments to include a percentage allocation for social/affordable housing. This could assist with Tweed Shires housing problems.

Description of Project:

Nil.

Management Comments:

Inclusionary zoning is a practice adopted in some local government areas, as noted by the Mayor, and seeking advice from the NSW Department of Planning and Environment (DP&E) as to their practices and experience with this is a sensible approach for Council.

A further report addressing the advice received and any likely implications for acting on a new policy will be prepared at the earliest practicable time, depending on the timing of a response from the DP&E.

Delivery Program:

mhm



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Making decisions with you
- 2.2 Engagement
- 2.2.6 Strategic Land Use Planning - To provide long-term land-use plans to guide future development, plan for population growth, and protect the Tweed's environment, heritage and community life.

ROLE: Collaborator

Budget/Long Term Financial Plan:

No immediate impact is associated with seeking advice in relation to inclusionary zoning practice from the Department of Planning and Environment, with any subsequent potential impact to be detailed in future report.

Legal Implications:

Similarly with the fiscal considerations there is no impact at this time.

Policy Implications:

While the Notice of Motion signals a potential strengthening of housing policy there are no implications attaching to the request and seeking of information only.

8 [NOM] Insurance Claim Problems for Residents and Businesses Post Flood

In accordance with Part 5.3(b) of Council's Code of Meeting Practice this item was deferred by the Deputy Mayor for consideration at 20 July 2017 Council Meeting.

NOTICE OF MOTION:

Councillor K Milne moves that Council writes to the Premier of NSW in regard to the apparent lack of support by the various insurance companies for claims submitted by residents and businesses in regard to Cyclone Debbie.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Council's Economic Development Officer – Business Facilitation Officer has been liaising with the Insurance Council of Australia to ensure our business community receives the correct information on making claims and progressing disputes if claims are denied. The following communication was forwarded via the Business Chambers and social media;

Insurance Council of Australia has advised the correct way (& only way) to dispute a decision on a claim is;

1. The decision must be received in writing before a dispute can occur.
2. There are only 2 grounds on which a dispute can occur;
 - o *I believe I have flood insurance* (maybe the broker didn't explain it properly)
 - o *I believe it was a storm not a flood*
3. Internal Dispute Resolution (IDR) must be entered into with the Insurance Company.
4. If still unhappy, then the Ombudsman can be contacted, but only after IDR has occurred.

Although the above process is available to dispute claims, the Economic Development Officer has been working closely with the Small Business Commissioner, Robyn Hobbs, throughout the disaster recovery. The Commissioner has been kept informed about the distress that our businesses are under due to the lack of or poor response from insurance companies. To this end, the Commissioner has been requesting business owners to supply her with their issues around insurance claims.

The Commissioner and her team visited Murwillumbah on Monday 29 May to meet with business owners to speak with them directly, gather more information and assured them she would take their issues to the Financial Ombudsman. This meeting between the Commissioner and the Ombudsman occurred on Wednesday 31 May, with the outcome still to be advised.

The Commissioner also told the meeting of business owners that she would engage an independent hydrologist as she was not happy with the apparent generic style of their reporting, stating she felt there was a lot of 'cut and pasting' occurring.

Some feedback that the Commissioner was able to provide is that if water entered premises before midnight on Thursday 30 March, insurance companies and hydrologists are saying it's storm water. After that time, they are calling it flood.

Delivery Program:

mhm



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

Budget/Long Term Financial Plan:

Nil

Legal Implications:

Nil.

Policy Implications:

Nil.

9 [NOM] Rebuilding for Flood Resilience

In accordance with Part 5.3(b) of Council's Code of Meeting Practice this item was deferred by the Deputy Mayor for consideration at 20 July 2017 Council Meeting.

NOTICE OF MOTION:

Councillor K Milne moves that Council provides advice on our website on options to improve resilience in homes and businesses in the flood plain, for internal and external areas such as using waterproof building materials, easily removable doors, carpet free lower levels, securing water tanks and waterproofing storage areas, flood resistant gardens, etc.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

There are various publications available on the internet that provide guidance on flood compatible building materials and techniques. Examples include the Australian Building Codes Board (ABCB) publications "Construction of Buildings in Flood Hazard Areas" Standard and Information Handbook (2012), and "Reducing Vulnerability of Buildings to Flood Damage" (2007) prepared for the Hawkesbury-Nepean Floodplain Management Steering Committee.

Other Councils have produced their own publications, including Pittwater and Hawkesbury.

Delivery Program:

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.2 Asset Protection
- 1.2.1 Floodplain Management - To manage the risk of flooding and its impacts for property owners and the community.

ROLE: **Collaborator**

Budget/Long Term Financial Plan:

Guidance material would be developed in house as resources and other priorities permit.

Legal Implications:

Supporting information of this nature may assist home and business owners comply with standard conditions on planning consents requiring the use of flood compatible building materials below design flood levels (usually the 1% AEP flood level).

Policy Implications:

Flood compatibility of flood prone buildings is already an adopted requirement in DCP-A3 Development of Flood Liable Land. However there is limited explanation in the DCP as to how to achieve this.

10 [NOM] Filming in Council Civic Centres

NOTICE OF MOTION:

Councillor K Milne moves that a policy be established to restrict filming in Council Civic Centre buildings by organisations and individuals other than Council staff except when permission of the General Manager or his/her delegate is granted

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.t

Management Comments:

In accordance with the existing Code of Meeting Practice, the relevant Clause detailed in the Policy Implications section below, Council currently has restrictions on the filming of council meetings.

Delivery Program:

mhm



Behind the scenes
Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

Budget/Long Term Financial Plan:

Impacts to be determined.

Legal Implications:

Councillors and council officers are not subject to Parliamentary privilege.

Policy Implications:

The Code of Meeting Practice contains the following:

"2.9 Recording of Meeting of Council or Committee Prohibited Without Permission

A person may use a recording device to record the proceedings of a meeting of the Council or a Committee of the Council only with the authority of the Council or Committee.

The Council or Committee may, by resolution, expel from the place where it is holding a meeting any person who uses a recording device in contravention of this Clause.

If any such person, after being notified of such a resolution, fails to leave the place where the meeting is being held, a police officer, or any person authorised by the Council for the purpose, may remove the person from, and, if necessary, restrain the person from re-entering, that place.

In this Clause, recording device includes a video camera and any electronic device capable of recording speech. The Regulation Clause 273

Recording of meeting also extends to photographs.

(Adopted by Council 18 February 2016)"

11 [NOM] Webcasting of Council Meetings

NOTICE OF MOTION:

Councillor K Milne moves that Council brings forward a report on livestream filming of Council meetings including:

1. Costs for a low key production such as Lismore City Council.
2. Benefits and risks.
3. Other Councils policies on this in the Northern Rivers region.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Delivery Program:

mhm



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

Budget/Long Term Financial Plan:

To accommodate this request, suitable cameras including cabling would need to be installed in both the Murwillumbah Chamber and the Harvard Room. The estimated capital expenditure associated with the installation is \$40,000. There are also monthly running costs that would be incurred and this equates to \$16,000 per annum. Neither the capital cost nor ongoing annual expenditure is currently allowed for in the 2017/2018 budget or long term financial plan.

Legal Implications:

Privacy and records management issues would need to be taken into account, particularly the storage of the electronic record of the meeting. Should Webcasting be adopted, particular care will need to be taken with Agenda Items that are considered in confidential session.

Councillors and council officers are not subject to Parliamentary privilege. Further, any proceedings will be subject to Government Information (Public Access) Act (GIPAA).

Policy Implications:

The Code of Meeting Practice contains the following:

"2.9 Recording of Meeting of Council or Committee Prohibited Without Permission

A person may use a recording device to record the proceedings of a meeting of the Council or a Committee of the Council only with the authority of the Council or Committee.

The Council or Committee may, by resolution, expel from the place where it is holding a meeting any person who uses a recording device in contravention of this Clause.

If any such person, after being notified of such a resolution, fails to leave the place where the meeting is being held, a police officer, or any person authorised by the Council for the purpose, may remove the person from, and, if necessary, restrain the person from re-entering, that place.

In this Clause, recording device includes a video camera and any electronic device capable of recording speech. The Regulation Clause 273

Recording of meeting also extends to photographs.

(Adopted by Council 18 February 2016)"

Should this Notice of Motion be adopted, the Code of Meeting Practice will require amendment to cater for Webcasting of Meetings.

12 [NOM] Western Drainage Scheme

NOTICE OF MOTION:

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

- 1. Current management plans and actions relating to the Western Drainage Scheme.**
- 2. An update on the floating vetiver grass trial and investigation of the Jacana bird occupancy areas.**
- 3. Adjacent banks and parkland areas that could be regenerated to assist in reducing nutrient overloads.**
- 4. Options for a stormwater levy and the benefits such a levy may be able to achieve for improving waterway health.**
- 5. Ways the community could become more involved in working with Council on restoring the Western Drainage Scheme to a more healthy state, including but not limited to education options and instigation of a Landcare and/or "Adopt a Park" programs.**
- 6. Options to negotiate with Club Banora to allow restoration of the free flow of tidal waters around the Club site.**

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Delivery Program:

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.2 Asset Protection
- 1.2.2 Stormwater Drainage - To efficiently capture and convey rainfall runoff and release it into the environment safely.

ROLE: **Provider**

1. Current management plans and actions relating to the Western Drainage Scheme.

Maintenance and operation of the drainage system is conducted according to the "Western Drainage Scheme Operational Management Plan" (Tweed Shire Council, 2003). In response to a previous NOM on this issue, Council at its meeting of 21 July 2016 resolved that:

"the Western Drainage Scheme Operational Management Plan be reviewed following an updated survey of Comb-Crested Jacana habitat within the Banora Point Western Drainage Scheme during the 2016/17 summer."

Field surveys for the jacana have now been completed and the review of the Plan has commenced.

Council has allocated \$112,450 in the 2017/2018 budget for maintenance of the Western Drainage Scheme. Works to expend this allocation are expected as follows:

- Aquatic weed harvesting	\$75,000
- Landscaping / Mowing drain surrounds	\$20,000
- Revetment repairs	\$5,000
- Weed spraying	\$5,000
- Clearing pipe outlets	\$7,450

2. An update on the floating vetiver grass trial and investigation of the Jacana bird occupancy areas.

The floating treatment wetland being trialled has now been in operation for some eighteen months. It is located in the drain east of Fraser Drive adjacent to Ron Wilkinson sports field. To date it has operated with minimal maintenance needs and the growth of its media indicates it is providing nutrient removal from the water. Although the actual benefit in terms of nutrient reduction by this small trial is not readily

quantifiable, its expansion to cover the length of this drain section would be considered should funding in the order of \$300,000 be allocated.

As mentioned in Point 1, field surveys of jacana habitat areas have been completed.

3. Adjacent banks and parkland areas that could be regenerated to assist in reducing nutrient overloads.

Revegetation of lake edges and drain revetments was one of a number of actions that were recommended in response to the Cobaki-Terranora Coastal Zone Management Plan. Capital costs and ongoing maintenance requirements from the budget allocation have precluded further investigation of these recommendations.

4. Options for a stormwater levy and the benefits such a levy may be able to achieve for improving waterway health.

Council has not implemented an annual stormwater levy.

5. Ways the community could become more involved in working with Council on restoring the Western Drainage Scheme to a more healthy state, including but not limited to education options and instigation of a Landcare and/or "Adopt a Park" programs.

Council could consider the installation of information signage along the system.

6. Options to negotiate with Club Banora to allow restoration of the free flow of tidal waters around the Club site.

The moat around Club Banora has always been a fresh water body of water not subject to tidal flows. It is physically separated by bunds at both its eastern and western sides to protect its fresh water storage for irrigation purposes. Council in May 2004 obtained an easement for drainage over the moat land from Twin Towns Services Club to enable legal discharge of stormwater from surrounding developments. The section 88B instrument of the easement permits Council only to drain fresh water through the moat. Further, Council also entered into a Deed of Agreement with the Club where the intrusion of salt into the moat is prohibited. Any change to the fresh water regime within the golf course moat would require re-drafting of the Deed of Agreement and changes to the easement for drainage instrument.

The introduction of tidal flows in the system would affect all flora and fauna in the area (especially Vintage Lakes), requiring extensive environmental assessments and consultation with various government departments.

Budget/Long Term Financial Plan:

Estimated \$2,000 allocation to install community engagement signage as per Point 5 above.

Legal Implications:

Implementation of a Stormwater Levy would have legal implications.

Policy Implications:

Not applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Office of Local Government - Frequency asked questions
about stormwater management (ECM4627954)

13 [NOM] Rezoning Lot 156 Creek Street, Hastings Point

NOTICE OF MOTION:

Councillor K Milne moves that Council writes to the Hon Anthony Roberts MP, Minister for Planning, Minister for Housing and Special Minister of State, requesting that the senior members of the Department of Planning and Environment, Deputy Secretary of Planning Mr Marcus Ray and /or the Regional Director of Planning Mr Steve Murray meet with Council planning officers, the Mayor and a community representative of Hastings Point so the Department can adequately consider and advise Council on issues of appropriate zoning and flood mitigation measures so Council can implement appropriate planning controls, including rezoning and flood mitigation measures for Lot 156 Creek Street, Hastings Point, in light of the Department's refusal to accept a rezoning proposal for part environmental protection consistent with the Hasting Point Locality Based Development Control Plan.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil

Management Comments:

Delivery Program:

mhm



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

Council wrote to the Department of Planning and Environment (DPE) on 8 February 2017 requesting a Gateway determination for a partial land rezoning of Lot 156 Creek Street, Hastings Point, to incorporate E2 Environmental Conservation.

The DPE advised in their letter of 6 April 2017 that the planning proposal is not supported because it is inconsistent with the Northern Rivers Final Recommendations

(NRFR) and Section 117 Direction 2.5. This is in addition to the earlier refusal to make a zoning amendment on 19 November 2015, which at that time was on the basis that DPE had a preference for the then legal proceedings in the Land and Environment Court against a deemed refusal development application be allowed to proceed unfettered.

It is considered that the NRFR represents a policy approach that is incomplete and is being applied without due regard for best practice planning outcomes; and is making traditional strategic planning practice surrounding protection of sensitive and significant vegetation land far more difficult to achieve.

The issues arising for Lot 156 pervade the wider application of the NRFR across the Shire and are evident in the work currently being undertaken on the Tweed's LEP E-Zones' review. To ensure the passage of an appropriate rezoning proposal for Lot 156, and to assist the wider E-zone review, it is essential that DPE provide clear advice and guidance as to what the Minister will or will not accept by way of zoning.

Budget/Long Term Financial Plan:

No immediate impact identified.

Legal Implications:

There are no immediate legal implications likely to arise.

Policy Implications:

The DPE's current stance on the use of E-zones for Lot 156 is inconsistent with the Council's adopted policy (DCP) which has been widely accepted by the community as an appropriate planning outcome.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Letter dated 6 April 2017 from the Department of Planning and Environment (ECM4618697)

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

14 [GM-CM] Destination Tweed Quarterly Report - January to March 2017

SUBMITTED BY: Economic Development

mhm



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

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

3	People, places and moving around
3.1	People
3.1.12	Tourism - to market the Tweed as a tourism destination.

ROLE: **Leader**

SUMMARY OF REPORT:

As required by the current funding and performance agreement with Destination Tweed, a quarterly performance report and summary financial statement are to be provided for Council's review.

This report provides Destination Tweed's quarterly reports for the January to March 2017 quarter.

RECOMMENDATION:

That Council:

- 1. Receives and notes Destination Tweed's Quarterly Report for the January to March 2017 quarter.**
- 2. Endorses payment of the quarterly contract instalment in accordance with contract AC2010-073 Provision of Services for Economic Development Tourism Promotion.**
- 3. ATTACHMENT 2 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:

As required by the current funding and performance agreement with Destination Tweed, a quarterly performance report and summary financial statement are to be provided for Council's review. This report provides Destination Tweed's quarterly report for the January to March 2017 quarter. The quarterly report is an attachment to this Council report.

OPTIONS:

This report to Council presents Destination Tweed's quarterly report for the January to March 2017 quarter, which is required as part of their contract. The options available to Council are:

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

CONCLUSION:

It is recommended that Council receives and notes the January to March 2017 quarterly report from Destination Tweed and endorses the quarterly payment.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

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

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Destination Tweed Quarterly Report for January to March 2017 (ECM 4562433)

(Confidential) Attachment 2. Destination Tweed Financial Report for January to March 2017 (ECM 4562434)

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

SUBMITTED BY: General Manager



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

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.3 Moving around
- 3.3.1 Airfield - To provide a public access general aviation airstrip that encourages aviation businesses, recreational users and tourism.

ROLE: **Leader**

SUMMARY OF REPORT:

The purpose of this report is to explain the intent for and provide the details and justification for the preparation of the Planning Proposal seeking a site specific amendment to the Tweed Local Environmental Plan (LEP) 2014. The aim of this amendment will be to introduce controls assisting in the preservation of the airspace surrounding the Murwillumbah airfield by preventing development from encroaching into the take off and approach surface slopes.

RECOMMENDATION:

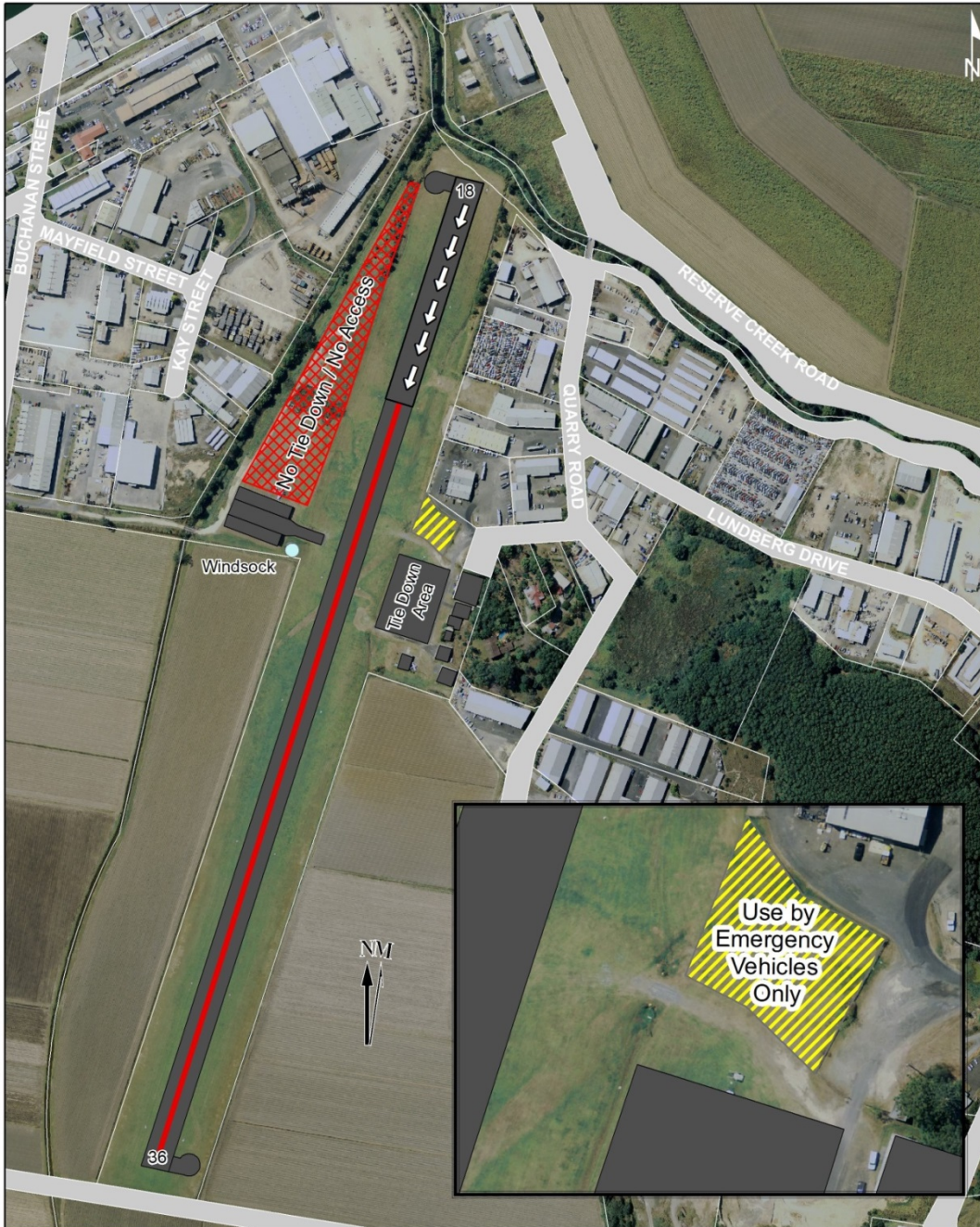
That:

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

5. **Following receipt of the Gateway Determination the planning proposal be publicly exhibited in accordance with the Gateway Determination and a further report is to be submitted to Council detailing the content of submissions received and any proposed amendment(s).**

REPORT:

The Bob Whittle Murwillumbah Airfield is a grass strip with an effective runway length of approximately 800 metres. The airfield can accommodate up to twin propeller aircraft, operates in unrestricted airspace and is open to use by general aviation. Prior contact with the airfield is advised to establish local conditions before landing.



Murwillumbah Airfield - Layout Map

SOURCE: Aerial imagery taken October 2009 by Fugro Spatial Pty Ltd

Aerial photography can be purchased online from Fugro Spatial Pty Ltd at <http://www2.fugroworld.com/>

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Cadastral: 30 August, 2012
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0 25 50 100 M
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 Map Projection: Universal Transverse Mercator
 Horizontal Datum: Geodetic Datum of Australia 1994
 Grid: Map Grid of Australia, Zone 56

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Filepath: U:\Mark Tickle\Murwillumbah Airfield\Airfield Layout Plan\Layout Plan.mxd

Author: Mark Tickle - Business & Economic Development Unit

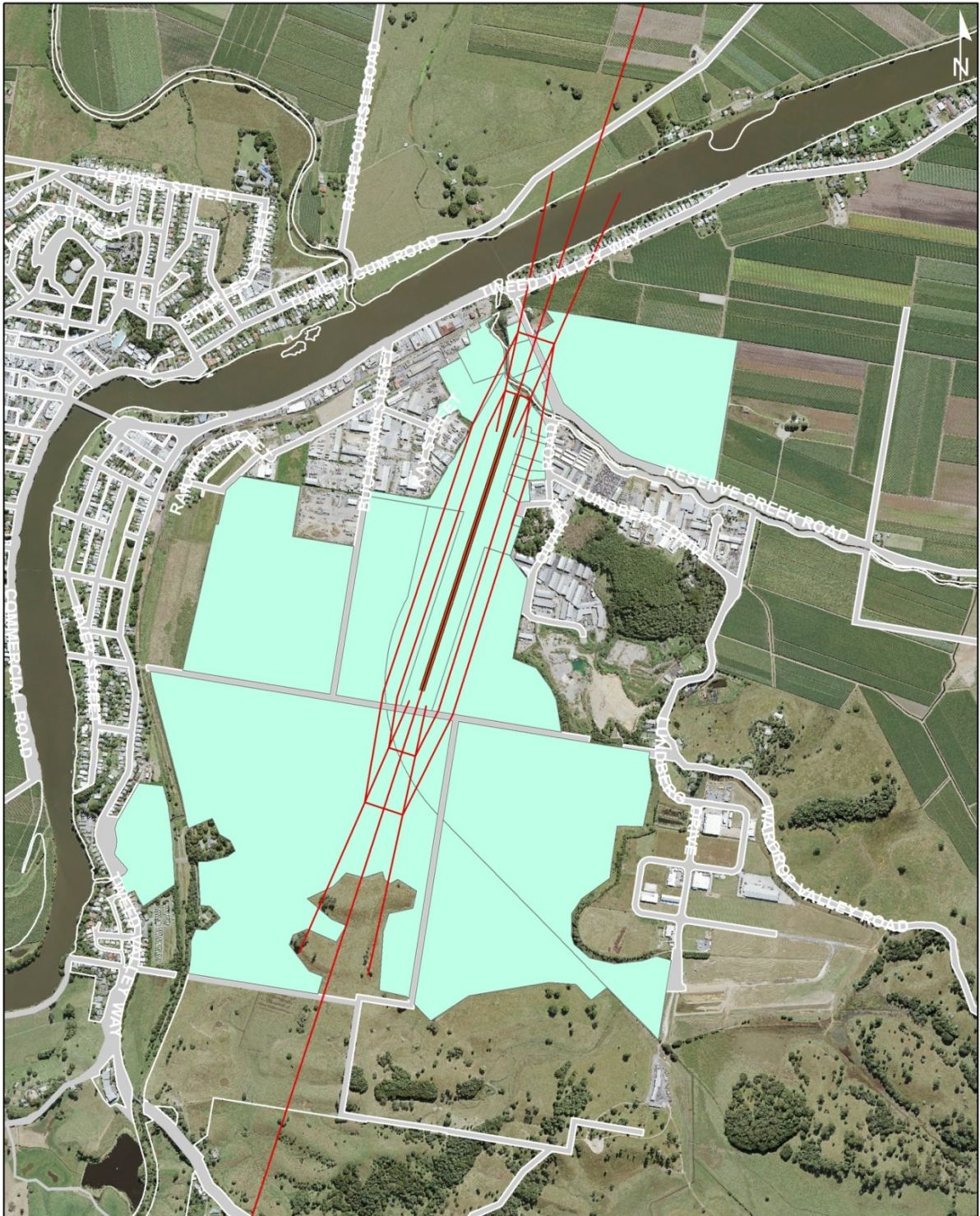
Date Printed: 30 August, 2012

Late last year an adjoining property owner to the Murwillumbah Airfield commenced construction on an approved development. This construction work involved intrusions into the northern take off and approach surface slope of the airfield. Although this situation was managed immediately upon notification to Council, the lack of fore warning denied the opportunity to better manage the situation and thus reduce risk to aircraft using the airfield.

This incident identified the importance of ensuring the airspace surrounding the airfield is free from obstructions. It is important to have safeguard mechanisms in place to ensure that developments do not encroach into any of the surface slopes associated with the airfield.

It is proposed that the most appropriate mechanism to preventing future development from encroaching into this airspace is through the Council's principle planning policy document, the Tweed Local Environmental Plan 2014 (LEP).

The proposed LEP amendment will assist in preserving the airspace surrounding the airfield by preventing development to encroach into the take off and approach surface slopes. This would be achieved by introducing a height restriction upon proposed structures immediately surrounding the airfield. The impact of these height restrictions are limited to that land shown as coloured in the plan below. The proposed amendment would require the proponent to submit a review by a suitably qualified professional of the impact the proposed development will have on the airspace surrounding the development.



SOURCE: Aerial imagery taken October 2009 by Fugro Spatial Pty Ltd

Murwillumbah Airfield - Obstacle Limitation Surface

Aerial photography can be purchased online from Fugro Spatial Pty Ltd. at <http://www2.fugroworld.com/>

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Cadastre: 15 June, 2017
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Map Projection: Universal Transverse Mercator
Horizontal Datum: Geoidic Datum of Australia 1994
Grid: Map Grid of Australia, Zone 56

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Filepath: U:\MarkTickle\Mbah Airfield\OLS\OLS.mxd

Author: Mark Tickle - Economic Development Unit

Date Printed: 15 June, 2017

The purpose of the proposed amendment is not to unreasonably deny future development upon affected lands, but to ensure due consideration of the impact of that development can be made and where necessary conditioned so as to not cause safety concerns and/or create a reduction in function of the airfield.

The proposed amendment being:

7.9A Murwillumbah airfield operations area

- (1) The objectives of this clause are as follows:
 - (a) to provide for the effective and ongoing operation of the Murwillumbah Airfield by ensuring that such operation is not compromised by proposed development that penetrates the Obstacle Limitation Surfaces Plan or Procedures for Air Navigation Services – Aircraft Operations Plan for that airfield,
 - (b) to protect the community from undue risk from that operation.
- (2) Development consent must not be granted to development within the operational vicinity of the Murwillumbah Airfield unless the consent authority is satisfied that:
 - (a) the impacts of the proposed development on the airfield have been adequately addressed in a report prepared by a suitably qualified professional, and
 - (b) the development will not penetrate the Obstacle Limitation Surfaces Plan or Procedures for Air Navigation Services – Aircraft Operations Plan, or
 - (c) the development will penetrate the Obstacle Limitation Surfaces Plan or Procedures for Air Navigation Services – Aircraft Operations Plan but the Murwillumbah Airfield Operator has raised no objection.
- (3) The consent authority must not grant development consent for the development if the Murwillumbah Airfield Operator advises that the development will penetrate the Obstacle Limitation Surfaces Plan or Procedures for Air Navigation Services – Aircraft Operations Plan and should not be constructed because there will be an unavoidable risk of impact on the operation of the Murwillumbah Airfield.
- (4) In this clause:

Obstacle Limitation Surfaces Plan or Procedures for Air Navigation Services – Aircraft Operations Plan means the Obstacle Limitation Surfaces or the Procedures for Air Navigation Services – Aircraft Operations Plan as shown on the Obstacle Limitation Surfaces Map or the Procedures for Air Navigation Services Operations Surface Map for the Murwillumbah Airfield.

OPTIONS:

1. Proceed with the Planning Proposal as per the report recommendations, or
2. Not support the preparation of this planning proposal which will maintain the risk of inappropriate development posing potential risks to the safety of the air traffic in the vicinity of the Murwillumbah Airfield

CONCLUSION:

This report was prepared to justify the need to introduce additional controls to the Tweed LEP 2014 mitigating potential risks of inappropriate development that may cause risks to the air traffic in the vicinity of the Murwillumbah Airfield. A proposed solution recommended by Council staff is to amend the Tweed LEP 2014 through a separate, site-specific amendment.

COUNCIL IMPLICATIONS:

a. Policy:

Tweed Local Environmental Plan 2014.

b. Budget/Long Term Financial Plan:

These changes are recommended to ensure the long term viability of the airfield for both Council, recreation users and businesses operating from the site.

c. Legal:

Tweed Local Environmental Plan 2014.

d. Communication/Engagement:

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

Inform-We will keep you informed.

On site meeting with key users of the airfield were unanimously supporting and eager to see this change to the LEP.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

16 [GM-CM] Telecommunications Facilities on Council Owned Land

SUBMITTED BY: Economic Development

mhm



Behind the scenes
Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

SUMMARY OF REPORT:

At its meeting on 15 June 2017 Council resolved:

"that this item be deferred to 20 July 2017 Council meeting."

This report is again submitted for Council's consideration and determination.

In December last year Council considered a draft policy on Telecommunications Facilities on Council Owned Land. This draft policy has previously been considered by Council where they resolved to exhibit the draft.

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. On 18 May 2017, while considering the adopting of the draft, Council resolved to seek advice on whether owners consent can be granted through a Council resolution rather than delegating this responsibility to the General Manger.

Due to the substantive changes from the draft that was exhibited, this report recommends that Council consider the two versions of the draft policy and resolve to re-exhibit one of them.

RECOMMENDATION:

That Council considers the revised draft Telecommunications Facilities on Council Owned Land Policies, as presented in this report, and determine to place one of them 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 licensed 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 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.

Public Submissions

It was resolved that the draft (version 1.0) 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 (version 1.0). This input has been reviewed and changes made to the draft policy (version 1.1) 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 (version 1.1) which outlines certain exemptions that licensed 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 (version 1.1) 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 prior to any applications being made to Council. 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 classified as community 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.

Revised Policy (Version 1.2) – Development Application Process

At its meeting on 18 May 2017 Council considered the revised draft policy (version 1.1) with recommendations to re-exhibit the revised draft that had resulted from the post exhibition amendments. Instead of re-advertising the draft Council resolved to defer the adoption of the policy so that the General Manager can:

"investigate the implications of amending the draft policy to allow Council to provide owners consent prior to Council considering re-exhibiting the revised draft and brings back a report to the next Council meeting."

The exhibited draft (version 1.1) allows for the granting of owners consent for development applications for any telecommunications facilities on Council owned land to be delegated to the General Manger. The resolution from the 18 May 2017 meeting seeks clarification to allow Council to grant owners consent instead of the General Manager. A revised draft (version 1.2) has been prepared to reflect these proposed changes and is presented as an attachment to this report.

This would represent a significant change from all previous versions of the draft policy (versions 1.0) that was exhibited and the revised draft (version 1.1) that was presented to Council on 18 May 2017. Both these versions identify that the only requirement is that:

- All criteria identified in the policy will need to be adequately met to officer's satisfaction.

By nominating that owner's consent can only be granted by a resolution of Council then two conditions must be met:

- All criteria identified in the policy will need to be adequately met to officer's satisfaction.
- Council resolve to endorse owners consent.

The primary objective of this policy is to provide owner's consent for a licenced telecommunications carrier to submit a development application for land under the care control and management of Council. To this end a specific clause has been added to outline the matters of probity in respect to a consent authority:

"Council's Role as Planning Authority

Any owner's consent arising from this Policy will entitle the applicant to lodge a development application over Council owned land. In no way does this fetter Council's statutory role as planning authority over the parcel of land. This role will be undertaken independently by Council's Planning and Regulation Division. The General Manager will not be involved in the determination of the Development Application."

This expresses the separation of Council's roles between granting owners consent as land owners and reviewing the development application as consent authority.

However, the proposed changes presented in the new draft (version 1.2) may interfere with these roles.

Revised Policy (Version 1.2) – Low Impact Facility Process

The latest revised draft (version 1.2) has separated out the processes for applicants that do not require a development application. The policy also describes how, in these instances, the Federal Government's Telecommunications Act overrules the State environmental planning legislation which can require carriers to submit a development application. The policy then outlines a separate process whereby the applicant will be seeking tenure over Council owned land. However the revised policy (version 1.2) still requires the carriers to meet with the policy requirements before Council can resolve to grant this tenure.

OPTIONS:

It is recommended that Council:

1. Exhibits the revised draft Policy (Version 1.1), which allows the General Manager delegated to provide owners consent.
2. Exhibits the draft policy (Version 1.2) which allows for Council to grant owners consent.

OR

3. No longer proceeds with the Policy.

CONCLUSION:

This report recommends that Council considers the revised draft Telecommunications Facilities on Council Owned Land Policies, as presented in this report, and determine to place one of them on public exhibition for a period of 28 days with submissions to be received for a period of 42 days.

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) |
| Attachment 2. | Revised Draft Telecommunications Facilities on Council Owned Land Policy Version 1.2 (ECM 4561662) |
-

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.

17 [PR-CM] Development Application DA16/0724 for a Dwelling and Secondary Dwelling at Lot 83 DP 1030322 No. 8 Eclipse Lane, Casuarina

SUBMITTED BY: Development Assessment and Compliance

mhm



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Provider

SUMMARY OF REPORT:

Updated Summary

Council at its meeting of 6 July 2017 resolved as follows:

that Item 2 [PR-PC] Development Application DA16/0724 for a Dwelling and Secondary Dwelling at Lot 83 DP 1030322 No. 8 Eclipse Lane, Casuarina be deferred to 20 July 2017 Council Meeting.

Original Summary

Council is in receipt of an application for a new two storey dwelling house that includes a secondary dwelling upon a vacant allotment in Casuarina.

The building will include a double garage and a central spine with rooms on either side. The secondary dwelling is located within the ground floor only of the building at the rear of the lot on the northern side of the building with the primary dwelling containing 5 bedrooms over two storeys. Both dwellings have access to a deck at the rear that faces east towards the reserve and ocean.

The site is located within the Casuarina Estate and is surrounded by low density residential dwellings. The site is flat and is bordered by reserve to the east and the South Pacific Ocean.

The site is partially impacted by sensitive coastal lands and is partially subject to zoning under the previous Tweed Local Environmental Plan 2000. No sensitive vegetation is present where the dwelling and secondary dwellings footprint is proposed.

Following an initial internal assessment and notification period that resulted in 6 submissions living in Eclipse Lane or Casuarina Way, the applicant was sent a significant request for further information (RFI) specifying a number of issues be addressed.

In summary these issues were identified as:

1. Dwelling design in response to solar access;
2. The relationship with the dwelling and adjoining properties, specifically, privacy, window positioning, overshadowing;
3. Articulation of the building given its bulk and scale;
4. The design of the dwelling lending its self to a dual occupancy development rather than a secondary dwelling; and
5. Lack of compliance with B5 – Casuarina Beach in regards to eave setbacks.

In response to Council's requests for additional information and amendments, changes were made to the proposed plans. The issues raised within this request are now considered duly satisfied as follows:

- The existing dwelling to the south will be impacted by the new dwelling. However, the proposal is compliant in regards to setbacks, heights and eaves (deferred commencement, see below) and articulation. The proposal is also compliant in regards to the number of hours of sunlight during winter reaching areas of private open space and living areas of the southern dwelling. Therefore the proposal is considered acceptable in this regard.
- The building does demonstrate features that would enable the building to be used as a dual occupancy, despite the application featuring a secondary dwelling. However, the approval will be for the purposes of a primary dwelling and a secondary dwelling and any changes to the internal walls of the building would be contrary to the development consent. This potential compliance issue is not a reason for refusal.
- Council's urban designer has examined the additional information and amended plans provided by the applicant and is now satisfied that the side elevations of the new dwelling and secondary dwelling have sufficient articulation due to different treatment materials and colours.
- The privacy of the adjoining dwellings was a concern with the original application due to lack of information provided by the applicant. The additional information provided and amendments to the plans have provided assurances that the adjoining properties, while impacted, will be minimised as follows:
 - Ground floor windows at the rear will now be highlight windows to avoid occupants looking directly into neighbouring properties;
 - Side entries will not be directly opposite high traffic areas. However, the southern entry to the dwelling will be required to provide screening as it is opposite a porch for 6 Eclipse Lane;
 - Both outdoor areas at the rear will have screening on the side elevations to protect the privacy of the occupants and adjoining properties; and

- The applicant has agreed to a deferred commencement condition requiring the eaves to be a minimum of 675mm from the side boundary, not 450mm, as the current plans indicate. This will ensure the dwelling is compliant with the Tweed DCP Section B5 in regards to site boundary setbacks.

Despite compliance, due to the number of submissions received, all Councillors were provided a summary of the application, changes and submissions to determine if the application should be presented to a Council meeting or determined under delegated authority. Two Councillors (Cr Cherry and Cr Cooper) have requested that the application be presented to this meeting for consideration and determination.

The recommendation is for conditional approval.

RECOMMENDATION:

That Development Application DA16/0724 for a dwelling and secondary dwelling at Lot 83 DP 1030322 No. 8 Eclipse Lane, Casuarina be approved subject to the following conditions:

"DEFERRED COMMENCEMENT"

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "A". Such evidence is to be provided within three months of the date of notification.

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "A". The consent shall become operative and take effect from the date of notification under Section 95 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule "B".

SCHEDULE "A"

Conditions imposed pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 and Section 95 of the Regulations as amended.

- A. The approved plans must be amended to ensure the eaves of the first floor are setback a minimum of 675mm from the side boundary. Details to the satisfaction of the General Manager or delegate prior to the provisions of deferred commencement being satisfied.**

SCHEDULE B

NOTE: THIS PART OF THE CONSENT WILL NOT BECOME OPERABLE UNTIL COUNCIL ADVISES THAT THE MATTERS CONTAINED IN SCHEDULE 'A' ARE SATISFIED.

GENERAL

- 1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos:**

- Site Plan, DA-001, Issue 009, dated 28/02/17
- Ground Floor Plan, DA-002, Issue 001, dated 28/02/17
- First Floor Plan, DA-003, Issue 001, dated 28/02/17
- Roof Plan, DA-004, Issue 001, dated 28/02/17
- Ground Floor Plan (neighbouring house analysis) DA-005, Issue 001, dated 28/02/17
- First Floor Plan, (neighbouring house analysis) DA-006, Issue 001, dated 28/02/17
- North-West Elevation, DA-007, Issue 001, dated 28/02/17
- South-West Elevation, DA-008, Issue 001, dated 28/02/17
- South-East Elevation, DA-009, Issue 001, dated 28/02/17
- North-East Elevation, DA-010, Issue 001, dated 28/02/17
- Section Thru-A, DA-011, Issue 001, dated 28/02/17
- Section Thru-B, DA-012, Issue 001, dated 28/02/17
- Section Thru-C, DA-013, Issue 001, dated 28/02/17
- Bin Enclosure Details, DA-017, Issue 001, dated 28/02/17

prepared by Real Space Creative, except where varied by the conditions of this consent.

[GEN0005]

2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]

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. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.

[GEN0300]

5. **Bushfire Design and Construction**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- (a) Construction shall comply with Australian Standard AS3959-2009 'Construction of buildings in Bush Fire-prone areas', Bushfire attack Level (BAL) 12.5 for dwelling.

- (b) Prior to issue of an Occupation Certificate the development is to be completed in accordance with the Bushfire Risk Management Plan prepared by Planit Consulting dated September 2016.

[GEN0335]

6. The development approval is for a dwelling and secondary dwelling. Any alterations to the building that result in an attached dual occupancy would require separate development consent. [GENNS01]
7. Where easements in favour of Council are provided through private property no structures or part thereof may encroach into the easement.
8. As the approved plans propose to use the double garage for the secondary dwelling and principle dwelling, the garage shall be divided and fire rated both individually and to the main building in accordance with the Building Code of Australia.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

9. Stormwater

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

existing structures on the subject property, and existing or likely structures on adjoining properties.

- (i) All infiltration devices are to be designed to withstand loading from vehicles during construction and operation of the development.
- (j) All infiltration devices are to be located clear of stormwater or sewer easements.

[PCC1135]

10. If the development is likely to disturb or impact upon telecommunications infrastructure, 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.

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

[PCC1325]

11. Appropriate screening shall be provided for the entry porch along the southern side boundary to the satisfaction of the General Manager or delegate.
12. Front boundary fencing shall maintain an openness of 60% above 600mm from ground level to the satisfaction of the General Manager of delegate.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

13. 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]

14. The erection of a building in accordance with a development consent must not be commenced until:
- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - (c) the principal certifying authority has, no later than 2 days before the building work commences:

- (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]
- 15. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

[PCW0225]
- 16. Residential building work:
 - (a) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - * in the name and licence number of the principal contractor, and
 - * the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - * the name of the owner-builder, and
 - * if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
 - (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]
- 17. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one closet for every 15 persons or part of 15 persons employed at the site. Each toilet provided must be:

- (a) a standard flushing toilet connected to a public sewer, or
- (b) if that is not practicable, an accredited sewage management facility approved by the council

[PCW0245]

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

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

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

[PCW0255]

19. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW1065]

DURING CONSTRUCTION

20. 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]

21. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of buildings with direct line of sight to the proposed building.

[DUR0245]

22. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]

23. **Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.**
[DUR0395]
24. **It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Work Health and Safety Regulation 2011.**
[DUR0415]
25. **The finished floor level of the building should finish not less than 225mm above finished ground level.**
[DUR0445]
26. **The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.**
[DUR0905]
27. **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]
28. **Zone Boundary**
- (a) **No construction work other than 1.2m high fencing is to be carried out in the 7(f) zone.**
- (b) **The 7(f) and 2(e) zone boundary is to be clearly identified on site by Registered Surveyor marks prior to start of work.**
- (c) **No overflow from an infiltration pit shall be discharged over the eastern boundary.**
[DUR1035]
29. **Landscaping of the site shall be carried out in accordance with the submitted/approved landscaping plans.**
[DUR1045]
30. **All landscaping is to comply with the 88B Instrument pertaining to the site.**
[DUR1055]
31. **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]

32. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blown from the site.

[DUR2185]

33. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

- (a) internal drainage, prior to slab preparation;**
- (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;**
- (c) external drainage prior to backfilling.**
- (d) completion of work and prior to occupation of the building.**

[DUR2485]

34. Plumbing

- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.**
- (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the Plumbing Code of Australia and AS/NZS 3500.**

[DUR2495]

35. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.

[DUR2505]

36. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.

[DUR2545]

37. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:

- * 45°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and**
- * 50°C in all other classes of buildings.**

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR2555]

38. Sewer connections within the 7(f) zone are to comply with the following:

- (a) Two inspection shafts shall be provided to each lot. The first shall be provided immediately adjacent to the connection point provided by the developer. The second inspection shaft at 0.5 metres inside the 2(e) zone boundary on each property. Inspection shafts are to be finished at surface level with a standard bolted trap screw cap and concrete surround.**

- (b) Pipe work size for all lots under this approval are to have a 100mm diameter sewer.

[DUR2695]

39. Works in the vicinity of public infrastructure must comply with the following requirements:

- a) Deep soil planting zones are not permitted in the sewer easement to ensure adequate protection of council's public sewer infrastructure.
- b) Trees and other landscaping that will grow to over one meter in height at maturity are not permitted within the sewer easement to prevent the tree roots intruding into sewer mains and internal sewer pipes. Landscaping within sewer easements shall be of a minor nature designed to ensure they do not damage or interfere with any part of the pipeline.
- c) Surface treatment over the sewer pipe shall be limited to soft landscaping, non-interlocking paving, asphalt or similar treatments as specified by Council officers, to allow ready access to the pipe for excavation. Council will not be responsible for the reinstatement of plantings, unauthorised structures or decorative surfacing in the vicinity of the pipe in the event of pipe excavation or other maintenance works.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

[POC0205]

41. Prior to occupation of the building the property street number is to be clearly identified on the site by way of painted numbering on the street gutter within 1 metre of the access point to the property.

The street number is to be on a white reflective background professionally painted in black numbers 75-100mm high.

On rural properties or where street guttering is not provided the street number is to be readily identifiable on or near the front entrance to the site.

For multiple allotments having single access points, or other difficult to identify properties, specific arrangements should first be made with Council and emergency services before street number identification is provided.

The above requirement is to assist in property identification by emergency services and the like. Any variations to the above are to be approved by Council prior to the carrying out of the work.

[POC0265]

42. Prior to the issue of a final occupation certificate adequate proof and/or documentation is to be submitted to the Principal Certifying Authority to identify that all commitment on the BASIX "Schedule of Commitments" have been complied with.

[POC0435]

43. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC1045]

USE

44. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.

[USE0125]

45. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.

[USE0175]

46. Subdivision of the development, including strata subdivision, is not permitted.

[USE1255]

REPORT:

Applicant: Mr AL Szabo
Owner: Mr Andrew L Szabo & Mr Tyler J Mattiazzi
Location: Lot 83 DP 1030322 No. 8 Eclipse Lane, Casuarina
Zoning: 7(f) Environmental Protection (Coastal Lands); R2 - Low Density Residential
Cost: \$500,000

Background:

Council is in receipt of an application for a new two storey dwelling house and secondary dwelling upon a vacant allotment in Casuarina. It is proposed to construct a two storey dwelling that also contains a secondary dwelling within the building footprint. The secondary dwelling is restricted to a portion of the ground floor at the rear of the building in the north eastern corner. The remainder of the building contains the principle dwelling.

Following an initial internal assessment and notification period that resulted in 6 submissions living in Eclipse Lane or Casuarina Way, the applicant was sent a significant RFI requesting a number of issues be addressed.

In summary these issues were identified as:

1. Dwelling design in response to solar access
2. The relationship with the dwelling and adjoining properties, specifically, privacy, window positioning, overshadowing and lack of information in this regard
3. Articulation of the building given its bulk and scale
4. The design of the dwelling lending its self to a dual occupancy development rather than a secondary dwelling.
5. Lack of compliance with B5 – Casuarina Beach in regards to eave setbacks

In response to Council's requests for additional information and amendments, changes were made to the proposed plans. The issues raised within this request are now considered duly satisfied as follows:

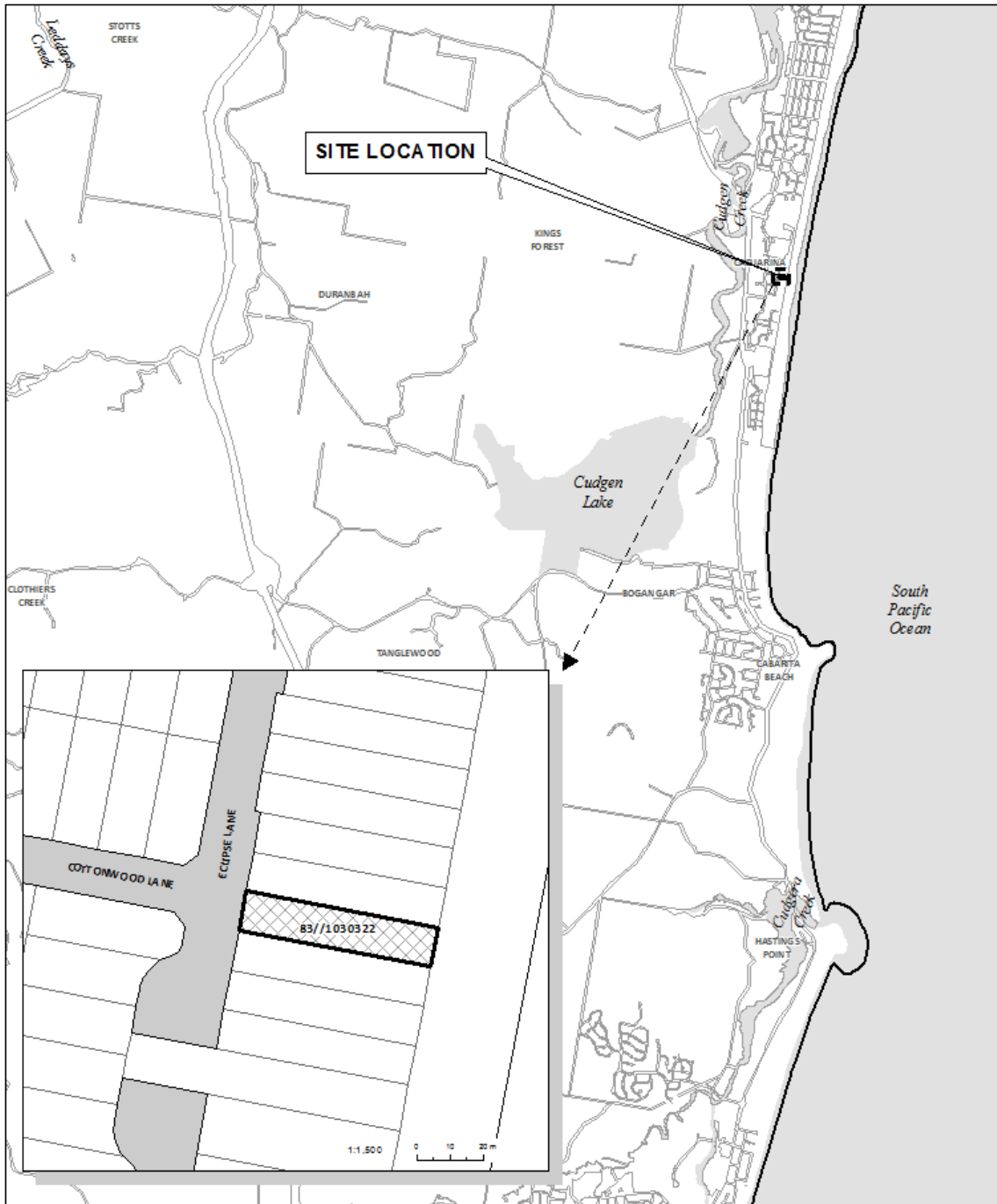
- The existing dwelling to the south will be impacted by the new dwelling. However, the proposal is compliant in regards to setbacks, heights and eaves (deferred commencement, see below) and articulation. The proposal is also compliant in regards to the number of hours of sunlight during winter reaching areas of private open space and living areas of the southern dwelling. Therefore the proposal is considered acceptable in this regard.
- The building does demonstrate features that would enable the building to be used as a dual occupancy, despite the application featuring a secondary dwelling. However, the approval will be for the purposes of a primary dwelling and a secondary dwelling and any changes to the internal walls of the building would be contrary to the development consent. This potential compliance issue is not a reason for refusal.
- Council's urban designer has examined the additional information and amended plans provided by the applicant and is now satisfied that the side elevations of the

new dwelling and secondary dwelling have sufficient articulation due to different treatment materials and colours.

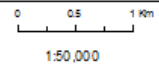
- The privacy of the adjoining dwellings was a concern with the original application due to lack of information provided by the applicant. The additional information provided and amendments to the plans have provided assurances that the adjoining properties, while impacted will be minimised as follows:
 - Ground floor windows at the rear will now be highlight windows to avoid occupants looking directly into neighbouring properties;
 - Side entries will not be directly opposite high traffic areas. However, the southern entry to the dwelling will be required to provide screening as it is opposite a porch for 6 Eclipse Lane;
 - Both outdoor areas at the rear will have screening on the side elevations to protect the privacy of the occupants and adjoining properties; and
 - The applicant has agreed to a deferred commencement condition requiring the eaves to be a minimum of 675mm from the side boundary, not 450mm, as the current plans indicate. This will ensure the dwelling is compliant with the Tweed DCP Section B5 in regards to site boundary setbacks.

The development is now considered satisfactory and worthy of conditional approval.

SITE DIAGRAM:



LOCALITY PLAN



Lot 83 DP 1030322,
No. 8 Eclipse Lane CASUARINA

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Coordinate System - MGA Zone 56
Datum - GDA 94

Cadastral: 30 June, 2010
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30 NOT SCALE
COPY DRAW - NOT FOR CONSTRUCTION

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Filepath: Z:\BRI\PRU\COUNCIL REPORTS\Casuarina\MXD\StdDiagram.mxd

Author: C. Lees - Information Technology

Date Printed: 19 June, 2017

DEVELOPMENT/ELEVATION PLANS:



LOT 83
DP-1030322

NOTE
BUILDING CONSTRUCTION SYSTEM
& MATERIALS SPECIFICATION TO
MEET BUSHFIRE ATTACK
LEVEL 12.7 AS PER AS 3685-2008

NOTE
ALL ROOF WATER IS TO BE
DRAINED TO RAINWATER TANK
BELOW OUTDOOR LIVING DECK WITH
OVERFLOW CONNECTED TO COUNCIL
STORMWATER SYSTEM

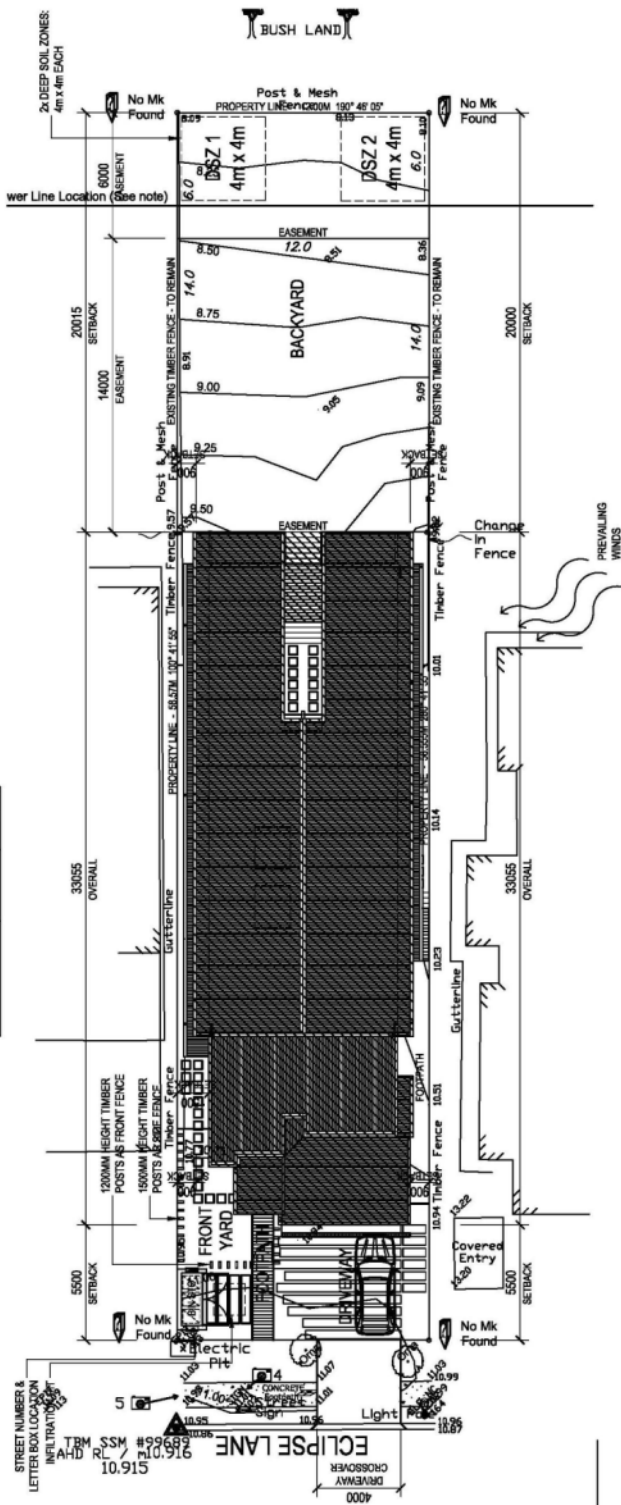
AREA COMPUTATION	BY LAW	ACTUAL
FIRST FLOOR		
PRIMARY DWELLING	207.29 SQ.M.	44.46%
BALCONY	10.03 SQ.M.	
ACTUAL FSR	408.38 SQ.M.	
TOTAL AREA (UNDER ROOF)	308.84 SQ.M.	
SECONDARY DWELLING FSR	(19.94%)	

AREA COMPUTATION	BY LAW	ACTUAL
LOT AREA	702.07 SQ.M.	10.03 SQ.M.
GROUND FLOOR		
PRIMARY DWELLING	136.78 SQ.M.	408.38 SQ.M.
OUTDOOR LIVING	41.20 SQ.M.	308.84 SQ.M.
PORCH	2.67 SQ.M.	
GARAGE	40.33 SQ.M.	
SECONDARY DWELLING	68.63 SQ.M.	

CODE COMPLIANCE

	BY LAW	ACTUAL
Site Coverage	59%	44.46%
Maximum FSR	-	10.8
Landscape	-	270.77 SQ.M / 38.48%

- NOTES:
- PROVIDE LIFT OFF HINGES TO WINDOWS
 - SMOKE ALARMS TO BE HARD WIRED IN ACCORDANCE WITH B.C.A. 3.7.2.
 - FLOOR WASTE POSITIONING ARE INDICATIVE ONLY. MANUFACTURER DETAILS, WINDOW SIZES SHOWN ARE NOMINAL ONLY AND ARE TO BE VERIFIED BY THE BUILDER ON SITE.
 - HEIGHTS INDICATED ARE CLEAR HEIGHTS ABOVE FINISHED FLOOR LEVELS.
 - WET AREA FLOORS ARE TO BE LAID TO A MIN. FALL OF 1 IN 80 TO FLOOR WASTES
 - DIMENSIONS ARE TO STRUCTURE UNLESS NOTED OTHERWISE
 - ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS AS IS AND FOR THE ENGINEERS DETAILS PROVIDED
 - STRUCTURE REFER TO STRUCTURAL ENGINEERS DETAILS FOR STRUCTURAL INFORMATION
 - TERMINATE PROTECTION SERIES PROTECTION TO AS 3685:2008
 - CARPENTRY ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS AS IS AND FOR THE ENGINEERS DETAILS PROVIDED



SITE PLAN
SCALE 1:200

AMENDMENTS REGISTER	DATE	INITIALS
ISSUE 1 (DESCRIPTION)	19.06.16	MM
007 AMENDED BUILDING APPLICATION ISSUE	27.07.15	MM
008 AMENDED BUILDING APPLICATION ISSUE	27.07.15	MM
009 AMENDED BUILDING APPLICATION ISSUE	27.07.15	MM

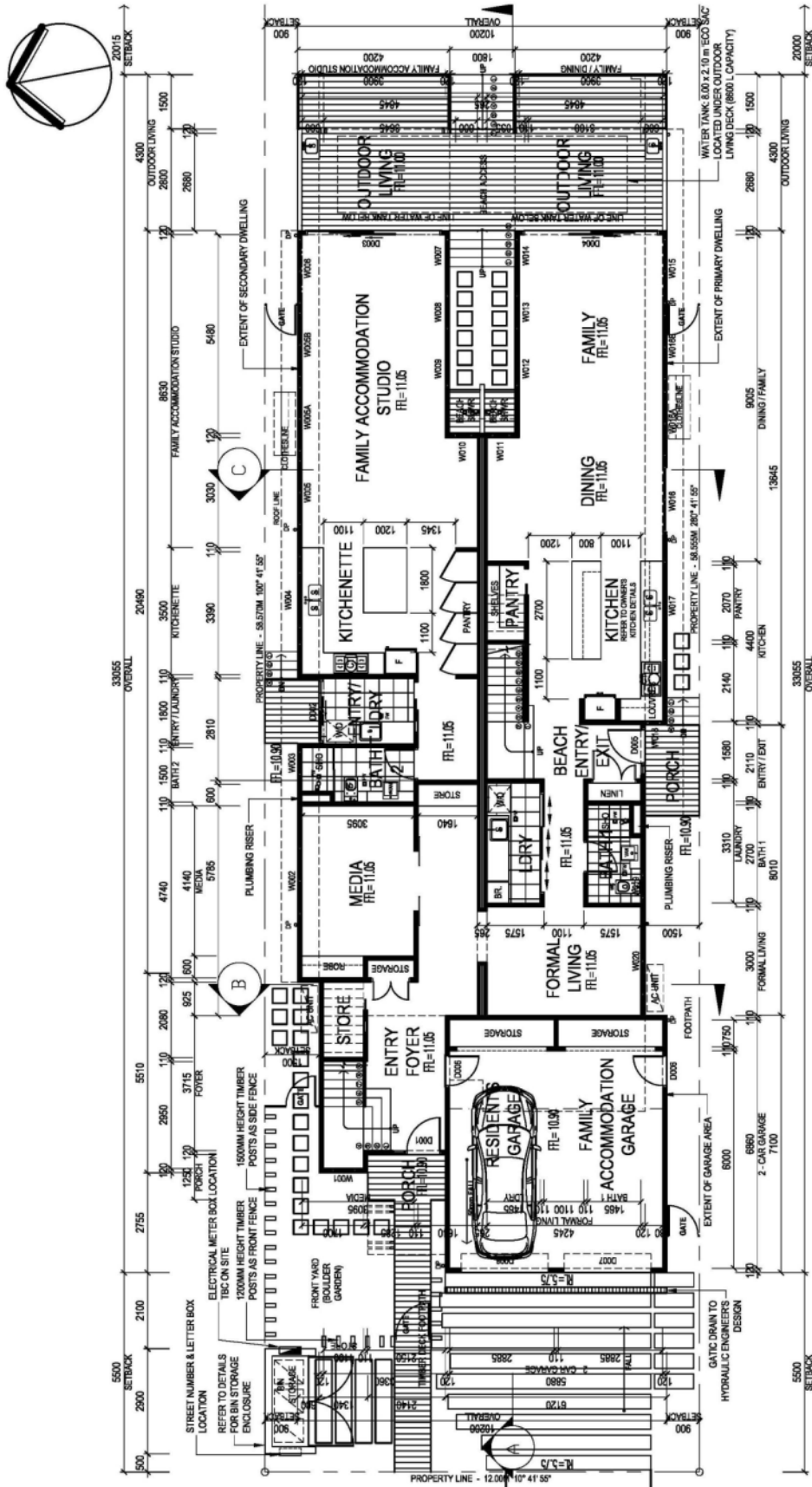
VERIFICATION: CHECK ALL DIMENSIONS, DETAIL WINDOW SIZES, MANUFACTURER DETAILS, WINDOW SIZES SHOWN ARE NOMINAL ONLY AND ARE TO BE VERIFIED BY THE BUILDER ON SITE. REQUIRED QUANTITIES FOR MATERIALS.

AUTHORISATION: [Signature]

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HUMANITARIAN

CLIENT: MR. ANDREW SZABO
PROJECT ADDRESS: 8 ECLIPSE LANE, CASUARINA
PROJECT NO.: ECL - 16001
DATE: 26 FEBRUARY 2017
SCALE (AS SHOWN): AS SHOWN
ISSUE NO.: 01
DRAWING NO.: DA-001
DRAWN: TJ

ISSUE: BUILDING APPLICATION ISSUE
DRAWING TITLE: SITE PLAN



GROUND FLOOR PLAN

SCALE 1:100

AMENDMENTS REGISTER	ISSUE / DESCRIPTION	DATE	INITIALS
B01	REV RESPONSE	26/02/2017	TJ

VERIFICATION	AUTHORISATION
VIEW ALL DIMENSIONS, BEING ACCURATE TO WITHIN 0.1% AND CHECKING ALL DIMENSIONS AND ANNOTATIONS FOR CONSISTENCY AND ACCURACY. VERIFY ALL DIMENSIONS AND ANNOTATIONS FOR CLARITY AND CONSISTENCY. CHECKING ALL DIMENSIONS AND ANNOTATIONS FOR CLARITY AND CONSISTENCY. VERIFY ALL DIMENSIONS AND ANNOTATIONS FOR CLARITY AND CONSISTENCY.	

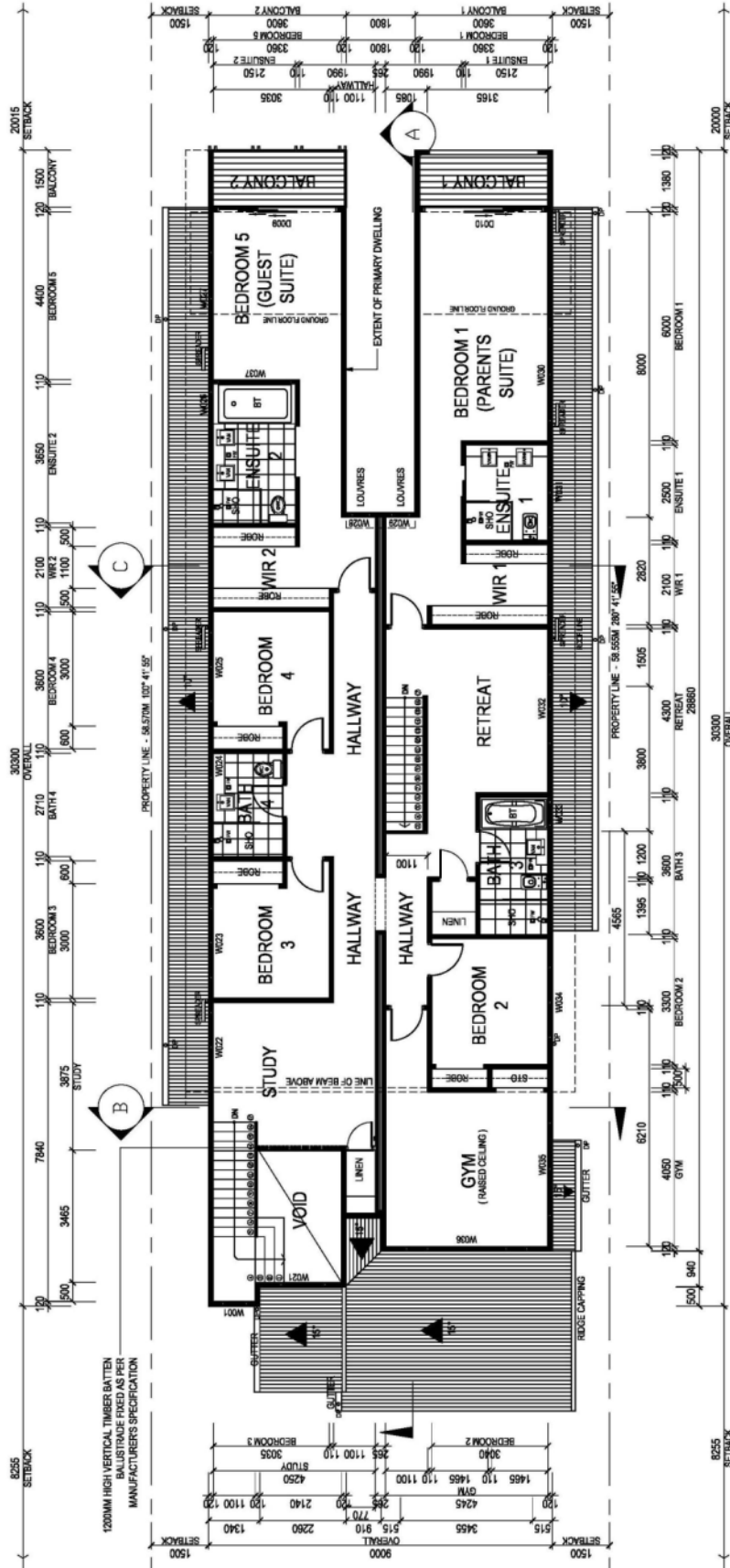
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CLIENT
MR. ANDREW SZABO
PROJECT ADDRESS
8 ECLIPSE LANE, CASUARINA

PURPOSE
DEVELOPMENT APPLICATION
DRAWING TITLE
GROUND FLOOR PLAN



FIRST FLOOR PLAN

SCALE 1:1100

AMENDMENTS REGISTER	DATE	INITIALS
ISSUE DESCRIPTION		
001		

STAGE	BUILDING APPLICATION ISSUE
DRAWING TITLE	FIRST FLOOR PLAN
CLIENT	MR. ANDREW SZABO
PROJECT ADDRESS	8 ECLIPSE LANE, CASUARINA
PROJECT NO.	ECL - 16001
DATE	26 FEBRUARY 2017
SCALE (AS SHOWN)	AS SHOWN
DRAWING NO.	DA-003
ISSUE NO.	01
DRAWN	TJ

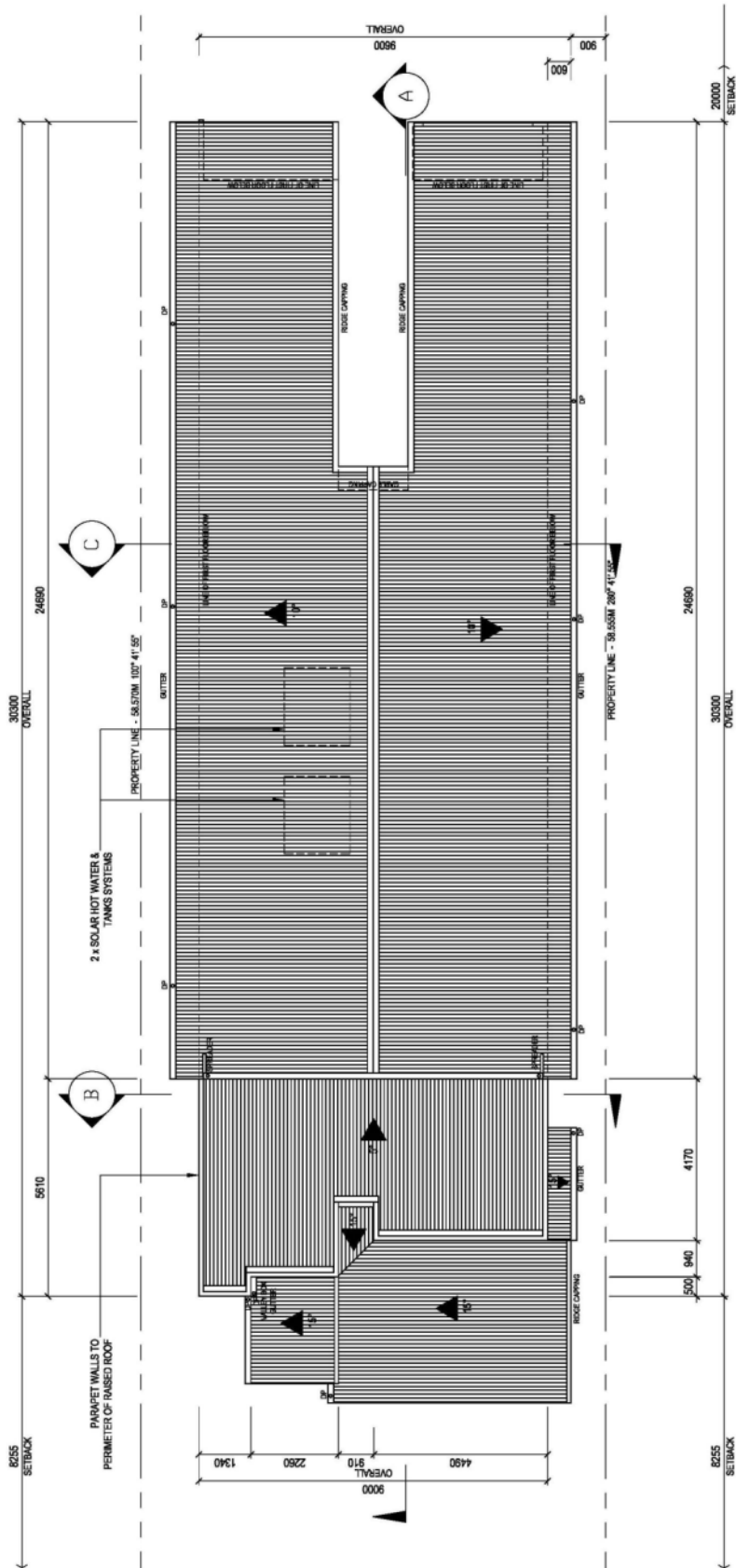
VERIFICATION AUTHORIZATION

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REGISTERED ARCHITECT NO. 4138 (QLD)

HUMAN AFFAIR

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ROOF PLAN
SCALE 1:100

AMENDMENTS REGISTER	DATE	INITIALS
ISSUE DESCRIPTION		
001		

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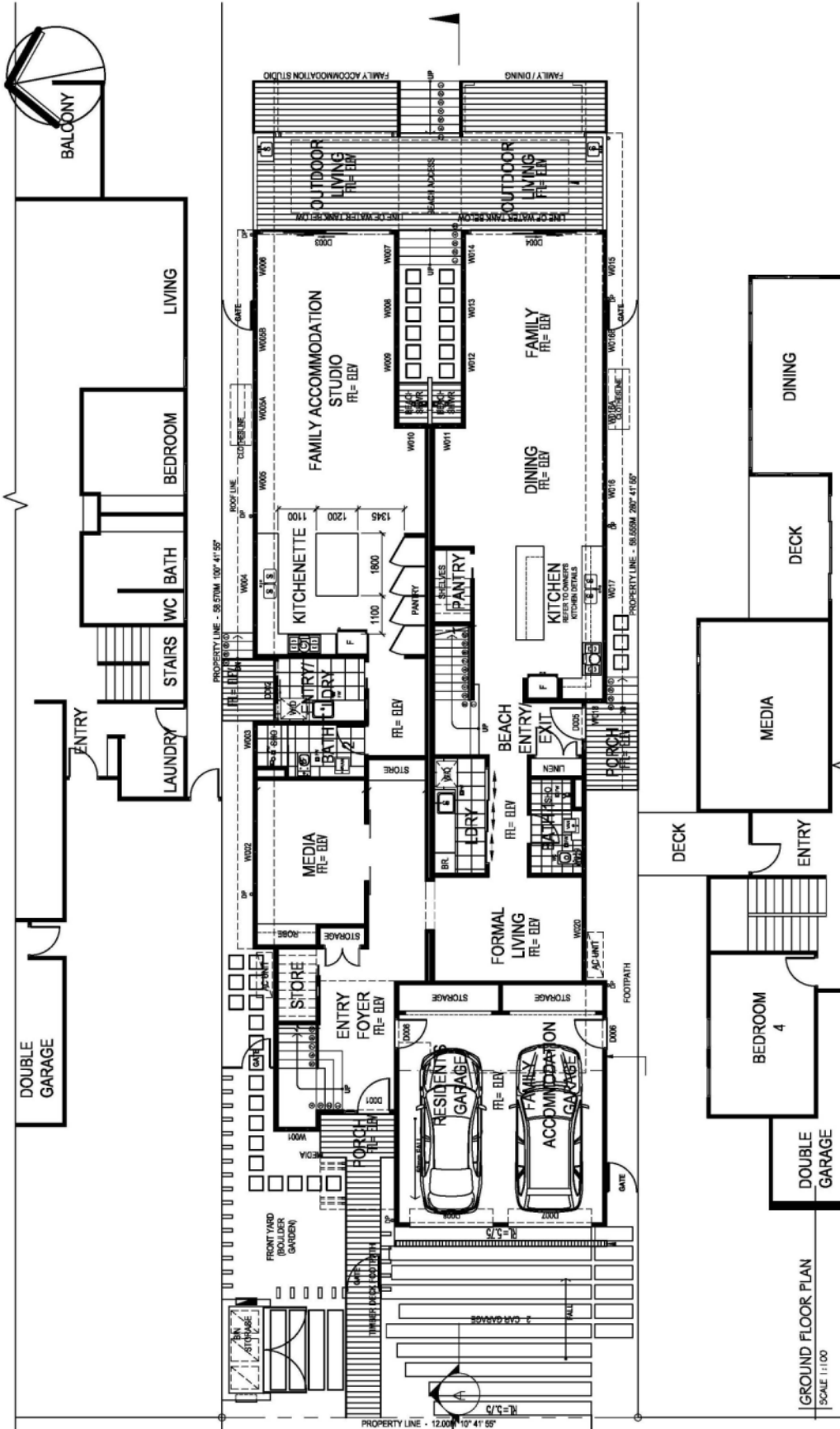
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ECL - 16001
 DATE
20 FEBRUARY 2017

STAGE
BUILDING APPLICATION ISSUE
 DRAWING TITLE
ROOF PLAN
 DRAWING NO.
DA-004
 ISSUE NO.
01

DRAWN
TJ



AMENDMENTS REGISTER	DATE	INITIALS
001 RPT RESPONSE	29/02/2017	TJ

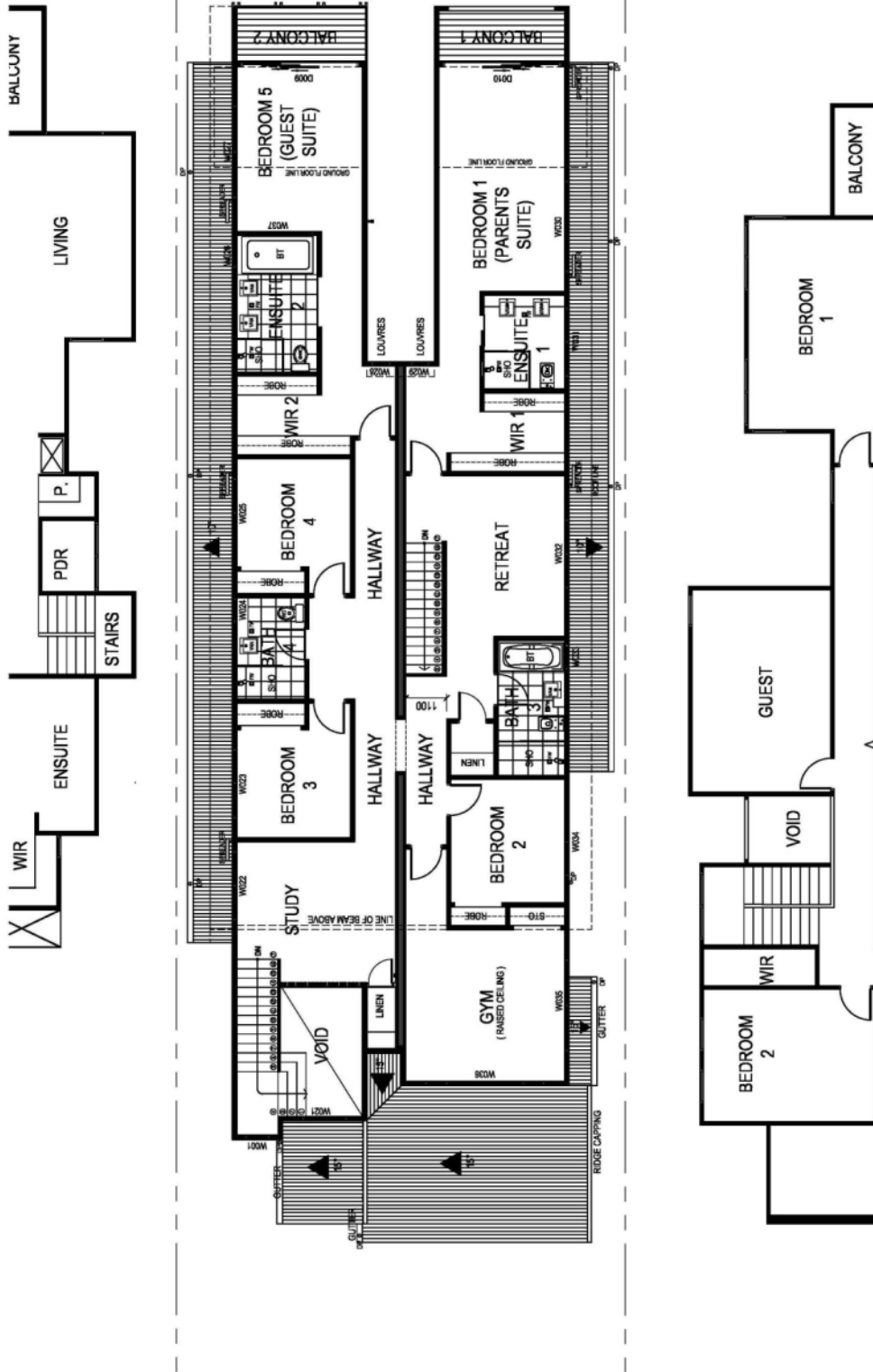
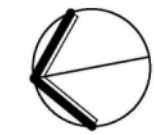
NOTIFICATION
 VERIFY ALL DIMENSIONS, STAIRS, WINDOWS, DOORS, OPENINGS, FINISHES, MATERIALS, WALLS, ROOFS, CEILING, FLOORING, CONSTRUCTION AND FINISHES. VERIFY ALL DIMENSIONS, STAIRS, WINDOWS, DOORS, OPENINGS, FINISHES, MATERIALS, WALLS, ROOFS, CEILING, FLOORING, CONSTRUCTION AND FINISHES. VERIFY ALL DIMENSIONS, STAIRS, WINDOWS, DOORS, OPENINGS, FINISHES, MATERIALS, WALLS, ROOFS, CEILING, FLOORING, CONSTRUCTION AND FINISHES.

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STAGE
 DEVELOPMENT APPLICATION
 DRAWING TITLE
 GROUND FLOOR PLAN
 (NEIGHBOURING HOUSE ANALYSIS)

PROJECT NO. ECL - 16001
 DATE 29 FEBRUARY 2017
 SCALE (AS SHEET) AS SHOWN
 DRAWING NO. DA-005
 ISSUE NO. 01
 DRAWN TJ
 CHECKED



FIRST FLOOR PLAN
SCALE 1:100

STAGE
BUILDING APPLICATION ISSUE

DRAWING TITLE
FIRST FLOOR PLAN
(NEIGHBOURING HOUSE ANALYSIS)

DRAWING NO. DA-006
ISSUE NO. 01
DRAWN TJ

CLIENT
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PROJECT ADDRESS
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PROJECT NO. ECL - 16001
DATE 28 FEBRUARY 2017
SCALE (AS SHOWN) AS SHOWN

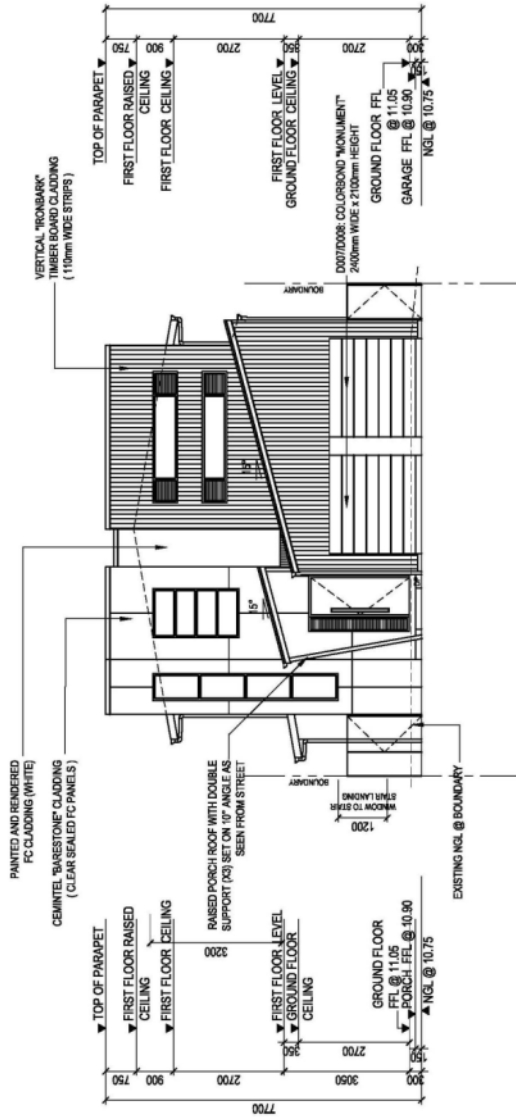


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AMENDMENTS REGISTER	ISSUE / DESCRIPTION	DATE	INITIALS
001			



NORTH - WEST ELEVATION (FACING ECLIPSE LANE)
SCALE 1:100

AMENDMENTS REGISTER	DATE	INITIALS
ISSUE DESCRIPTION	28/02/2017	TJ
REV RESPONSE		

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CLIENT
 MR. ANDREW SZABO
 PROJECT ADDRESS
 8 ECLIPSE LANE, CASUARINA

PROJECT NO.
 ECL - 16001

DATE
 28 FEBRUARY 2016

SCALE (AS SHOWN)

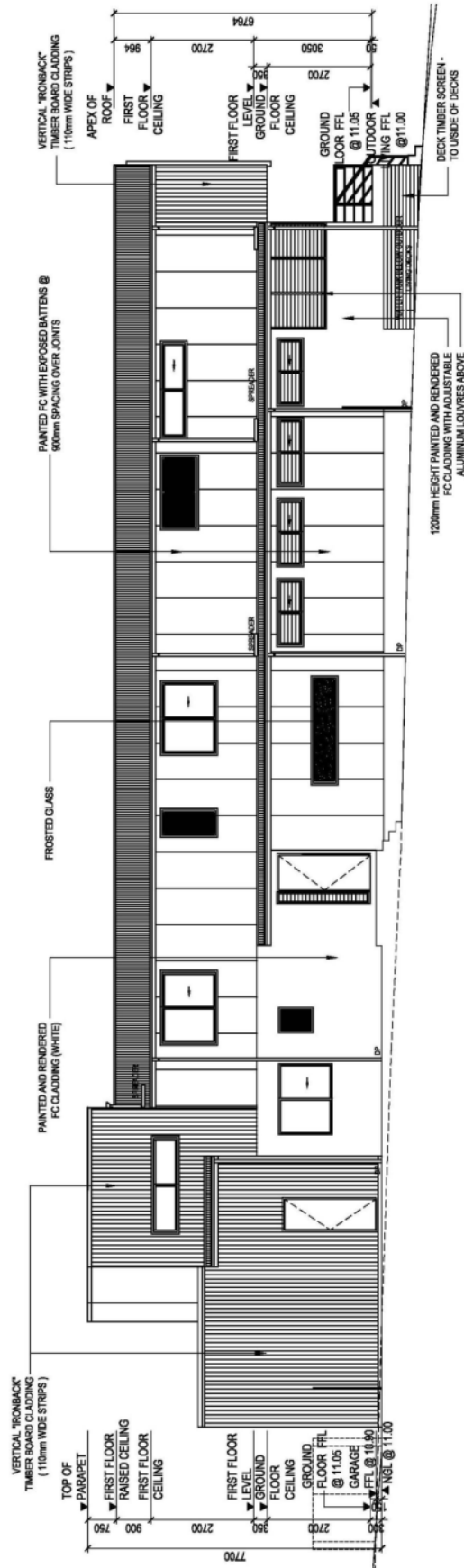
STAGE
 DEVELOPMENT APPLICATION

DRAWING TITLE
 NORTH - WEST ELEVATION

DRAWING NO.
 DA-007

ISSUE NO.
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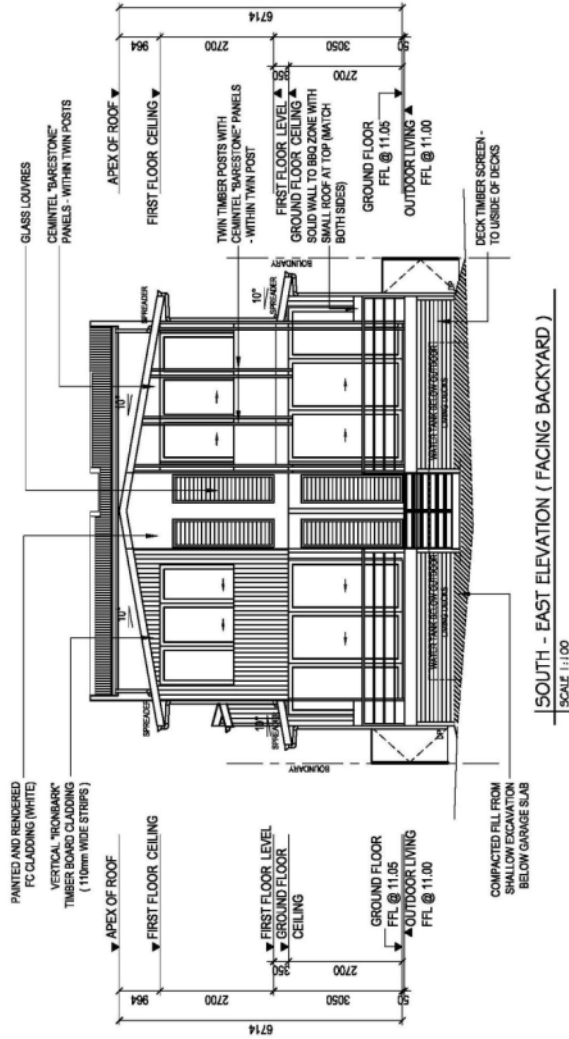


SOUTH - WEST ELEVATION
SCALE 1:100

AMENDMENTS REGISTER	ISSUE	DESCRIPTION	DATE	INITIALS
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PROJECT NO. ECL - 16001	DATE 28 FEBRUARY 2017	SCALE (AS SHEET) AS SHOWN	ISSUE NO. 01	DRAWN TJ
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SOUTH - EAST ELEVATION (FACING BACKYARD)

SCALE 1:100

AMENDMENTS REGISTER	DATE	INITIALS
ISSUE / DESCRIPTION	20/03/2017	TJ
REV / RESPONSE		

CLIENT MR. ANDREW SZABO
PROJECT ADDRESS 8 ECLIPSE LANE, CASUARINA
PROJECT NO. ECL - 16001
DATE 28 FEBRUARY 2017
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ISSUE NO. 01
DRAWING NO. DA-009
DRAWN TJ

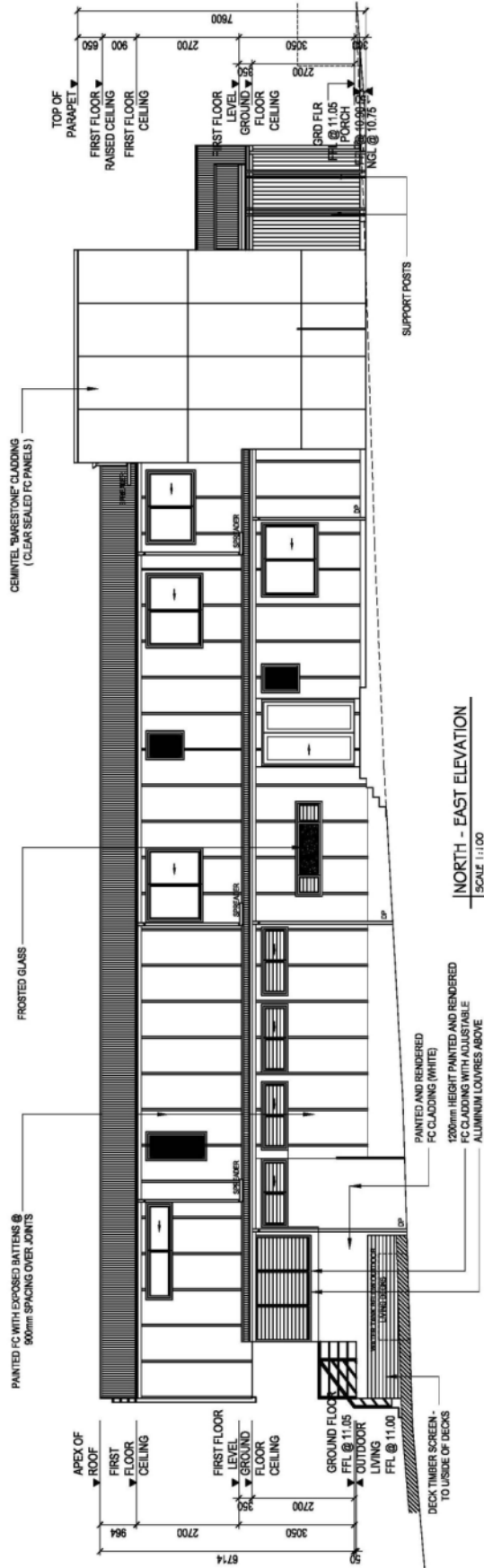
STAGE DEVELOPMENT APPLICATION
DRAWING TITLE SOUTH -EAST ELEVATION

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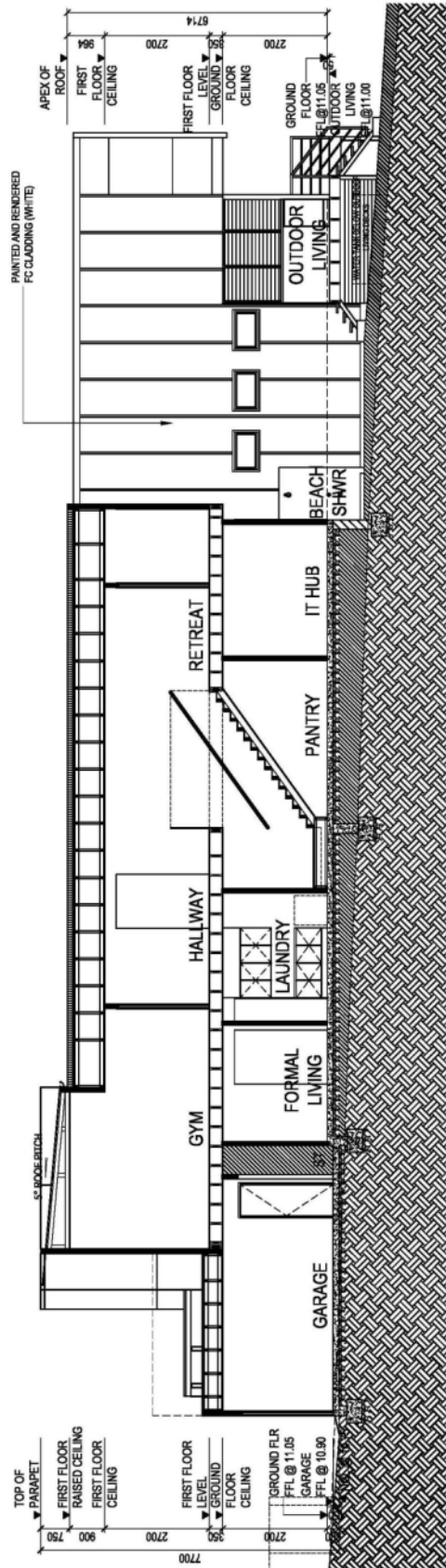
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DRAWING TITLE: NORTH - EAST ELEVATION

DATE: 28 FEBRUARY 2017
SCALE (AS SHOWN): AS SHOWN

DRAWING NO.: DA-010
ISSUE NO.: 01
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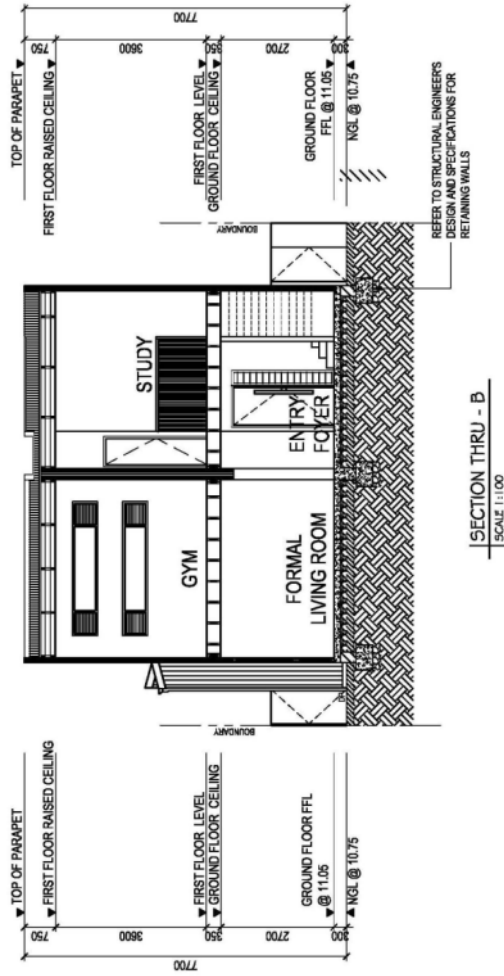
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CLIENT
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 PROJECT ADDRESS
 8 ECLIPSE LANE, CASUARINA

STAGE
 DEVELOPMENT APPLICATION
 DRAWING TITLE
 SECTION THRU - A

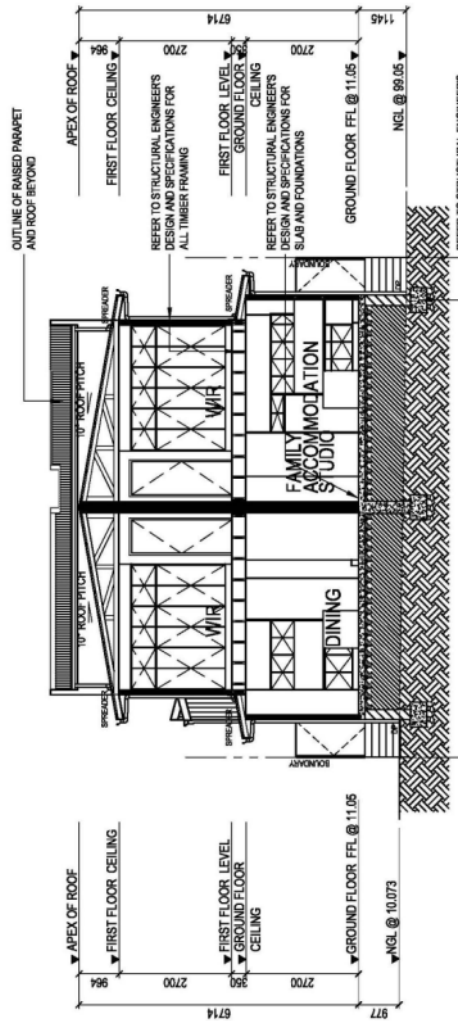
PROJECT NO. ECL - 16001
DATE 20 FEBRUARY 2017
SCALE (AS SHOWN) AS SHOWN
DRAWING NO. DK-011
ISSUE NO. 01
DRAWN TJ



SECTION THRU - B
SCALE 1:100

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SECTION THRU - C
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ISSUE 2 (RESPONSE)		

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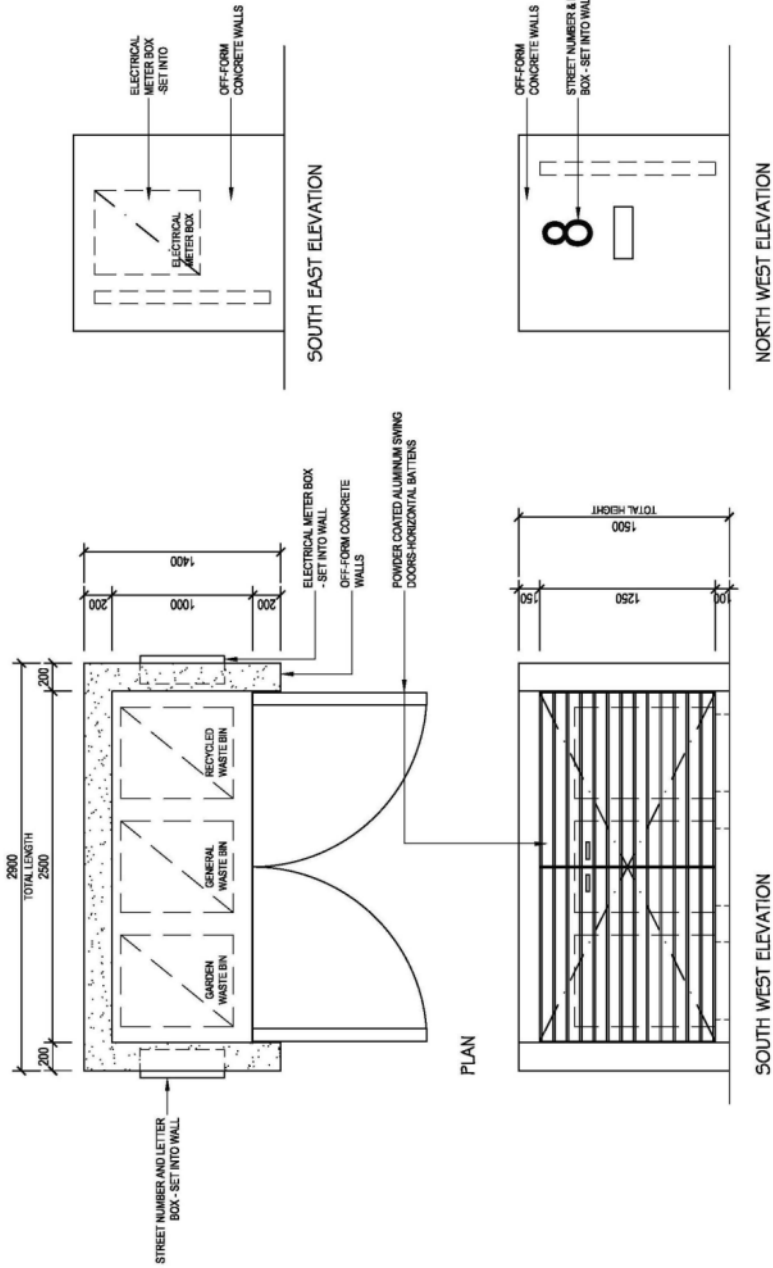
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PROJECT NO. ECL - 16001
 DATE 20 FEBRUARY 2017
 SCALE (AS SHOWN) AS SHOWN

STAGE
DEVELOPMENT APPLICATION
 DRAWING TITLE
SECTION THRU - C

DRAWING NO. DA- 013
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BIN ENCLOSURE DETAILS
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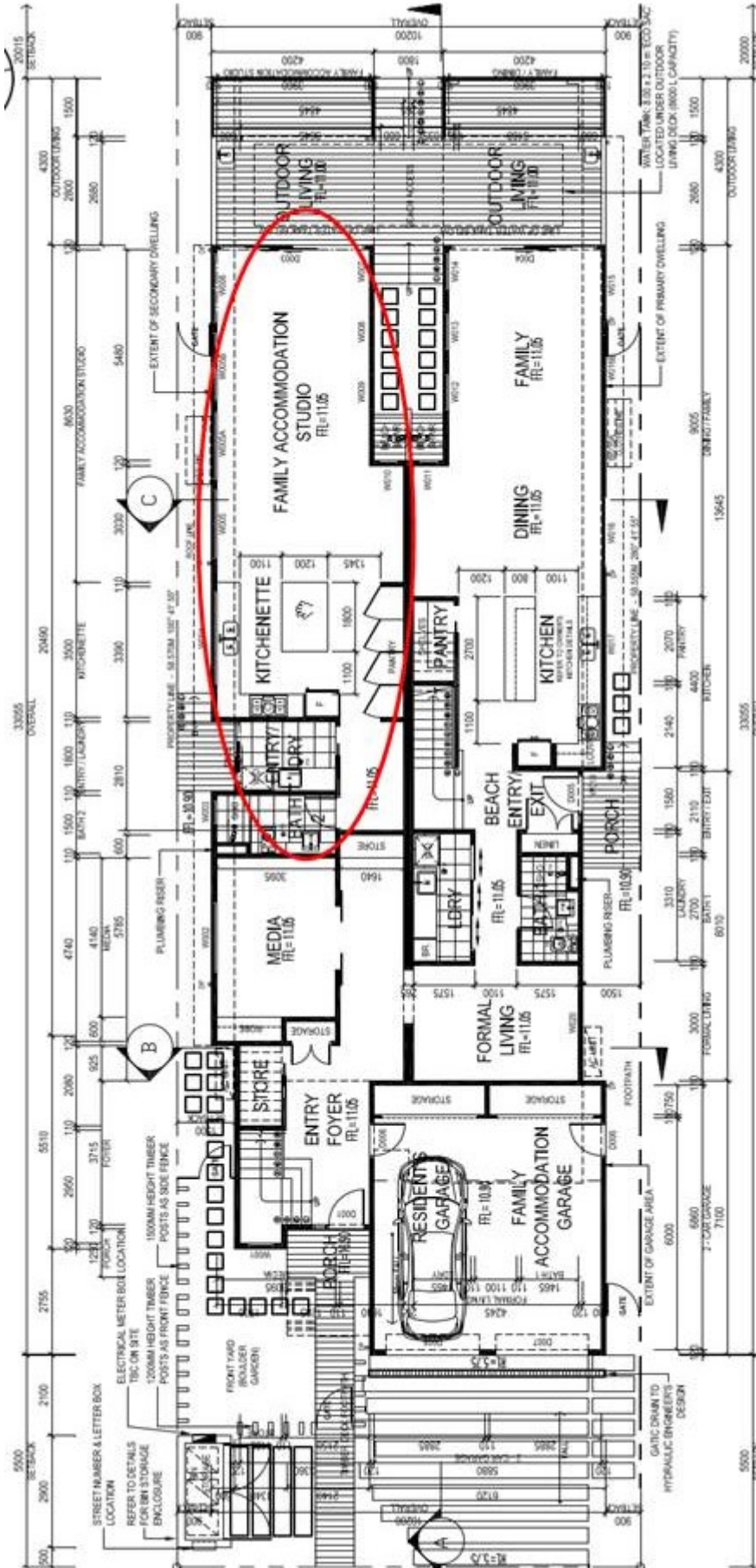
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DATE: 28 FEBRUARY 2017
PROJECT NO: ECL - 16001
SCALE (AS SHOWN): AS SHOWN
DRAWING NO: DA-017
ISSUE NO: 01
STAGE: BUILDING APPLICATION 1551UE
DRAWING TITLE: BIN ENCLOSURE DETAILS
DRAWN: TJ



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

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

Tweed Local Environmental Plan 2014

Clause 1.2 – Aims of the Plan

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

The particular aims of this Plan are as follows:

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

The proposed development is for a secondary dwelling within the R2 Low Density zoning. The proposed development is permissible and consistent with the objectives of the R2 zoning and the aims of the plan.

Accordingly, the proposed secondary dwelling is considered consistent with the aims of the plan.

Clause 2.3 – Zone objectives and Land use table

The objectives of the 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.*

The proposed development will provide residential housing with a minimal environmental impact, within the R2 Low Density Residential zoning. The proposal is considered to be in accordance with the zones objectives, by providing low density residential housing and is permissible with consent.

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

These clauses are not relevant as the application does not propose a subdivision. Strata title subdivision is not permitted for secondary dwellings.

Clause 4.3 - Height of Buildings

The subject site is mapped as having a maximum height limit of 9m. The proposed development comprises a new two storey separate building at the rear of the site with a maximum height of 7.7m to the highest point of the roof line. Therefore, the proposed building will not exceed the maximum height permissible of 9m.

Clause 4.4 – Floor Space Ratio

The site area is 702.7m². The primary dwelling has a combined floor area of 344.07m². The secondary dwelling has a floor area of 68.63m². The total floor area of the combined dwellings is therefore 412.7m².

The development results in an FSR of 0.59:1 which complies with the prescribed maximum (0.8:1) for the site.

Clause 4.6 - Exception to development standards

The application does not contain any exceptions to development standards.

Clause 5.4 - Controls relating to miscellaneous permissible uses

The development exceeds the prescribed maximum floor area controls for secondary dwelling with an internal area of 60m². However, the total floor area of the principal dwelling is approximately 344.07m² and 20% of that is 68.814m². Therefore the maximum floor area permitted for the secondary dwelling is 68.814m².

The secondary dwelling has a maximum floor area of 68.63m² and is therefore compliant.

Clause 5.5 – Development within the Coastal Zone

The development site is on land which is subject to SEPP 71 however the site is spatially separated from the coastal foreshore, despite being identified as a sensitive coastal location.

In this regard, it is not considered that the development would compromise the NSW Coastal Policy or the scenic or environmental qualities of the NSW Coast, due to the scale and siting of the dwelling at the rear of an existing lot.

Clause 5.9 – Preservation of Trees or Vegetation

The proposal will not require the removal of any trees.

Clause 5.10 - Heritage Conservation

The development does not relate to a heritage item or heritage conservation area.

Clause 5.11 - Bush fire hazard reduction

This site is identified as bushfire prone however no tree vegetation removal will be required for bushfire hazard reduction. A 79BA field assessment was undertaken for the development. The building will require a construction standard of BAL 12.5 due to the site being located within the buffer zone for adjoining bushfire prone land. A condition will be applied to the development consent.

Clause 7.1 – Acid Sulfate Soils

The land is identified as Class 4 ASS. Having regard to the works proposed and the extent of excavation unlikely to be further than the stated 2m below the ground surface, the risk of exposure of ASS is considered negligible.

Clause 7.2 - Earthworks

Very limited works will be required for the construction of the secondary dwelling. Due to the topography of the site, any earthworks for footings will have little effect on drainage patterns and soil stability. The proposal is considered compliant in this regard.

Clause 7.3 – Flood Planning

The site is not flood prone.

Clause 7.4 - Floodplain risk management

Not applicable – the proposed dwelling and secondary dwelling are not development with particular evacuation or emergency response issues.

Clause 7.5 - Coastal risk planning

Development 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 not likely to cause detrimental increases in coastal risks to other development or properties, and*
- (b) *is not likely to alter coastal processes and the impacts of coastal hazards to the detriment of the environment, and*
- (c) *incorporates appropriate measures to manage risk to life from coastal risks, and*
- (d) *is likely to avoid or minimise adverse effects from the impact of coastal processes and the exposure to coastal hazards, particularly if the development is located seaward of the immediate hazard line, and*
- (e) *provides for the relocation, modification or removal of the development to adapt to the impact of coastal processes and coastal hazards, and*
- (f) *has regard to the impacts of sea level rise*

The proposed dwelling and secondary dwelling will remain outside the line of coastal risk as identified by the above extract. While the lot is identified as being within the area of coastal risk, all structures will be excluded from this area. This portion of the land is identified as a 7(f) zone under the TLEP 2000.

The subject lot is within the maximum 2100 hazard line as identified within Council's coastal mapping. No structures are proposed within this line.

It is considered that the development will not cause any increase in coastal risk through its construction given the location of works.

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.

Development 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.

It is considered that the development maintains ample permeable area suitable for the infiltration of water and will connect to Council's stormwater system and therefore will not impact adjoining properties.

Clause 7.8 – Airspace operations

The proposed development will not impact on airspace operations.

Clause 7.9 - Development in areas subject to aircraft noise

The land is not subject to aircraft noise.

Clause 7.10 - Essential Services

Essential services are available to the site.

Other Specific Clauses

There are no other specific clauses which are relevant.

Tweed Local Environmental Plan 2000

Clause 4 – Aims of the Plan

Clause 4 illustrates that the aims of the TLEP 2000 are to give effect to the desired outcomes, strategic principles, policies and actions of the Tweed Shire 2000+ Strategic Plan. The vision of the plan is *“the management of growth so that the unique natural and developed character of the Tweed Shire is retained, and its economic vitality, ecological integrity and cultural fabric is enhanced”*. Clause 4 further aims to provide a legal basis for the making of a DCP to provide guidance for future development and land management, to give effect to the Tweed Heads 2000+ Strategy and Pottsville Village Strategy and to encourage sustainable economic development of the area which is compatible with the Shire’s environmental and residential amenity qualities.

The development proposes the construction of a dwelling upon a vacant parcel of land that is partially zoned 7(f). The 7(f) portion of the land will not be impacted by the dwelling or ancillary structures. The proposed works are well separated from the zone boundary.

Clause 5 – ESD Principles

Clause 5 of the LEP relates to ecologically sustainable development. The TLEP aims to promote development that is consistent with the four principles of ecologically sustainable development, being *the precautionary principle, intergenerational equity, conservation of biological diversity and ecological integrity and improved valuation, pricing and incentive mechanisms*.

The subject site is an existing infill site located within an established residential area. It is considered that the proposed development is considered to be in keeping with the ESD principles, given the works will be undertaken outside the 7(f) zone.

Clause 8 – Consent considerations

The subject site is partially zoned 7(f) Environmental Protection (Coastal Lands) Zone. It is generally considered that the proposal is consistent with the objectives of the zone as well as the other aims and objectives relevant to this development.

The proposal would also be unlikely to cause an unacceptable cumulative impact on the community or locality, given the particular circumstances of the subject site (that is all works will be retained to the R2 portion of the land).

Clause 11 – Zone objectives

The subject site is zoned 7(f) – Environmental Protection (Coastal Lands) under the provisions of the Tweed LEP 2000.

The objectives for the zone are as follows:

Primary objectives

- *to identify land susceptible to coastal erosion and protect it from inappropriate development.*
- *to protect and enhance the scenic and environmental values of the land.*

Secondary objective

- *to allow for other development that is compatible with the primary function of the zone.*

The proposed dwelling and secondary dwelling have been positioned upon the lot to ensure that are contained within the residential portion of the site rather than the coastal protection zone. This will ensure the objectives of the 7(f) zone are not compromised.

Clause 13 – Development of uncoloured land on the zone map

Not applicable.

Clause 15 - Essential Services

All essential services are made available to the subject site within the residential zoned portion of the land. The proposed development will not impact on those services.

Clause 16 - Height of Building

Not applicable.

Clause 17 - Social Impact Assessment

The minor nature of the proposal is not considered to warrant a social impact statement.

Clause 35 - Acid Sulfate Soils

The subject site is mapped as being Class 4 ASS. The proposal would be unlikely to require significant earthworks and would therefore be unlikely to impact on matters relating to ASS.

Other Specific Clauses

Clause 34 – Flooding - Not applicable

Clause 21A – Subdivision in Zone 7(f) – no subdivision of the land proposed. Strata Subdivision not permitted

Clause 27 – Development in 7(f) Environmental Protection - Coastal Lands – no works proposed within the 7(f) zone.

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.

The submitted development application includes Basix Certification (Certificate No. 759069M) which includes provision for NSW Government standards/requirements in relation to sustainability. In this regard, the proposal is considered to be generally acceptable with respect to water and energy usage, which is assessed through the Basix Certificate.

Conclusion

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

North Coast REP

The Plan resets regional planning priorities to align with NSW Government priorities and provides guidance and direction for local planning decisions. It sets in place strategic, line-of-sight land use planning objectives for the region as a whole as well as for and each local government area, and will guide the NSW Government's planning priorities and decisions to 2036.

The erection of a dwelling that incorporates a secondary dwelling within a R2 zone is not considered to be contrary to the priorities and goals of the REP.

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

One Planning Proposal has recently been exhibited:

PP15/0005 – Short term Rental Accommodation

This draft LEP may be of relevance to the subject application however any changes to the status of the property would be identical to those surrounding and would not prejudice the locality in anyway.

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

Tweed Development Control Plan

A1-Residential and Tourist Development Code

A detailed Tweed DCP Section A1 assessment (with which the proposed development complies) is provided on file.

A2-Site Access and Parking Code

It is proposed to allocate one space for the dwelling and one space for the secondary dwelling within the double garage. Both the dwelling and secondary dwelling will have a second space for will be located in a stacked arrangement behind these two spaces within the garage. It is noted that these two garages will be required to be fire rated from one another and from the primary building under BCA provisions. The consent will be conditioned. Compliant

A11-Public Notification of Development Proposals

During the notification period from 17 October to the 31 October 2016, submissions were received from adjoining owners.

Six submissions were received during this period. These submissions were from multiple persons however neighbours did choose to provide more than one submission.

In total 16 persons raised objection to the proposal, or 8 couples, all of whom reside in Eclipse Lane with the exception of one property owner in Casuarina Way.

The reasons for these objections are outlined in the public submissions section in a latter part of this report.

B5-Casuarina Beach

B5.2.2 Urban Design Principles

Minimum Setback- 6m – Complies

Double Garage – 5m from front boundary - Complies

Special Design Elements to be setback 3m from front boundary- Complies

Minimum side boundary 900mm to wall and 675 to outermost projection of the eave – Does not comply- The applicant has agreed to amend the plans as part of a deferred commencement to ensure the building is compliant with the minimum eave setback of 675mm. The walls are compliant with the 900mm setback from

Corner Lots:- N/A

All fencing east of the 7(f) and R2 zone shall be a maximum height of 1.2m-
Conditioned

B9-Tweed Coast Strategy

This document is a strategic planning tool to assist with the growth of the Kingscliff district of the Tweed Coast.

The proposal is compliant with the DCP Sections B5 and A1. Given the permissible uses on the site and compliance with relevant provisions outlined within the Tweed DCP, the proposal is considered to meet the objectives and aims of this document.

B25-Coastal Hazards

The site is partially impacted by the Maximum 2100 Hazard Line. No works are proposed within the hazard line therefore no special engineering requirements for the building will be required in conjunction with this application.

(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 any existing access points to any foreshore areas and is considered acceptable in this regard.

Clause 92(1)(b) Applications for demolition

Not applicable

Clause 93 Fire Safety Considerations

No

Clause 94 Buildings to be upgraded

No

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

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. While the residential lot is located within close proximity of the coastline, it is considered that the development will not 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 Shire Coastline Management Plan 2005

This Management Plan applies to the estuaries of Cudgen, Cudgera and Mooball Creeks. The subject site is over 350m from Cudgen Creek. The proposal is unlikely to have any impact on the Creek, given the scale and location of development proposed.

Tweed Coast Estuaries Management Plan 2004

The development is not located on land to which this management plan applies.

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

The development is not located on land to which the coastal zone management plan applies.

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

Context and Setting

The proposed development meets the definition and controls for a new dwelling and secondary dwelling. It is appropriately sited and minor in the context of development on the overall site and in the locality.

Despite the concerns of the neighbours, the proposal meets the controls of the relevant LEP and DCP provisions.

Accordingly, the proposed dwelling and secondary dwelling are considered to be consistent with the surrounding low density context and setting of the subject locality.

(c) Suitability of the site for the development

Surrounding Landuses/Development

This assessment has determined that the development's impact upon adjoining properties has been addressed by amended plans to ensure the amenity of existing dwellings is satisfactory. While the dwelling to the south will be impacted by the construction of a dwelling upon an existing vacant lot to the north, the development is now compliant with the relevant sections of the DCP to ensure an acceptable level of amenity is maintained.

Flora and Fauna

Deep soil zones are proposed at the rear of the site adjoining an existing sewer line and within the 7(f) zone. Any approval granted will ensure any plantings are compatible with the sewer line and consistent with the sensitive nature of this deferred zoning.

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

As previously mentioned the development was publicly notified for a 14 day period. During this time six submissions were received from a total of 16 people or 8 couples living in Eclipse Lane or the nearby Casuarina Way.

The reasons for objection are as follows:

1. The design of the building appears to be intended as a dual occupancy rather than a secondary dwelling due to the mirror design and multiple entries and stairs on either side of the dwelling

Comment: It is concurred that the dwelling does have characteristics of a dual occupancy. However, the development will be approved as a secondary dwelling and Council will condition the consent as such. It is the responsibility of the certifier to ensure the development is constructed in accordance with the approved plans. If the development was to be converted to a dual occupancy without the necessary approvals, compliance action can be taken against the land owner. Compliance concerns are not considered a reason to reject the proposal. It is noted that a dual occupancy would not be consistent with Section A1 of the DCP being below the minimum Lot area for dual occupancy within the R2 residential zone.

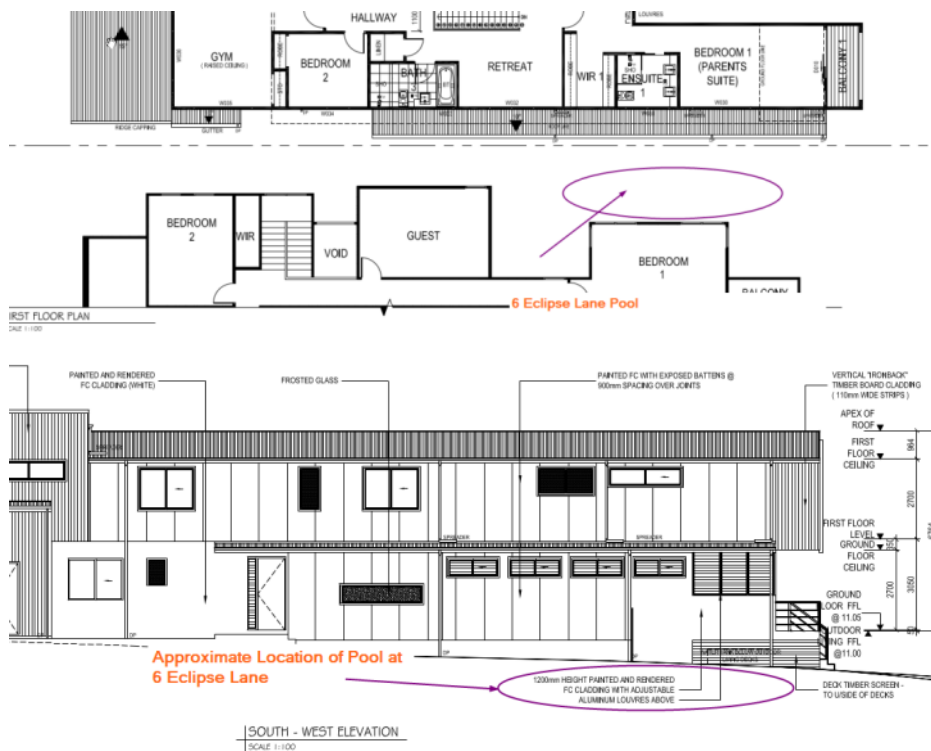
2. The second level bedroom windows will look directly over the pool of 6 Eclipse Lane and the building will block the northern sun to this southern side dwelling. The dwelling is being constructed right to the boundary on both sides.

Comment: The dwelling is compliant with side boundary setbacks to the walls. The plans will be amended to be compliant with 675mm eave setbacks as a deferred commencement condition will be imposed on the consent requiring amended plans to increase the eave setbacks from 450mm to 675mm. The proposal originally did not give sufficient consideration to privacy for adjoining dwellings. The application plans have been amended to improve the relationship between the existing

dwellings to the north and south. The windows on the southern elevation of the dwelling have been altered and will be either highlight windows or frosted glass on both levels to ensure overlooking of the pool does not occur. Screening of the balconies will also provide privacy between the dwellings.

The southern side of 6 Eclipse Lane will be impacted by this dwelling in regards to overshadowing. However, the main living area of this adjoining dwelling is on the southern side of the house and this area will have access to natural light during the day from the north east which is not impacted by the proposed dwelling.

The amended plans have satisfactorily addressed the issues raised by this reason for objection.



3. The application does not comply with covenants and planning codes in regards to the following matters:

- eaves of 675mm and 900mm eave setback from boundary.

Comment: The development is compliant with the setbacks prescribed within B5 – Casuarina Beach being 900mm from the side boundary to the wall. The proposal is not compliant with the minimum 675mm setback from any side boundary to the eaves. Any consent shall be deferred commencement to ensure eaves are a minimum of 675mm from the side boundary. This will ensure the development is compliant in this regard.

- The porches at ground floor level on both the northern and southern sides are elevated resulting in a distance of 1m and 700mm to the top of the side fence.

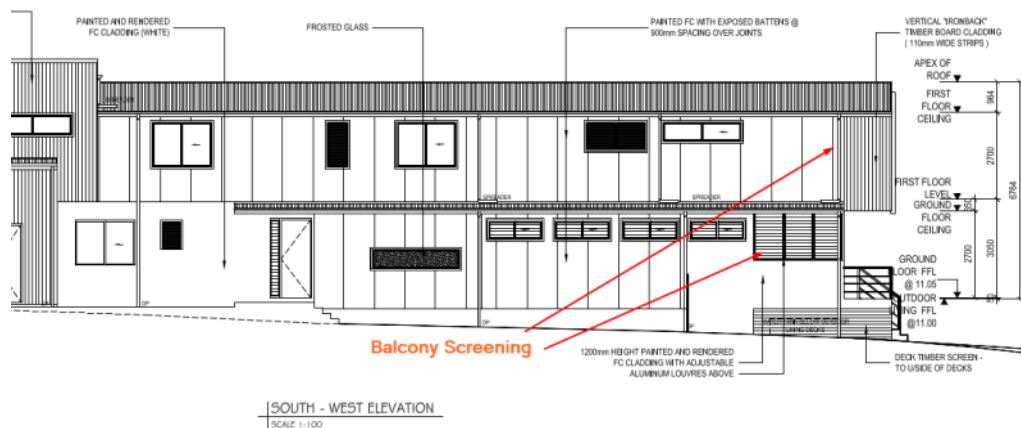
Comment: The porch on the southern boundary will enable persons to look over the fence. A condition has been included to require additional screening to shield the adjoining properties, given the location of a deck on the southern side.



The porch on the northern side adjoins a stairwell and laundry. Privacy issues are not considered an issue with this entry. Landowners are able to erect privacy screens despite any approval conditions.

- The rear deck will be only 250mm below the top of side boundary fence

Comment: The rear decks of the secondary and primary dwelling will be screened on the side boundaries to ensure the privacy of residents onsite and adjoining is maintained.



- The building structure is well beyond the extremities of the building envelope covenant

Comment: Council does not enforce covenant imposed by developers of subdivision

- Level 1 windows are non-compliant

Comment: No explanation provided

- Ground floor windows have overlooking issues

Comment: Windows have been altered on the ground floor to highlight windows. These windows will provide adequate levels of privacy to adjoin landowners

4. Sustainability and Passive Design; no rooms on the southern side have north facing windows and cross ventilation has not been considered.

Comment: The development has considered passive design guidelines despite the central spine of the development.

The applicant responded to Council's request for additional information about cross ventilation and passive design guidelines as follows:

- Multiple points of stacked ventilation
- Central light and ventilation well
- Central spine of thermal mass
- Multiple small windows to allow manipulation of cross ventilation.

Council's Urban designer concurs with this assessment.

The development considered acceptable in this regard.

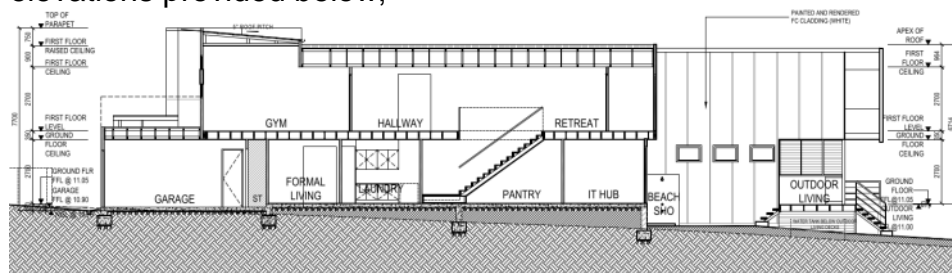
5. Parking is not sufficient for two dwellings onsite.

Comment: The parking for the development is complaint for a dwelling and secondary dwelling per Councils A2 – Site Parking and Access Code.

6. The dwelling does not follow the slope of the land resulting in adverse overlooking of adjoining properties and creating a dwelling that has excessive bulk and mass.

Comment: Minor fill will occur within the building footprint as is illustrated below. This fill will be less than 1m (0.85m) Some thoughtful use of side boundary fencing will be required on the southern side to protect the privacy of the residents of this building and those adjoining. Rear windows of living areas are highlight windows to maintain privacy and screening will be installed on balconies.

Floor areas have been adjusted to meet this slope as demonstrated by the elevations provided below;



7. The shade diagrams are inaccurate.

Comment: The shade diagrams have been prepared by a registered architect. These diagrams appear satisfactory and of a standard to enable an assessment to be undertaken.

It is noted that a second notification period was not necessary due to amendments being made to address the issues raised by the submissions discussed above.

(e) Public interest

The proposal is permissible with consent, consistent with relevant environmental planning instruments, and Council policy requirements. The proposal is considered suitable and appropriate for the subject site, following amendments to the development and deferred commencement consent to further amend minor aspects of the building for full compliance. The proposal being located upon a vacant lot will have an impact upon adjoining properties. However, the building is compliant with the relevant development control plan to retain a satisfactory level of amenity for adjoining. The development will not have an impact on the environment and is not considered contrary to the public interest.

OPTIONS:

1. Resolve to approve the application subject to conditions, including deferred commencement.
2. Refuse the application, and provide reasons for this decision.

Council officers recommend Option 1.

CONCLUSION:

The proposal is now considered acceptable and while a deferred commencement is recommended the revised plans as amended are considered acceptable and consistent with Council's relevant planning provisions. The development will be inspected following completion to ensure compliance with the approved plans. Any amendment to these plans to facilitate the building to be used as a dual occupancy will result in the appropriate compliance action.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

If the application was to be refused the applicant has the right of Appeal to the NSW Land and Environment Court where Council would incur costs to defend such an Appeal, including consultants as staff have recommended conditional approval.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

18 [CNR-CM] Appointment of Additional Representatives to the Tweed Coast and Waterways Committee

SUBMITTED BY: Natural Resource Management

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

SUMMARY OF REPORT:

Council has called for two additional representatives to the Tweed Coast and Waterways Committee. This report includes the names of nominees and a recommendation of appointment based on evaluation criteria included in the expression of interest nomination forms.

RECOMMENDATION:

That:

1. Council appoints one representative of power boating user groups and one representative of the Kingscliff locality to the Tweed Coast and Waterways Committee.
2. 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:

In October 2016 Council resolved to merge the Tweed River and Tweed Coastal Committees, and form a Tweed Coast and Waterways Committee (TCWC). At this time expressions of interest for committee membership were called from the community, resulting in the nomination of members representing stakeholder groups and localities within the catchment and on the Tweed Coast.

Upon formation of the committee it was determined that representation would be improved if membership from the power boating sector and Kingscliff locality could be attracted.

To this end, the TCWC made the following recommendation at its inaugural April 2017 meeting.

This recommendation was supported by EMT and Council.

To attract additional expressions of interest the call for nominations was advertised in the Tweed Link and placed on Councils website.

OPTIONS:

1. Council appoints one representative of power boating user groups and one representative of the Kingscliff locality to the Tweed Coast and Waterways Committee.
2. Council calls for further nominations for the Committee from either or both criteria.
3. Council does not appoint further representatives to the Tweed Coast and Waterways Committee.

CONCLUSION:

Council resolved to appoint two additional members to the Tweed Coast and Waterways Committee. Nominations have been received and provided to Council.

COUNCIL IMPLICATIONS:

a. Policy:

Community Engagement Strategy

b. Budget/Long Term Financial Plan:

There are no budget implications from these appointments.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

The call for nominations was placed in the Tweed Link and on Council's website.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Nominations (ECM 4614696)

19 [CNR-CM] Support for Australian Research Council Grant Application - Artificial Surfing Reef

SUBMITTED BY: Natural Resource Management

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Collaborator

SUMMARY OF REPORT:

Council has been approached by Steve Barrett of Offshore Surf Reefs and invited to partner in the development of a Cooperative Research Centre (CRC) grant application, the successful outcome of which would be to develop a prototype artificial surfing reef, situated on the Tweed Coast.

An artificial surfing reef is a structure which is designed, fabricated and anchored to the seafloor with the specific purpose of enhancing the configuration of the existing seabed, so that improved surfing wave quality is achieved.

Council Natural Resource Management Unit staff have met with Steve Barrett and Wayne Bartholomew to assess potential locations on the Tweed Coast to site a prototype reef, and to discuss Council's potential involvement with a CRC funding application.

Based on a number of criteria it is considered that a location along Dreamtime Beach, north of Murphy's Road at Kingscliff, would be the best location for the prototype trial.

The trial deployment of an artificial reef would result in the provision of a valuable recreational resource with no anticipated adverse environmental impact. Surfing is a popular recreational pastime on the Tweed Coast, and contributes significantly to community well-being and economic activity.

It is considered that supporting this project would be of benefit to the Tweed Community.

RECOMMENDATION:

That Council:

- 1. Provides in principle support for preparation of an application for a Cooperative Research Centre Grant in partnership with Offshore Surf Reefs, Griffith University and a marine engineering and construction company for a prototype artificial surf reef.**
- 2. Commits to providing in-kind support through the management of community consultation and preparation of a planning application and environmental assessments should the grant application be successful, noting that the potential cost of such support would be in the order of \$100,000.**

REPORT:

Council has been approached by Steve Barrett of Offshore Surf Reefs and invited to partner in the development of a Cooperative Research Centre (CRC) grant application, the successful outcome of which would be to develop a prototype artificial surfing reef, situated on the Tweed Coast.

An artificial surfing reef is a structure which is designed, fabricated and anchored to the seafloor with the specific purpose of enhancing the configuration of the existing seabed, so that improved surfing wave quality is achieved.

Artificial surfing reefs have been proposed as a potential solution to the problem of overcrowding in many of Australia's prime surfing regions. It is well documented that while waves break over extensive stretches of the Tweed and Gold Coast beaches, only certain locations produce good quality surfing waves. As a result, surfers concentrate at these breaks, which can lead to injuries, conflict and a diminished recreational experience for all involved. On an open stretch of beach that does not typically form the type of sand bars that create good surfing waves, an artificial reef has the potential to form an additional good quality and consistent surf break.

Steve Barrett has been developing a design concept for an artificial surfing reef for over ten years, and has achieved favourable results through trialling the structures in a wave tank at Manly Hydraulic Laboratory – University of New South Wales. To further refine and test the design, a field-scale test of a prototype is required.

Cooperative Research Centre Grants (CRC Grant) are an initiative of the Commonwealth Department of Industry, Innovation and Science. The grants aim to:

- improve the competitiveness, productivity and sustainability of Australian industries, especially where Australia has a competitive strength
- deliver outcomes in line with government priorities, which are encourage and enable small and medium enterprise (SME) participation in collaborative research
- foster high quality research to help solve industry specific problems through collaborative research partnerships between industry entities and research organisations.

An essential component of CRC Grant application is demonstration of collaborations from industry, research and community sectors. In the case of this application, the proposed partnership would include Offshore Surf Reefs, Griffith University, a marine engineering and construction company and Tweed Shire Council. The NSW Government would be an important stakeholder as owner of the sub-tidal seabed upon which the structure is sited. Strong community support from surfing organisations will also be sought. Wayne 'Rabbit' Bartholomew, 1978 surfing world champion and former executive director of the Association of Surfing Professionals is an advocate of the project and working with Offshore Surf Reefs in the development of the collaborative partnership and funding application.

The temporary trial reef structure itself would be fabricated from steel at an off-site facility and floated to the location before being attached to the seafloor with piled foundations. It is intended to be in place for a minimum of three years, following which its performance would be reviewed and a decision on removal or retention could be made. The construction methodology would be similar to that of ship building, with steel plates welded to a frame.

The reef would be located approximately 150m from shore in water approximately 4.5-5.5m deep. The prototype design would be approximately 90m long and 50m wide, rising a distance of 4-5m from the seafloor. In scale and location within the surf zone, the proposed artificial reef would be similar to the surf-break, Cudgen Reef, which is located to the south of Sutherland Point, Kingscliff. Cudgen reef and its size and location within the surf zone is shown in figure 1 below.

The total cost of the project is estimated to be approximately \$4,000,000. The total project cost estimate includes the cost of removing the reef at the end of the three year trial period.



Figure 1. Cudgen Reef shown in the photograph above is similar in size and proximity to shore to the proposed artificial reef.

No significant negative environmental impacts would be anticipated to occur should the project proceed. The area into which the piles would be located would be a dynamic sandy seabed, with no attached marine life (algae, barnacles or cunjevoi) and minimal invertebrate burrowing or grazing fauna (pippi's, worms or urchins). If constructed, it is likely that the artificial reef surface would be colonised by marine algae and would attract fish.

No negative coastal erosion impacts are envisaged. The shoreline response and any influence on long-shore or cross-shore sand transport would be modelled; however the size and configuration of the reef would be such that most sand in the active transport zone would naturally bypass the structure. There is a chance that wave energy would be decreased on the beach immediately adjacent to the reef, possibly leading to temporary accumulations of sand during periods of low to moderate wave energy.

The proposed reef structure would be designed to minimise risk of user injury. It would have a continuous smooth surface with no discontinuities, protrusions, or points of potential entrapment and would have an impact absorbent surface coating.

It is proposed that the trial reef would be an asset jointly owned by the CRC partnership. Public liability insurance would be taken out by the group and costed into the project. No maintenance on the reef structure is envisaged to be required during the trial period.

Council NRM staff have met with Steve Barrett and Wayne Bartholomew to assess potential locations on the Tweed Coast to site a prototype reef, and to discuss Councils potential involvement with a CRC funding application.

Based on a number of criteria it is considered that a location along Dreamtime Beach, north of Murphy's Road at Kingscliff, would be the best location for the prototype trial. The figure below indicates the potential location of the structure.

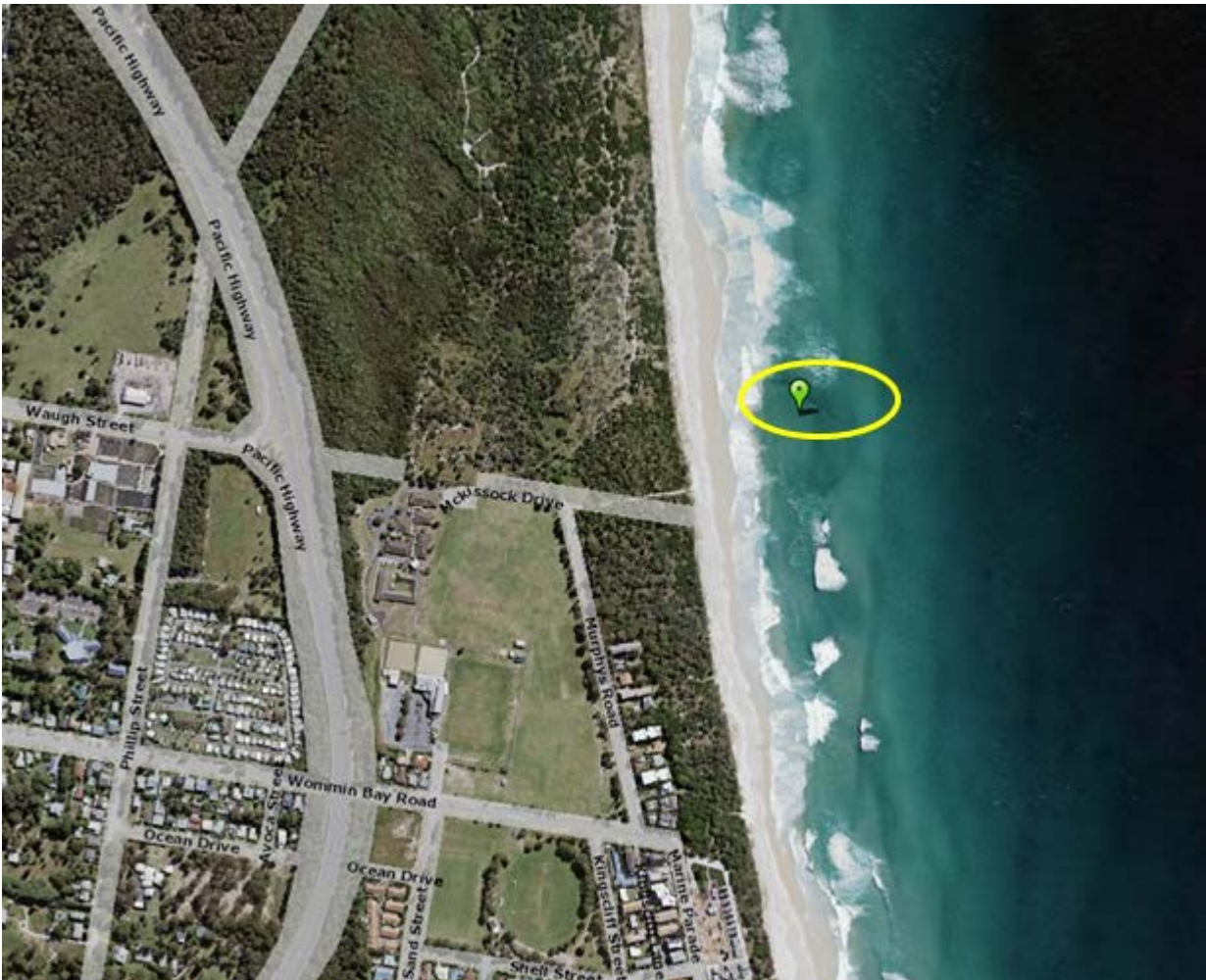


Figure 2. Initial proposed location for a trial artificial surf reef.

The rationale for proposing this site includes:

- Exposure to consistent swell
- Adequate existing road access and parking
- Existing access tracks to the beach
- Away from housing/neighbours

- Not an area known to have existing good quality surf
- Adjacent to Council managed land with beach access on Council managed land
- No obvious potential conflict with other activities/existing coastal issues

It is noted that should a funding application be successful, comprehensive environmental assessment and community consultation would be required prior to construction.

If successful, the trial deployment of an artificial reef would result in the provision of a valuable recreational resource. Surfing is a popular recreational pastime on the Tweed Coast, and contributes significantly to community well-being and economic activity. The location of Surfing Australia's High Performance Centre at Casuarina and the proximity of the large surfing industry on the Gold Coast will ensure that the project would attain a high profile.

Should Council wish to support and be a partner in the CRC application, it would be necessary for there to be a tangible, in-kind input of resources offered, in order to add to the University, community and private sector contributions. Offshore Surf Reefs have requested that Council consider support by providing the following:

- Assisting with approvals for the site and project and liaison with the NSW Government
- Undertaking community consultation (Wayne Bartholomew will also be involved with the community consultation work)
- Supplying bathymetric survey information (Council has recently acquired depth sounding equipment)
- Assisting with co-ordination with Tweed River Sand Bypassing Project
- Undertaking environmental assessments for the approval and permitting process
- Providing an onshore site for monitoring equipment (pole mounted solar powered video)
- Undertaking assessments of traffic /access and parking requirements

Managing community consultation, undertaking environmental assessments and preparing planning approvals would be the major costs components of Council's involvement. The approximate cost of staff time associated with this could be in the vicinity of \$85,000 - \$100,000.

The next round of CRC grants opens in September and closes in November 2017.

A decision on potential Council involvement is required by August in order for the grant application to be prepared.

Should an application be successful, CRC grants are announced in March 2018, with funding commencing in July. It would be anticipated that the design and approval process would take one year, with installation in October 2019. The trial reef is intended to be in place for three years, during which time surfing performance and environmental impacts would be monitored and documented by Griffith University. The trial reef could then be removed, with removal and disposal to be costed into the project.

OPTIONS:

Council may either:

1. Support the preparation of an application in principle, subject to detailed review and endorsement prior to lodgement, and commit to providing in-kind support through management of community consultation and preparation of planning and environmental approvals.
2. Support the concept and application in principle but offer no in-kind support.
3. Work further with Offshore Surf Reefs to resolve any questions or concerns relating to the proposal.
4. Not support the concept of an artificial surfing reef on the Tweed Coast or the submission of an application to the Cooperative Research Centre.

CONCLUSION:

Artificial surfing reefs have been developed as a concept for many years with a number of attempted installations, however there has not yet been a successful project. This is considered to be a result of either surfing not being considered adequately within the design process, for example, the reef being primarily designed for coastal erosion protection, or reefs being poorly constructed or placed in areas where good swell conditions do not occur.

It is considered that, if successful, the trial deployment of an artificial surfing reef on the Tweed Coast would create a significant additional recreational resource for a large number of locals and visitors. The project would create a high profile and result in exposure of the Tweed and Kingscliff as a surfing destination. While supporting the project would involve a cost to Council, it is considered that supporting this project would be of benefit to the Tweed Community.

COUNCIL IMPLICATIONS:

a. Policy:

Not applicable

b. Budget/Long Term Financial Plan:

A very preliminary estimation of the cost to Council to undertake the approvals in house, including sub-consultancies as required on specific topics, would be in the order of \$85,000 - \$100,000.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

The proposal, if successful, would require a high level of dissemination of information to the community.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

20 [CNR-CM] Draft Policy - Wildlife Protection Areas

SUBMITTED BY: Natural Resource Management

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

SUMMARY OF REPORT:

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

The impacts of dogs and cats on Australian native wildlife are well documented. Domestic and feral dogs and cats threaten wildlife through direct predation, injury resulting in death, stress induced disease, spread of transmittable diseases and competition for food. Domestic dogs and cats may also contribute to feral animal populations. Domestic dogs are identified as a significant risk to koala populations in the Tweed and roaming domestic cats have been recorded preying on wildlife in Council bushland reserves. Ground nesting birds and medium sized mammals are vulnerable to dog attack, whereas cats can prey on a wide variety of native fauna from lizards to arboreal mammals.

Several other NSW Councils have adopted WPAs including Blue Mountains City Council, City of Parramatta, North Sydney Council, Willoughby City Council, Northern Beaches Council (Pittwater) and Hornsby Shire Council in response to this issue.

Consultation with staff from these councils indicates that where WPAs have been adequately resourced and communicated to the community, they have been successful in improving community compliance and reducing the number of dogs and cats in bushland reserves.

A draft Wildlife Protection Areas Policy has been prepared to identify Council's approach for any future WPA declarations.

Future areas for consideration will require specific community and stakeholder consultation, impact analysis and detailed consideration of options. The draft policy has been prepared to inform and direct this process.

RECOMMENDATION:

That:

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

REPORT:

The impacts of dogs and cats on Australian native wildlife are well documented. Domestic and feral dogs and cats threaten wildlife through direct predation, injury resulting in death, stress induced disease, spread of transmittable diseases and competition for food. Domestic dogs and cats may also contribute to feral animal populations. Domestic dogs are identified as a significant risk to koala populations in the Tweed and roaming domestic cats have been recorded preying on wildlife in Council bushland reserves. Ground nesting birds and medium sized mammals are vulnerable to dog attack, whereas cats can prey on a wide variety of native fauna from lizards to arboreal mammals.

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

The success and long term survival of threatened species in urban environments depends on good management of bushland reserves and the actions of the local community. The introduction of WPAs through adoption of an enabling policy provides an opportunity to develop a relationship with the neighbouring community to work together for the protection of wildlife and our natural areas.

Impacts of domestic dogs and cats on Australian wildlife

Domestic cat predation can be the final straw for native animal populations living near urban areas, already isolated and reduced by habitat clearance. Research has identified that the effect of domestic cats moving into remnant habitat has been likened to cats newly introduced to an island environment and that free ranging domestic cats are a major threat to native fauna. Predation by domestic cats may impact on locally abundant, patchily distributed populations of native fauna, particularly mammals in relatively undisturbed environments adjoining new residential developments.

The Commonwealth Cat Threat Abatement Plan lists 36 mammal, 35 bird, seven reptile and three amphibian native threatened species as known or perceived to be under threat from cats. Eighteen of these species are present in the Tweed Shire including the Common Planigale, Common Blossom Bat, and Bush Stone-curlew. Studies consistently show that domestic cats roam significant distances. A 2016 study by Central Tablelands Local Land Services revealed that domestic cats were roaming as far as three kilometres from their home. This study shows that cats not immediately adjacent to bushland still have the ability to travel through these areas. Cats can also spread disease including toxoplasmosis to wildlife through faeces which can survive in the soil for up to 18 months. Toxoplasmosis is a confirmed killer of Australian wildlife, including bandicoots and koalas. Studies also show that in areas where cats may roam, marsupials were 14 times more likely to be infected with the disease than areas without cats.

Domestic dogs can kill, maim and orphan wildlife. Disturbance from domestic dogs can also contribute to energetic loss in birds through premature flight or reduced feed intake and disrupt reproduction due to nest disturbance (ie. resident and migratory shorebirds). Research has shown that dogs have been implicated in disease transmission to native wildlife. Research has also shown that some domestic dogs can have a serious impact on native fauna if uncontrolled, exerting a high intensity of predation pressure on native fauna,

especially medium to large macropods. Terrestrial mammals, reptiles, amphibians or ground-dwelling birds are susceptible to dog attacks as they may reside on the ground, cannot quickly escape or are diurnal; increasing the potential for encountering dogs that may be walked during the day.

Koalas

In 2016 the Tweed - Brunswick koala population, from the Tweed River to the Brunswick River, was declared an Endangered Population under the *Threatened Species Conservation Act 1995* as it is facing a very high risk of extinction in the near future. 'Predation by roaming or domestic dogs' is listed as a key threat to the Endangered Population. One of the activities listed for land managers to assist the Endangered Population is to 'Protect populations close to urban areas from attacks by domestic dogs'.

The Queensland Department of Environment and Heritage Protection report around 100 koalas every year are taken to Moggill Koala Hospital, Currumbin Wildlife Hospital and Australian Wildlife Hospital because of dog attack. Around 75 per cent of dog attacks on koalas are fatal. Many dog attacks are not reported so the actual figures may be higher. This makes dog attack the third most common cause of death after disease and vehicle strikes in South-east Queensland.

Current legislation and compliance activities

In terms of protecting wildlife in bushland reserves from the impacts of dogs and cats, the current mechanisms available to Tweed Shire are complicated and largely ineffective. Regulation and prohibition of domestic dogs and cats on public land managed by Council are through the *Companion Animals Act 1998* (CAA) and the *Conveyancing Act 1919*.

Under the CAA, cats are allowed to roam in public places, unless the place is prohibited under the Act. Cats must be microchipped and registered or owners can be fined. A cat can be declared as a 'nuisance' if it is caught and impounded three times within six months. Dogs are not allowed to roam nor be off leash in public places (excluding areas declared as off leash areas) and must also be microchipped and registered. Cats and dogs that do not meet these requirements can be impounded. Owners will be contacted and asked to pay the associated fine and an impoundment fee.

Under Section 88b of the *Conveyancing Act 1919*, restrictions can be imposed on land subject to a new development (ie. residential development). This approach is in place in the Koala Beach Estate where dogs and cats are prohibited from both public and private land. Landowners pay an environmental levy at Koala Beach for ongoing management of biodiversity values. Funds from this levy are used to implement dog and cat monitoring and control activities. Some other residential areas in Tweed Shire also have Section 88b restrictions on dog and cat ownership, but their effectiveness appears limited due to the variable nature of their application and difficulties in enforcement.

Council has used informal dog exclusion zones on public land to keep dogs out of habitat or nesting areas for threatened species such as the Little Tern and Bush Stone-curlew. These zones help educate the community and provide a barrier to denote the exclusion zone. In terms of compliance, these exclusion zones are limited in their enforceability with penalty infringements limited to a 'failure to comply with notice' under Section 632 of the *Local Government Act 1993*.

Consultation with Council's Regulatory Services staff indicates that most domestic animal compliance action is instigated as a result of a public complaint. Complaints are addressed in priority order with dog attacks addressed as the highest priority based on risk. Resourcing constraints can result in reported dog occurrences in bushland areas receiving a lower priority response. Proactive patrols of bushland areas are undertaken on an occasional basis only, especially on weekends.

Wildlife Protection Area provisions under the *Companion Animals Act 1998*

Wildlife Protection Areas are public places set apart for the protection of native animals and their habitats under the NSW *Companion Animals Act 1998*. Under this Act Council can prohibit cats and/or dogs from public lands for the purpose of wildlife protection.

Wildlife Protection Areas can be declared as one of two categories:

- Category 1 lands prohibit both cats and dogs as per S.30 c.1(b) and S.14 c. 1(h) of the NSW *Companion Animals Act 1998*.
- Category 2 lands prohibit cats as per S.30 c.1(b) of the NSW *Companion Animals Act 1998*. Dogs that are on a leash will be permitted on formed tracks, pathways or roads in Category 2 lands.

The declaration of WPAs must be notified to users of public lands by signs placed at track heads and at regular intervals throughout the WPA. The signs must clearly state WPA regulations, its operation under the Act and the penalty rates for non-compliance.

Penalty rates associated with non-compliance can vary at Council discretion, ranging from a minimum \$110 for cats and \$330 for dogs, with a maximum of \$880 if the penalty notice is challenged in court. An authorised officer who finds a dog or cat attacking or harassing an animal (other than vermin) within a Wildlife Protection Area (as defined in section 14 (1) (h) and 30(1) (b)) can lawfully injure or destroy the dog or cat if there is no other reasonably practicable way of protecting the attacked or harassed animal.

Lessons learnt from other NSW Councils with WPAs

Several other NSW councils have adopted WPAs including Blue Mountains City Council, City of Parramatta, North Sydney Council, Willoughby City Council, Northern Beaches Council (Pittwater) and Hornsby Shire Council.

Consultation with staff from these councils indicates that where WPAs have been adequately resourced and communicated to the community they have been successful in improving community compliance and reducing the number of cats and dogs in bushland reserves.

Few council's had programs monitoring behavioural or activity changes in wildlife before and after introducing WPAs to determine if they resulted in an increase in wildlife. However, an increase in wildlife such as Lyrebirds, Blue-tongue Lizards and Eastern Water Dragons were observed after WPA implementation prohibiting cats in the North Sydney Council area.

North Sydney Council staff reported they had strong support from the community for WPAs, applied an advertised fine of \$880, and that their program included educational campaigns. No fines had been issued for cat infringements since the WPAs were introduced in 2014. North Sydney Council advised it was important to roll out communication, signage and

WPAs in the right order without long gaps in between each stage; otherwise the project loses momentum and is less effective.

Blue Mountains City Council conducted a five year trial of two WPAs, incorporating community and wildlife monitoring. Four and a half years later the results of wildlife monitoring is inconclusive and there appeared no change in people's behaviour with people still walking their dogs off leash in trial WPAs.

Staff from Blue Mountains City Council indicated that they would have had a better outcome if they had greater resourcing; follow up compliance and enforcement; a communications strategy; and the WPA program was undertaken in conjunction with a vertebrate pest control program.

Northern Beaches Council (Pittwater) have implemented 25 WPAs since 1998, when the CAA legislation was first adopted. Staff highly recommended using WPAs, reporting they had been successful with less people taking dogs into WPAs and that dogs are being kept on leash at sites where they are allowed to do so. They display multiple WPA signs, letter box drop residents, distribute regular media releases, gained support from Bushcare groups and implemented compliance 'blitzes' to keep an enforcement presence at the reserves.

WPA Policy

A draft Wildlife Protection Areas Policy has been prepared to identify Council's approach for any future WPA declarations.

Future areas for consideration will require specific community and stakeholder consultation, impact analysis and detailed consideration of options. The draft policy has been prepared to inform and direct this process.

OPTIONS:

1. That Council endorses the draft policy and places it on public exhibition for a period of 42 days.
2. That Council does not endorse the draft policy.

CONCLUSION:

Wildlife Protection Areas are areas of public land where dogs and cats are prohibited for the purpose of wildlife protection under the *Companion Animals Act 1998*. They are considered to be the best legal mechanism available for local government in NSW to protect wildlife in bushland areas from domestic companion animals. The adoption of a policy will allow for the application of this mechanism for any future WPA declarations to ensure bushland reserves with high conservation significance are suitably protected from the impacts of domestic animals.

COUNCIL IMPLICATIONS:

a. Policy:

Draft policy for consideration. The proposed policy is also consistent with the following existing policies:

- Companion Animals Management Plan
- Tweed Coast Comprehensive Koala Plan of Management

b. Budget/Long Term Financial Plan:

Costs associated with development and exhibition of the draft policy will be met through the Tweed Coast Koala Plan of Management implementation budget. \$1,200 is allocated for the public exhibition of the draft WPA to cover advertising and development of information materials.

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

c. Legal:

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

d. Communication/Engagement:

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

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

Inform - We will keep you informed.

During the development of this report, consultation regarding the draft policy has been undertaken with the following internal stakeholders: Regulatory Services, Recreation Services Unit, Communications and Environmental Education.

The draft policy outlines the approach proposed for communication and engagement for any future WPAs proposed for declaration.

The draft policy will be placed on public exhibition and include notification in the Tweed Link, general media promotion, opportunity for comment through Your Say Tweed and coordination with the proposed staged consultation for the Open Space Strategy and revision of Off Leash Dog Areas. This will include two community forum events targeting key stakeholders including dog owners, local dog training organisations and conservation organisations.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Draft Policy - Wildlife Protection Areas Version 1.0
(ECM4599814)

21 [CNR-CM] Submissions to the NSW Biodiversity and Land Management Legislation Review

SUBMITTED BY: Natural Resource Management

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Collaborator Leader

SUMMARY OF REPORT:

This report provides the technical submission prepared on behalf of Council concerning material recently exhibited by the NSW State Government regarding the NSW biodiversity and land management reforms.

In addition to the preparation of a submission on behalf of Council, staff facilitated a collaborative review with members of the NOROC NRM Managers Group and provided input to the Local Government NSW and the Planning Institute of Australia (PIA) submissions.

A briefing note was provided to Councillors and discussed at a workshop on Thursday 15 June 2017 and the draft submission was provided to Councillors for comment on Tuesday 20 June 2017.

The submission identifies that the reforms package remains in conflict with its defined purpose and objects due to anticipated biodiversity loss and the significant additional complexity, administrative burdens and costs for local government. This position is based on the persistence of key issues of residual concern including:

- The removal of the ability for local councils to ensure offsets are delivered onsite or locally in accordance with community expectations
- Weakening of genuine like for like offsets
- Lack of an approval role for councils in biodiversity certification
- Overly complex assessment process
- Weakening of clearing controls in rural areas
- Increased uncertainty regarding regulatory responsibility for vegetation protection

RECOMMENDATION:

That Council notes the submissions prepared and submitted on Wednesday 21 June 2017 to the NSW Government in relation to the current review of biodiversity and land management legislation in NSW.

REPORT:

This report provides the technical submission prepared on behalf of Council concerning material recently exhibited by the NSW State Government regarding the NSW biodiversity and land management reforms.

The stated purpose of the reforms as set out by the Independent Biodiversity Review Panel Final Report of December 2014 was to:

"...recommend a simpler, streamlined and more effective legislation which improves the conservation of biodiversity and supports sustainable development thereby reducing the compliance and administrative burdens. "

Council prepared and lodged an initial submission in June 2016 and also facilitated the preparation of an additional submission through the Northern Region of Councils (NOROC). These submissions identified significant concerns in relation to the likely negative implications for biodiversity and local government in New South Wales.

The most recent exhibition period (10 May - 21 June 2017) included 30 documents covering a wide range of components of the proposed reforms. Council staff and NOROC requested an extension on the exhibition period due to the complexity and volume of materials that require review but this was not supported. In addition to the preparation of a submission on behalf of Council, staff facilitated a collaborative review with members of the NOROC NRM Managers Group and provided input to the Local Government NSW and the Planning Institute of Australia (PIA) submissions.

A briefing note was provided to Councillors and discussed at a workshop on Thursday 15 June 2017 and the draft submission was provided to Councillors for comment on Tuesday 20 June 2017.

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- The removal of the ability for local councils to ensure offsets are delivered onsite or locally in accordance with community expectations
- Weakening of genuine like for like offsets
- Lack of an approval role for councils in biodiversity certification
- Overly complex assessment process
- Weakening of clearing controls in rural areas
- Increased uncertainty regarding regulatory responsibility for vegetation protection

CONCLUSION:

The submission identifies that the reforms package remains in conflict with its defined purpose and objects due to anticipated biodiversity loss and the significant additional complexity, administrative burdens and costs for local government.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

There may be budget implications for Council to implement the revised legislation, although this is not clear at this stage of the review process.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

This report completes a process of engagement with Council in relation to the preparation of the submission within the significant time and resource constraints presented by the complexity, significance and extent of the review.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Submission prepared by Tweed Shire Council (ECM 4608263)

Attachment 2. Submission prepared by Local Government NSW (ECM 4608332)

Attachment 3. Submission prepared by NOROC (ECM 4608380)

22 [CNR-CM] Community Sponsorship Policy

SUBMITTED BY: Community and Cultural Services

mhm



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

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Collaborator

SUMMARY OF REPORT:

At Council's meeting on 16 March 2017 the Community Sponsorship Policy applications for 2016/2017 were endorsed for funding and a review of the Policy was recommended in order to clarify definitions, policy exemptions, funding guidelines, eligibility criteria, selection criteria and assessment process and to align with the Community Strategic Plan 2017-2027.

RECOMMENDATION:

That Council exhibits the draft Community Sponsorship Policy Version 1.1 for a period of 28 days and accepts public submissions for a period of 42 days as per Section 160 of the Local Government Act 1993.

REPORT:

As Council is aware, the Community Sponsorship Policy adopted on 17 March 2016 superseded the Donations (Financial Assistance) Policy. The Community Sponsorship Policy is submitted with amendments to clarify definitions, policy exemptions, funding guidelines, eligibility criteria, selection criteria and assessment process.

Changes made to the Community Sponsorship Policy are summarised as follows:

1. **Definitions:** Definitions have been added or amended to assist with interpretation of the Policy:

Resource support: goods and/or services loaned or provided by Council, without costs, to the project organiser.

Sponsorship: funding agreements that provide cash or Council resource support to a project meeting specific criteria.

2. **Policy Exemptions:** The following Policies have been added:

Events Sponsorship

Request for Resource Support (formerly In-Kind Assistance)

Facility Hire and Use

3. **Policy:** The priority objective has been amended to align with the Community Strategic Plan (2017-2027) to include the following goal:

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

Goal – Provide social, cultural and economic opportunities enabling healthy, safer and more inclusive communities.”

4. **Funding Guidelines:** The following guidelines have been amended or added:

Projects, initiatives or services will not be funded retrospectively.

Council will advertise yearly on Council’s website detailing available funds and inviting applications for Community Sponsorship.

5. **Eligibility Criteria:** Eligibility criteria have been amended or added to include the following:

Projects, initiatives or services must be delivered to residents in the Tweed Shire Council Local Government Area.

No further financial assistance will be given to projects, services or initiatives that are already receiving Council funding or resources, which is additional to the terms of the Policy.

No financial assistance will be given to Government Departments or agencies or for support of Government or Council owned facilities/fixed assets.

No financial assistance will be given to reimburse groups or organisations for Council fees and charges.

No financial assistance will be given to competitive sporting activities or clubs.

Council will not support/fund applications that are specifically fundraising for donations and charities.

For applications which include a public/community celebration component, evidence of adequate public liability insurance and/or other relevant insurance cover must be provided.

6. **Selection Criteria:** Selection criteria have been amended or added to include the following:

Demonstrates how the project, initiative or service will achieve an outcome linked to the Tweed Shire Council Community Strategic Plan 2017-2027.

Addresses a community need and describes how the community will benefit from the project, initiative or service.

Applicants not located in the Tweed Shire must demonstrate how they will deliver projects, initiatives or services that benefit the residents of the Tweed Shire.

7. **Assessment Process:** Assessment process has been amended to include the following:

Applications will be assessed by relevant Council Officers and must meet all eligibility criteria to be considered by Council.

Further information regarding definitions, policy exemptions, funding guidelines, eligibility criteria, selection criteria and assessment process are in the *Community Sponsorship Policy Version 1.1* as attached for public exhibition.

OPTIONS:

1. That the *Community Sponsorship Policy Version 1.1* is placed on public exhibition for a period of 28 days and Council accepts public submissions for a period of 42 days.
2. That the *Community Sponsorship Policy Version 1.1* is not placed on public exhibition and Council seeks further information.

CONCLUSION:

Tweed Shire Council recognises the importance of assisting local community groups and organisations that deliver enhancements to the identity and character, environment, health and well-being and connectedness of Tweed Shire Council residents. The *Community Sponsorship Policy Version 1.1* ensures this objective is met in an equitable and transparent manner, and outcomes are linked to the Tweed Shire Council Community Strategic Plan 2017-2027.

COUNCIL IMPLICATIONS:

a. Policy:

Community Sponsorship v1.0

b. Budget/Long Term Financial Plan:

Council's *Community Strategic Plan 2017-2027* provides for an annual budget to be allocated for sponsorship requests made in accordance with this Policy.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Draft Community Sponsorship Policy Version 1.1 (ECM 4617628)

23 [CNR-CM] Essential Energy - Easement on Council Land - Lot 100 DP 1192162

SUBMITTED BY: Design

mhm



Behind the scenes
Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Collaborator

SUMMARY OF REPORT:

Council owns a parcel of land at Depot Road, Lot 100 DP 1192162, being a former night soil depot, which has been remediated, and identified as a site for future sportsfields, at Kings Forest.

Council approved a lease to Telstra in 2012 for an area of 80m² in the north-eastern corner of the parcel, outside the sportsfield footprint and adjacent to the termination of Depot Road.

Construction and operation of the Telstra infrastructure requires the installation of electricity to the site, and Essential Energy have advised Telstra that it is necessary for easements to be created over the subject parcel to protect the Essential Energy infrastructure.

A review of the proposed easement corridor has been undertaken and there is no anticipated impact on Council's current or proposed use of the land, it is recommended that Council approve the creation of the easements and to sign all necessary documentation under the Common Seal of Council.

RECOMMENDATION:

That:

- 1. Council approves the creation of easements benefiting Essential Energy within Lot 100 DP 1192162 at Kings Forest.**
- 2. All necessary documentation is executed under the Common Seal of Council.**

REPORT:

Council owns a parcel of land at Depot Road, Lot 11 DP 1192162, being a former night soil depot, which has been remediated, and identified as a site for future sportsfields, at Kings Forest. The land is classified as operational land pursuant to the requirements of the *Local Government Act, 1993*.

The parcel is shown highlighted below:

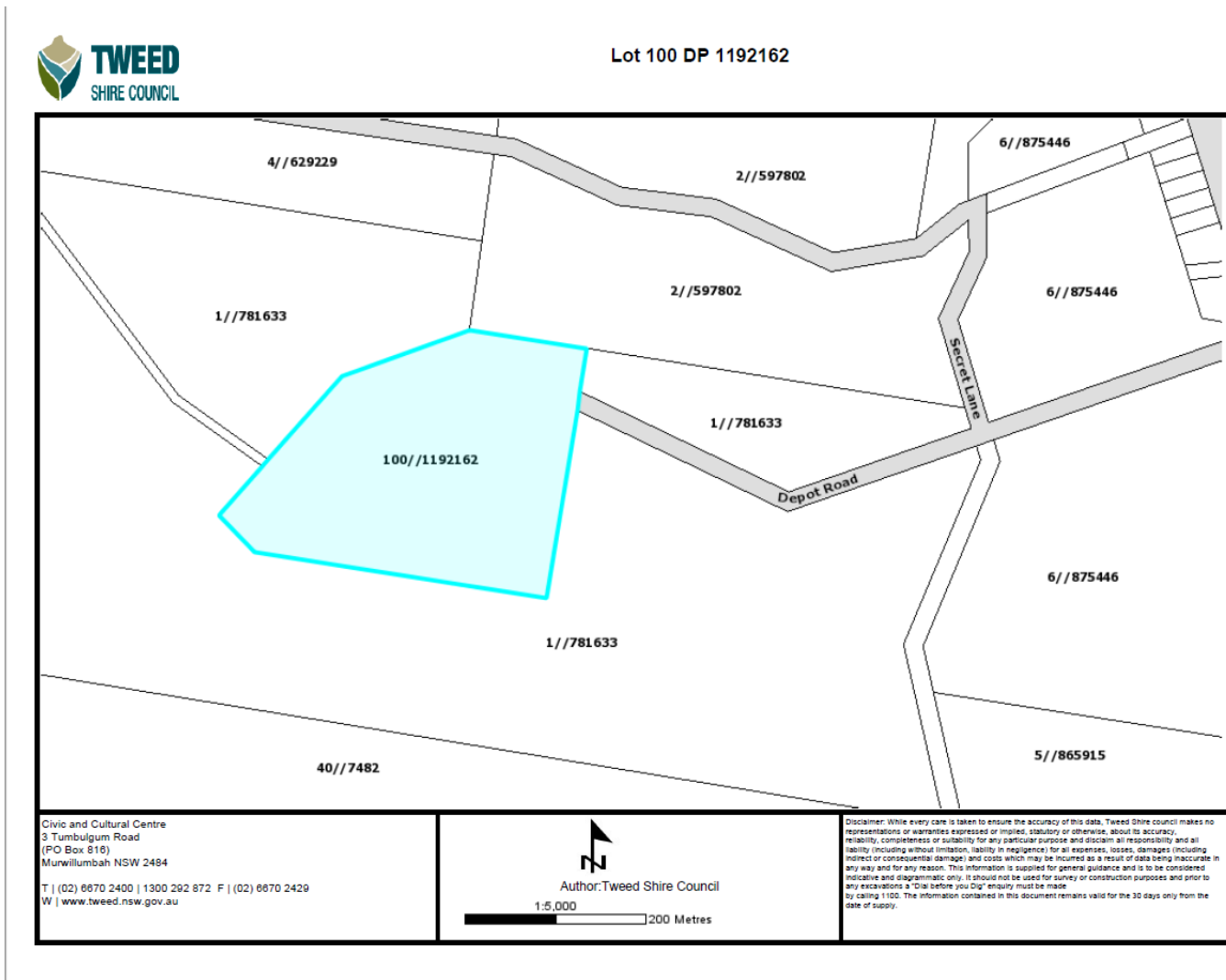


Figure 1 - location plan

Council approved a lease to Telstra in 2012 for an area of 80m² in the north-eastern corner of the parcel, outside the sportsfield footprint and adjacent to the termination point of Depot Road.

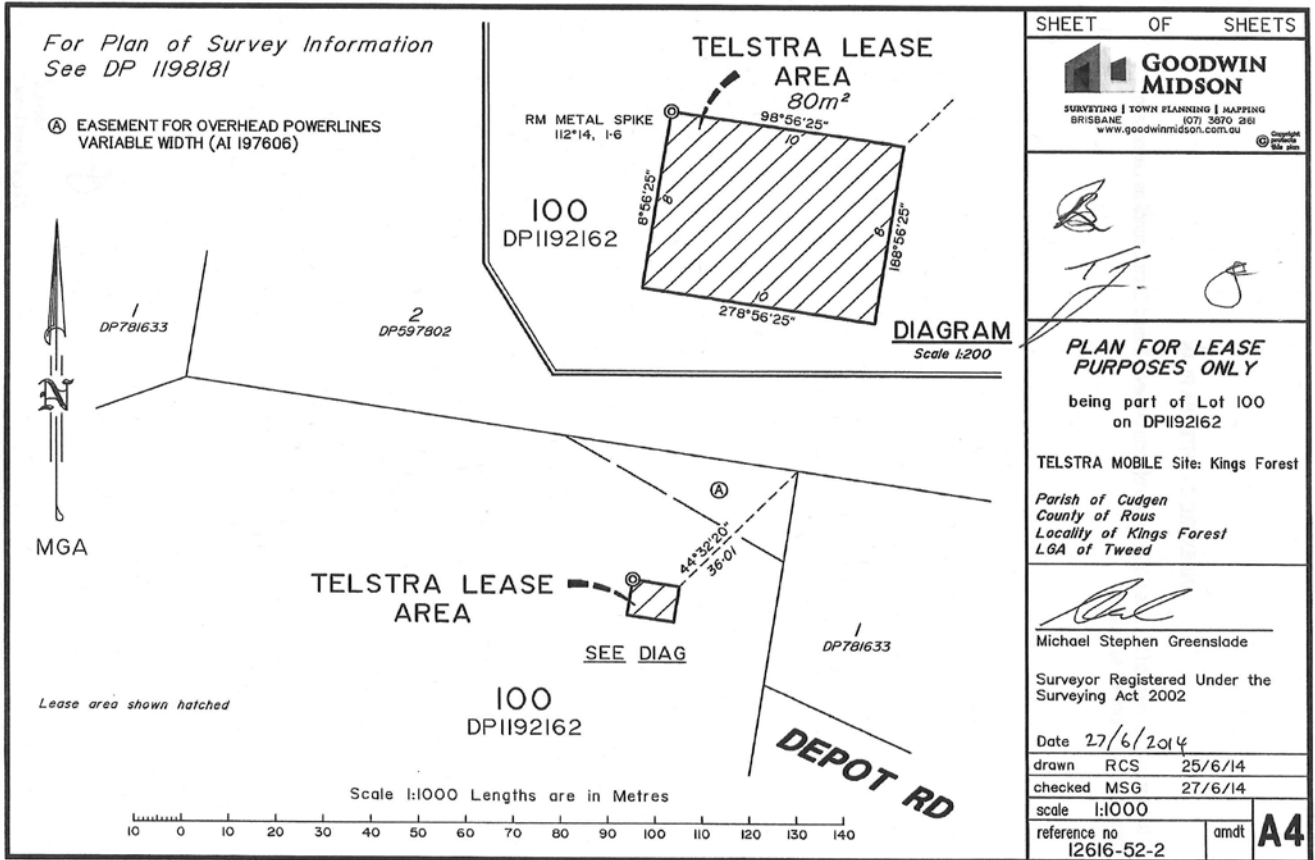
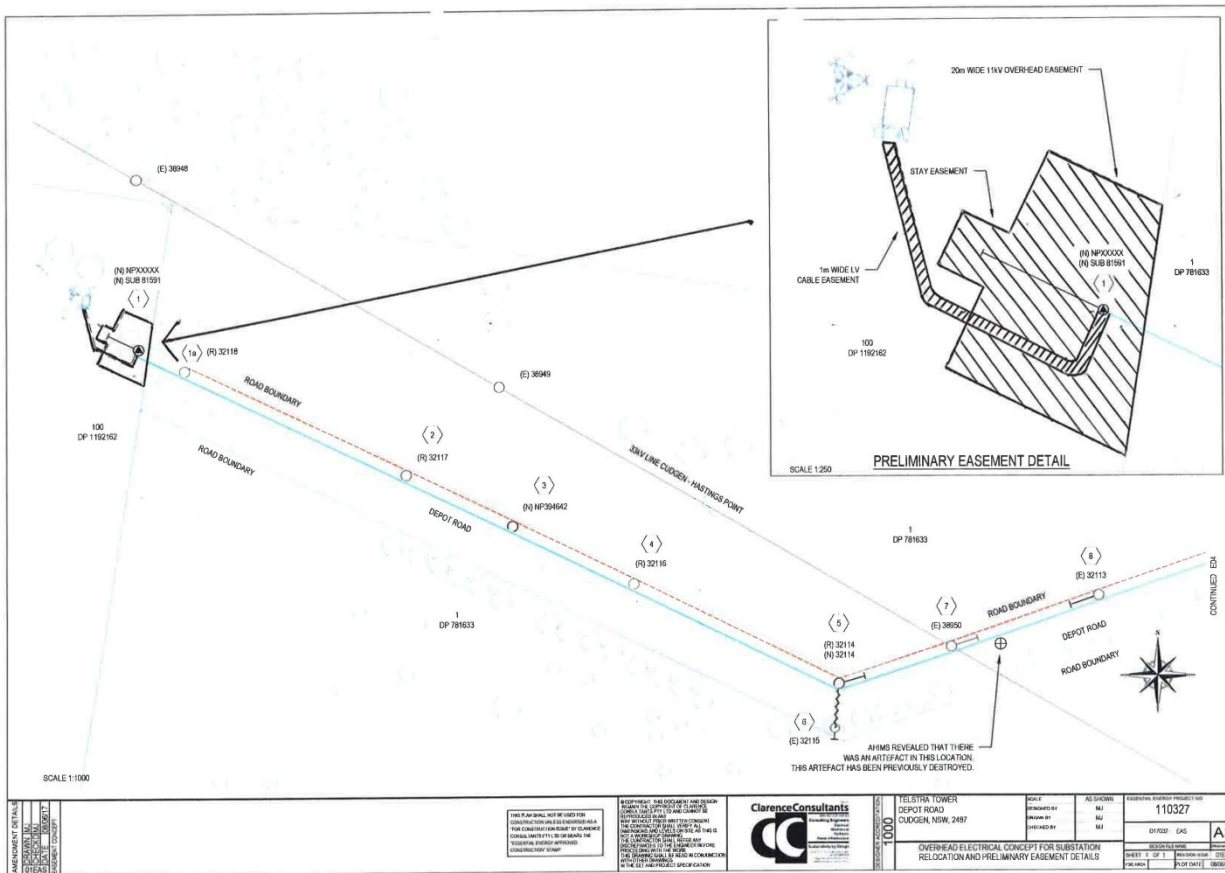


Figure 2 - lease area plan

Construction and operation of the Telstra infrastructure requires the installation of mains power to the site, and Essential Energy have advised Telstra that it is necessary for easements to be created over the subject parcel to protect the Essential Energy infrastructure (see cross-hatched section of Figure 3 below).

Figure 3 below shows the proposed easement areas:



A review of the proposed easement corridor has been undertaken and there is no anticipated impact on Council’s current or proposed use of the land.

Costings for the future sportsfields in 2012 indicated that the installation of electricity to the site would cost \$70,000. Telstra advise that they will be bearing all costs in relation to the installation of mains power for their infrastructure at a cost of \$130,000.

The sportsfields will be constructed when the Kings Forest development commences, which will bring in other utilities, such as water and sewerage, at this point of time it is unknown when this will occur.

As Council will not be required to cover the cost of establishing mains power at the site, it is recommended that Council approve the creation of the easements within Council land and accepting the provision of mains power to the parcel as consideration for the approval to register the easements.

OPTIONS:

1. To approve the creation of Essential Energy easements within Council land; or
2. To not approve the creation of Essential Energy easements within Council land.

CONCLUSION:

In light of the costs of installation of mains power being covered by Telstra, which have substantially increased between 2012 and 2017, the benefit to Council, as landowner, is demonstrated by the removal of the necessity by Council to cover that cost when the sportsfields are constructed at a future time.

As the land is classified as operational land, there are no statutory constraints to registering the easements on the title.

It is recommended that Council approve the creation of the easements within Lot 100 and to sign all necessary documentation under the Common Seal of Council.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

No financial or budgetary implications arise from this report.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

As this report relates to the provision of public infrastructure that has been approved, with appropriate tenure in place, there is no need to undertake public engagement for this report.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM THE DIRECTOR ENGINEERING

24 [E-CM] Water Supply and Sewerage Benchmarking Report 2015-2016

SUBMITTED BY: Water and Wastewater

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.3 Utility Services
- 1.3.2 Sewerage Services - to provide high quality and reliable sewage collection and treatment services that meet health and environmental requirements.
- 1.3.4 Water Supply -- To provide secure, high quality and reliable drinking water which meets health and environmental requirements.

ROLE: **Provider**

SUMMARY OF REPORT:

Council, each year, submits data to the Department of Primary Industries (DPI) Water for that organisation to undertake benchmarking of water utilities.

In general Council's performance has been rated as satisfactory, good or very good. There are nine (9) items out of 56 criteria related to water that DPI Water, in their suggested Action Plan, considers may require review. Each of these has been reviewed.

Similarly there are twelve (12) items out of 57 criteria related to sewerage that DPI Water, in their suggested Action Plan, considers may require review. Each of these has been reviewed.

RECOMMENDATION:

That the Water Supply and Sewerage NSW Benchmarking 2015-2016 report be received and noted.

REPORT:

Background

The NSW Government promotes continuing performance improvement by NSW urban local water utilities with the aim of improving the quality and efficiency of services to all NSW residents. As part of this activity DPI Water annually prepares a NSW Water Supply and Sewerage Performance Monitoring Report. The Report provides an overview of the current status and future water supply and sewerage needs for NSW. The Report presents key performance indicators for all NSW urban water utilities in regional areas. This enables each utility to monitor and improve its performance through benchmarking against similar utilities.

The authors of the report also provide each water utility with a Triple Bottom Line (TBL) Water Supply Report, and Water Supply Action Plan, TBL Sewerage Report and Sewerage Action Plan. Copies of the Reports and Action Plans are attached.

Performance monitoring is also important for public accountability and has been strongly endorsed by the Independent Pricing and Regulatory Tribunal. It is also assurance to the NSW Government that the requirements of the *Water Management Act 2000* are being met (i.e. each local water utility is performing satisfactorily).

The Report does not address items within Council's Customer Service Charter such as response to enquiries.

Discussion - Water

Council was acknowledged as receiving a "Very Good" rating in the implementation of Best Practice Requirements. Similarly, it achieved a "Very Good" rating in the health criteria of Physical Compliance, Chemical Compliance and Microbiological Compliance with 100% compliance. Council also received a rating of "Very Good" in Loan Payment and Water Main Cost.

Council received a "Good" rating for Residential Use Charges, Residential Access Charges, Typical Residential Bill, Typical Developer Charges, Residential Revenue from User Charges and Number of Main Breaks.

Within the Action Plan prepared for Council by DPI Water only nine (9) items from 56 criteria were identified as "May Require Review". These are addressed below.

Renewals Expenditure

As compared to state averages the amount Council is spending on renewals is low. This is due to three factors. The first being the relatively young age of assets. Secondly, Council has had a significant renewal program over the last 25 years. Thirdly and more importantly, renewals expenditure is now being managed through predicative analysis of asset condition and for those assets identified as possibly requiring renewal a validation of the requirement to renew is being undertaken. This process means that only those assets in genuine need of renewal will be renewed thus reducing expenditure on renewals.

Employees

Council has 2.0 employees per 1,000 properties versus the state median of 1.5. This is due to, firstly, the amount of infrastructure per 1,000 properties, the requirement to operate 3

water treatment plants and the highly technical nature of the membrane treatment plants and specifically Bray Park.

As compared to Ballina, Byron and Lismore, Tweed Council owns and operates Clarrie Hall Dam, Bray Park Water Treatment Plant and smaller treatment plants at Uki and Tyalgum. Ballina, Byron and Lismore draw bulk treated water from Rous Water and as such have a lesser staffing requirement. Similarly, Coffs Harbour draws water from the Clarence scheme but operates its own water treatment plants.

Tweed Council also undertakes mechanical and electrical works in-house along with a number of other reticulation activities where other authorities contract out such works. Council's present practice is considered efficient.

In discussion with other Councils it was found different staffing arrangements are often used "skewing" the outcome. As an example, one Council employs a significant amount of trainees in their water and sewerage workforce and these trainees are not accounted for in the benchmarking with DPI Water. Similarly, Tweed Council has a number of administrative positions within the Water and Wastewater Unit, whereas other Councils do not include these staff in the benchmarking.

Further, with rapid growth within the Shire, a significant level of resources are required to review the servicing requirements for, and financial implications associated with new developments as well as plan for major augmentations. Added to this are the negotiations required if private sector providers are to provide water services within the shire.

Water Quality Complaints

Water quality complaints are 4.8 per 1000 properties as compared to the state median of 3. The result may be due to high levels manganese in the water supply, a matter which is presently under investigation.

Water Service Complaints

The level of water service complaints is now 33.5 per 1,000 properties as compared to the present state average of 4. A review of the complaints register showed that the definition used by Tweed Shire Council was much broader than that used by DPI of Water. As an example Tweed Shire Council presently records the notification of a leak as a complaint whereas DPI Water would not. Similarly, DPI Water narrows the definition of a complaint to a complaint in writing from a resident. It is anticipated the water service complaints would fall to levels consistent with the state average if Council used definitions consistent with those used across the State.

Total Days Lost

The percentage days lost is a measure of the days lost through sickness, injury, carers leave or industrial dispute. Council had a total days lost of 5% as compared to the state median of 3.5%. A review of the data indicates the high percentage is not due to workplace injury but sickness unrelated to the work place and carers leave again unrelated to the workplace. There were two (2) individuals who took more than 50 days sick leave and seven (7) taking in excess of 30 days sick leave which may have skewed the result.

Real Leakage

Council's real leakage losses were recorded as 90L/c/day as compared to a state median of 70L/c/day. It is suggested that this is due to the difficulty in identifying leaks in sandy soils where water dissipates quickly.

To address this, Council is embarking on a program of bulk metering and comparing bulk meter results to retail meter consumption rates to identify areas where significant leakage is occurring. When the area is identified more detailed investigations will be used to identify the actual leakage sites.

Through this process it is hoped to significantly reduce real leakage over the forthcoming years.

Management Costs

Council's management costs for water are \$190 per property versus a state average of \$148. Council's management cost per property has risen approximately 2.5% from the 2014-2015 result whereas the state average has risen 5%. Notwithstanding, the result is reflective of high administrative and corporate support costs via Activity Based Costing paid to General Fund.

Additionally, Council continues to be very active in preparing and updating urban water related strategies and implementing related policy, programs and actions to plan and cater for our growing community in consideration of our natural environment and achieving sustainable outcomes. Further, due to rapid growth, a significant level of resources are also required to review the servicing requirements for new developments.

These factors lead to an above average management cost for Council.

Treatment Costs

Council's treatment cost per property has reduced from \$80 in 2014-2015 to \$75 in 2015-2016 versus a state median of \$59. The reduction is due to better management of items such as power and chemical usage. The cost is still higher than the state median due to the cost of operating the advanced technology at Bray Park WTP required for the treatment of manganese, dissolved organic carbon and algal blooms.

Capital Expenditure

Council's capital expenditure for water is \$97 per property versus the state median of \$212 per property. The low level of capital expenditure is a result of previous adequate planning for future growth and the lower level of expenditure on renewals, due to renewals expenditure now being managed through predicative analysis of asset condition and validation prior to expenditure.

Discussion - Sewerage

As with water, Council was acknowledged as receiving a "Very Good" rating in the implementation of Best Practice Requirements. Similarly, it achieved "Very Good or Good" ratings for Developer Charges, Sewerage Coverage and Odour Complaints, Biosolids Reuse, BOD Compliance, Sewer Main Breaks and Chokes, Non-residential Sewage Collected, Net Debt to Equity and Interest Cover. Council achieved a Satisfactory rating for items such as Service Complaints, Average Duration of Interruption, Days Lost, Greenhouse Emissions, Renewal Expenditure and Percent Tertiary Treated Sewage.

Within the Action Plan prepared for Council by DPI Water only seven (7) items from 57 criteria were identified as "May Require Review". One of these being Compliance with suspended solids in licence is considered false as it is recorded by DPI Water that 100% compliance was achieved. The remainder are addressed below.

Employees

Council has reduced its level of employees from 2.5 employees per 1,000 properties in 2014-2015 to 2.2 versus employees per 1,000 properties in 2015-2016. The state average is 1.7. The level higher than the state median is due to firstly the amount of infrastructure per 1,000 properties, the requirement to operate 8 sewage treatment plants and the highly technical nature of nutrient removal sewage treatment plants such as Banora Point, Kingscliff, Hastings Point and Murwillumbah.

Council also undertakes mechanical and electrical works in-house whereas other authorities contract out such works. Council's present practice is considered efficient.

In discussion with other Councils it was found different staffing arrangements are often used "skewing" the outcome. As an example, one Council employs a significant amount of trainees in their water and sewerage workforce and these trainees are not accounted for in the benchmarking with DPI Water. Similarly, Tweed Council has a significant number of administrative positions within the Water & Wastewater Unit whereas other Councils do not include these staff in the benchmarking.

Further, due to the rapid growth a significant level of resources are also required to review the servicing requirements for new developments.

Non-Residential Sewer Usage Charge

Council's sewer usage charge is \$1.60 per kL versus a state median of \$1.59 per kL. This is not considered significant.

Percentage Volume that complied

The percentage volume that complied was 89% versus a state median of 100%. This was due to faecal coliform contamination occurring in the final effluent ponds at Banora Point. The re-contamination comes primarily from bird activity on the ponds and is unrelated to the treatment plant performance.

An investigation as to how this can be improved is being undertaken to determine a cost effective way of achieving this 'cosmetic' improvement.

Odour Complaints

The level of water service complaints is now 1.5 per 1,000 properties as compared to the present state average of 0.9. A review of the complaints register showed that the majority of complaints were in relation to one pump station in Hastings Point. Works have been undertaken to mitigate odour emission from the pump station, with current performance being satisfactory.

Average Duration of Interruption

The number of interruptions to sewerage service with Tweed Shire is small, seven (7) in the period. The duration of those interruptions is high due to interruptions being caused by flooding.

Total Days Lost

The percentage days lost is a measure of the days lost through sickness, injury or industrial dispute. Council had a total days lost of 5% as compared to the state median of 3.5%. A review of the data indicates the high percentage is not due to workplace injury but sickness unrelated to the work place and carers leave again unrelated to the workplace. There were two (2) individuals who took more than 50 days sick leave and a seven (7) taking in excess of 30 days sick leave which may have skewed the result.

Percentage effluent reused

Council has increased the percentage effluent reused from 7% in the 2014-15 to 9% in 2015-2016. This still remains low as compared to the state median of 11%. The low level of reuse is primarily due to high rainfall in the area and limited opportunities to reuse large quantities. The majority of authorities achieving high levels of reuse were located in drier and or rural areas having small sewerage schemes.

Net Greenhouse Emissions

Net greenhouse emissions are 450t CO₂ per 1000 population above the state median of 390. This is primarily due to the high electricity consumption which is in turn due to the number of pump stations required to provide sewerage services and the high level of treatment required to meet licence conditions.

Non-Residential Revenue

For Council this is 17% only marginally below the state median of 19%. It is reflective of the level of industry within Tweed Shire and Trade Waste Charges and will increase with the implementation of the High Consumption and High Use charges for water supply and sewerage respectively. 17% is considered satisfactory by Council.

Economic Real Rate of Return

Council's Economic Real Rate of Return is 1.5% as compared to 2.5% for the state. The Economic Real Rate of Return is a calculation based on total income less interest income, grants, operating costs and depreciation divided by written down value of assets. It is low due to higher than average operating costs in Tweed Shire and high written down value of assets.

Operating Cost

The operating cost has fallen from \$524 per property in 2014-2015 to \$514 per property in 2015-2016. The state median has risen by 12% in the same period to \$470 per property. A large portion of this amount is made up of administration costs which are a payment from the Sewerage Fund to General Fund for administration based on Activity Based Costing. If this amount is subtracted from the \$524 the operating cost would be below the state median.

Pumping Costs

Council pumping costs have reduced from \$100 in 2014-2015 per property to \$95 per property in 2015-2016. The state median is \$59. The higher than state median cost is due to the topography of the area, the large number of sewage pump stations and the increasing cost of electricity.

OPTIONS:

Nil

CONCLUSION:

In general, Council has performed well in the benchmarking undertaken by DPI Water.

Where it has been suggested by DPI Water in their proposed Action Plans that items "*may require review*", Council will undertake that review with the aim of improving performance or aligning Council's metrics with DPI Water data requirements.

Irrespective of the advice from DPI Water, Council is undertaking a range of initiatives to reduce energy consumption and costs.

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.	Triple Bottom Line - Water Supply Performance (ECM4609411).
Attachment 2.	Tweed Shire Council Water Supply - Action Plan (ECM4609426).
Attachment 3.	Triple Bottom Line - Sewerage Performance (ECM4609428).
Attachment 4.	Tweed Shire Council Sewerage - Action Plan (ECM4609436).

25 [E-CM] High Water Consumption and High Sewerage Usage Charges for Non-Residential Development

SUBMITTED BY: Water and Wastewater

nhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.3 Utility Services
- 1.3.2 Sewerage Services - to provide high quality and reliable sewage collection and treatment services that meet health and environmental requirements.
- 1.3.4 Water Supply - to provide secure, high quality and reliable drinking water which meets health and environmental requirements

ROLE: Provider

SUMMARY OF REPORT:

Council is progressing with its implementation of High Water Consumption Charge and High Sewerage Usage Charge.

Council is now implementing the High Water Consumption Charge and High Sewerage Usage Charge for businesses renewing their Agreements to Discharge Liquid Trade Waste to Sewer. This may have an adverse impact on some businesses.

Council is proposing to assist businesses in their transition to High Water Consumption Charge and High Sewerage Usage Charge through a range of measures in an assistance package.

RECOMMENDATION:

That Council provides the following assistance to businesses that discharge Liquid Trade Waste to Sewer in their transition to High Consumption Charge and High Sewerage Usage Charge.

- 1. Offering the choice to buy more ET entitlements upfront or transition to the High Consumption and High Sewerage Usage Charges.**
- 2. Waiving the \$451 Section 305 Application fee.**
- 3. Providing assistance to businesses in completing applications for a Certificate of Compliance.**

4. **Providing businesses with a 12 month grace period from the date their Certificate of Compliance is issued before activating the High Water Consumption and or High Sewerage Usage Charges for the property.**
5. **Offering Council funded audits of water consumption and sewerage usage to work with businesses to identify where they can reduce water consumption and therefore sewerage discharge and save money.**

REPORT:

Background

Water Supply and Sewerage Section 64 Developer Charges are up-front charges levied to recover part of the infrastructure costs incurred in servicing new developments and or additions/changes to existing developments.

Section 64 of the Local Government Act 1993 refers to Sections 305, 306 and 307 of the Water Management Act 2000. It is the provisions of the Water Management Act that enable Council to levy the charges. The charges levied fund the infrastructure, required to service developments, such as reservoirs, trunk mains, sewerage treatments plants and pump stations.

A report to Council dated 16 July 2015 identified a range of issues with the then system of levying Section 64 Developer Charges including:

- Not all commercial and industrial developments were captured for Section 64 Developer Charges.
- Entitlements paid for by developers become an asset of the property owner and may not belong to the developer.
- Entitlements granted through payment of Section 64 Developer Charges are not transferable.
- There was no effective measure to identify exceedance of entitlement resulting in loss of revenue from Section 64 Developer Charges.
- Payment, up front, of Section 64 Developer Charges is seen as a disincentive to business development.

At its meeting on 16 July 2015 Council resolved to:

- Provide the developers of subsequent (that is development after the initial development) commercial and industrial developments the option of paying the Excess Use Charges in lieu of upfront or deferred Section 64 Developer Charges.
- Include the Excess Use Charges for water and sewer for Non Residential Properties in the 2016-2017 Fees and Charges.

A further report to Council dated 22 October 2015 renamed the 'Excess Use Charges' to the 'High Consumption Charge and High Sewerage Usage Charge' and provided interim measures until the new charges were listed in the Fees and Charges from 1 July 2016.

A final report on reform of Section 64 Developer Charges was submitted to Council on 16 February 2017. At this meeting, Council resolved that the option of the High Consumption Charge and High Sewerage Usage Charges to be applied in lieu of s64 Developer Charges be made available to all commercial and industrial development after the subdivision of land.

The Subdivision of land and Residential Development are now the only types of development requiring the upfront payment of Section 64 Developer Charges prior to Subdivision Certificate or Construction Certificate respectively. All other types of Commercial and Industrial Development are provided with the option of High Water Consumption Charge and High Sewerage Usage Charges.

The new system addresses the issues with the previous system of levying s64 Developer Charges up front and has introduced a user-pays model. It provides a mechanism by which all commercial and industrial customers will now pay their fair share for the water and wastewater services.

The 2017/2018 Revenue Policy outlines how the Non-Residential High Water Consumption Charge and High Sewerage Usage Charge may be applied:

- In lieu of upfront Section 64 Developer Charges as an incentive to business by reducing their upfront establishment costs.
- Where the water consumption and/or sewerage usage of a property is greater than the ET entitlement for the property.

Council undertakes the assessment of whether the water consumption and/or sewerage usage exceeds the ET entitlement on any application:

- for any Consent Development on the property,
- by the developer (to the Water Authorities requirements) as required under the State Environmental Planning Policy Exempt and Complying Development Codes 2008 for Complying Development,
- to connect or modify a water or sewerage connection, or
- to enter into, modify or renew Agreements for Discharge Liquid Trade Water from the property.

As part of the five yearly renewal process for Agreements to Discharge Liquid Trade Waste to Sewer, Council is auditing the water consumption and sewerage usage of non-residential properties. It has been found that many non-residential properties are using water supply and sewerage services greater than the ET entitlement for the property.

Many of these businesses have been exceeding their ET entitlement for a number of years. Some businesses are not aware that their current water consumption and sewerage usage exceeds their ET entitlement. For many of these businesses, the transition to the High Water Consumption Charge and High Sewerage Usage Charge may have an adverse financial impact.

In recognition of this, it is proposed Council help businesses using in excess of their entitlements transition to paying High Water Consumption Charge and or High Sewerage Usage Charge by:

- Offering the choice to buy more ET entitlements upfront or transition to the High Consumption charge.
- Waiving the \$451 Section 305 Application fee.
- Providing assistance to businesses in completing applications for a Certificate of Compliance.
- Providing businesses with a 12 month grace period from the date their Certificate of Compliance is issued before activating the High Water Consumption Charge and/or High Sewerage Usage Charge for the property.

- Offering Council funded audits of water consumption and sewerage usage to work with businesses to identify where they can reduce water consumption and therefore sewerage discharge and save money.

The above assistance package is for existing trade waste customers only where usage in excess of entitlements has been identified through the Agreements to Discharge Liquid Trade Waste to Sewer renewal process. For all other properties, the High Consumption Charge is activated from the date of the issue of the Section 307 Certificate of Compliance.

OPTIONS:

The options available are to:

1. Assist businesses that discharge liquid trade waste to sewer in their transition to the High Water Consumption Charge and High Sewerage Usage Charges.
2. Provide no assistance to businesses that discharge liquid trade waste to sewer in their transition to High Water Consumption Charge and High Sewerage Usage Charge.

As noted in the Report, for some businesses that discharge liquid trade waste to sewer, the transition to the High Water Consumption Charge and High Sewerage Usage Charge may have an adverse financial impact on the business.

CONCLUSION:

Council is progressing with its implementation of High Water Consumption Charge and High Sewerage Usage Charge.

Council is now implementing the High Water Consumption Charge and High Sewerage Usage Charge for businesses renewing their Agreements to Discharge Liquid Trade Waste to Sewer. This may have an adverse impact on some businesses.

Council is proposing to assist businesses in their transition to the High Water Consumption Charge and High Sewerage Usage Charge through a range of measures.

COUNCIL IMPLICATIONS:

a. Policy:

Business Investment Policy v2.0.
Revenue Policy.

b. Budget/Long Term Financial Plan:

In the long term the implementation of the charges will increase revenue and recoup costs for the funding of development related infrastructure.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

26 [E-CM] RFO2017001 Hastings Point Wastewater Treatment Plant - Sludge Lagoon Upgrade

SUBMITTED BY: Water and Wastewater

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1	Leaving a Legacy
1.3	Utility Services
1.3.3	Wastewater Services - To provide high quality and reliable sewage collection and treatment services that meet health and environmental requirements.

ROLE: Provider

SUMMARY OF REPORT:

Request for Offer RFO2017001 Hastings Point Waste Water Treatment Plant – Sludge Lagoons Upgrade was invited to engage a suitable Civil Contractor to undertake the construction of two new sludge lagoons at the Hastings Point Waste Water Treatment Plant Construction Works includes the following;

- Earthworks excavation to form sludge lagoons
- Concrete lining of the lagoons
- Associated new pipeworks
- Minor roadworks and drainage

An Offer Evaluation was carried out as per Council's Procurement Policy.

BD Plumbing & Roofing Pty Ltd achieved the highest overall assessment score and is therefore deemed as the most advantageous option for Council.

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 RFO2017001 Hastings Point Waste Water Treatment Plant – Sludge Lagoons Upgrade:

1. Council awards the contract to BD Plumbing & Roofing (ABN 68 605 343 851) for the amount of \$1,000,000 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.
3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

REPORT:

Offer Background

Request for Offer RFO2017001 Hastings Point Waste Water Treatment Plant – Sludge Lagoons Upgrade was invited to engage a suitable Civil Contractor to undertake the construction of two new sludge lagoons at the Hastings Point Waste Water Treatment Plant Construction Works includes the following;

- Earthworks excavation to form sludge lagoons
- Concrete lining of the lagoons
- Associated new pipeworks
- Minor roadworks and drainage

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 Offers were advertised on Saturday 29 April 2017 in Brisbane Courier Mail. The Offer was also advertised in Sydney Morning Herald, Tweed link and on Council's website.

Offer submissions closed at 4.00pm (local time) on 24 May 2017 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

Offer Addendums

There was one (1) Notice to Bidders issued before close of Offer.

Addendum No. 001 was issued to advise Bidders of revised pipe description.

Offer Submissions

At the closing time for Offer Submissions, the Tender Box was opened and ten (10) Bidders were recorded as below:

Bidder	ABN
Alder Constructions Pty Ltd	14 456 100 925
Ark Construction Group Pty Ltd	80 112 094 372
BD Plumbing & Roofing Pty Ltd	68 605 343 851
Civil Logic Pty Ltd	81 168 035 498
Eire Constructions Pty Ltd	23 116 308 573
Hornick Constructions Pty Ltd	41 009 668 179
Ledonne Construction Pty Ltd	68 003 117 717
OM Civil Pty Ltd	31 600 791 053
Shamrock Civil Engineering Pty Ltd	68 066 655 856
Synergy Resource Management Pty Ltd	57 120 757 299

Late and/or Non-Conforming Offers

Nil.

Offer Evaluation Panel

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

Position
Capital Works Engineer - Water and Wastewater
Project Manager - Contracts
Project Engineer - Water and Wastewater

Evaluation Criteria

Offers were evaluated as per the Offer Evaluation Plan dated 29 May 2017.

Evaluation Summary

An Offer Evaluation was carried out as per Council's Procurement Policy.

Details of the price and non price evaluation scoring are shown in **Confidential Attachment 2**.

The submission submitted by BD Plumbing & Roofing has scored the highest overall and are considered a reliable Contractor having completed recent construction works for Tweed Coast Holiday Parks to a satisfactory level.

The other submissions do not offer any other advantages that would lead to consideration as alternative Contractor, BD Plumbing & Roofing is therefore deemed as the most advantageous option for Council.

OPTIONS:

That Council:

1. Endorses the recommendations of this report.
2. Does not endorse the recommendations of this report.

CONCLUSION:

It is recommended that:

The Offer from BD Plumbing & Roofing ABN 68 605 343 851 be accepted to the value of \$1,000,000.00 excluding GST.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Budget allocated in 2017/18 Sewer Fund.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. RFO2017001 Offer Evaluation Report (ECM4601700).

(Confidential) Attachment 2. RFO2017001 Offer Evaluation Scoresheet (ECM4601842).

27 [E-CM] RFO2017077 Office Refurbishment Buchanan Street Depot

SUBMITTED BY: Infrastructure Delivery

mhm



People, places and moving around

Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.3 Moving around
- 3.3.2 Construction Services - To manage the construction of Council assets such as transport, drainage, water supply and other infrastructure.

ROLE: **Provider**

SUMMARY OF REPORT:

Request for Offer RFO2017077 was called to engage a suitably qualified and experienced organisation to perform refurbishment activities in relation to internal building repairs as a result of water inundation during the March/April 2017 flood event. Works include Demolition of Internal Non-structural walls, General Carpentry, Rewiring Electrics and Data, Plumbing fitout, Plastering, Floor coverings, Painting, Kitchen Joinery and Bricklaying.

The offer was advertised as per the requirements of the Local Government Regulation 2005 and closed at 4:00pm NSW Local Time on 5 July 2017.

At the time of closing 5 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 RFO2017077 Office Refurbishment Buchanan Street Depot:

1. **Council awards the contract to Desire Contractors Pty Ltd ABN 77 167 694 055 for the amount of \$155,914.54 (exclusive of GST).**
2. **The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.**

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

REPORT:

Offer Background

Request for Offer RFO2017077 Office Refurbishment Buchanan Street Depot was called to engage a suitably qualified and experienced organisation to perform refurbishment activities in relation to internal building repairs as a result of water inundation during the April 2017 flood event.

Works include Demolition of Internal Non-structural walls, General Carpentry, Rewiring Electrics and Data, Plumbing fitout, Plastering, Floor coverings, Painting, Kitchen Joinery and Bricklaying.

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 13 June 2017 in The Sydney Morning Herald and also on Monday 12 June 2017 in the Tweed Link.

Offer Addendums

There was one Notice to Bidders issued before close of Offer.

Addendum No. 001 was issued on 21 June 2017 to advise Bidders of a revised Price Schedule to clarify the scope of work.

Offer Submissions

Offer submissions closed at 4.00pm (local time) on 5 July 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 5 Offers were recorded as below:

Bidder	ABN	Offered Amount (incl GST)
Aizer Building Solutions Pty Ltd	50 121 419 341	Confidential Information
Desire Contractors Pty Ltd	77 167 694 055	
Kane Constructions Pty Ltd	49 007 354 396	
Longhorn Constructions	75 141 480 793	
Lucas Engineering	17 159 594 180	

Offer Evaluation Panel

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

Position
Project Manager - Contracts
Assets Officer – Recreation Services
Construction Foreman – Recreation Services

Evaluation Criteria

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

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

Evaluation Summary

Desire Contractors 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.

Recommendation

It is recommended that the Offer from Desire Contractors Pty Ltd ABN 77 167 694 055 be accepted to the value of \$155,914.54 excl GST.

OPTIONS:

That Council:

1. Awards the contract to Desire Contractors Pty Ltd ABN 77 167 694 055 for the amount of \$155,914.54 (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:

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

It is recommended that the Offer from Desire Contractors Pty Ltd ABN 77 167 694 055 be accepted to the value of \$155,914.54 excluding GST.

COUNCIL IMPLICATIONS:

a. Policy:

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

- Local Government Act 1993 and NSW Local Government (General) Regulation 2005
- Council's Procurement Policy v1.6

b. Budget/Long Term Financial Plan:

RFO2017077 is funded from the March 2017 Flood Recovery allocation. Some or all of these costs may be reimbursable under Council's building insurance, pending the determination of insurance assessors.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. RFO2017077 - Offer Evaluation Report (ECM4623209).

(Confidential) Attachment 2. RFO2017077 - Offer Evaluation Scoring Sheet (ECM4623262).

28 [E-CM] RFO2017067 Tumbulgum Road Murwillumbah Riverbank Stabilisation

SUBMITTED BY: Infrastructure Delivery

Valid



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

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Provider

SUMMARY OF REPORT:

Request for Offer 2017067 Tumbulgum Road Murwillumbah Riverbank Stabilisation was called to engage a suitably qualified and experienced organisation(s) to design and construct Soil Nail riverbank stabilisation works on Tumbulgum Road Murwillumbah between Old Ferry Road and Sunnyside Lane.

At the closing time for submissions, the Tender Box was opened and 4 Offers recorded.

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 RFO2017067 Tumbulgum Road Murwillumbah Riverbank Stabilisation:

1. Council awards the contract to GEO Stabilise Pty Ltd ABN 47 166 054 842 for the amount of \$485,639.88 (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 mid contract and finalisation of the contract.

3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-

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

REPORT:**Offer Background**

Request for Offer 2017067 Tumbulgum Road Murwillumbah Riverbank Stabilisation was called to engage a suitably qualified and experienced organisation(s) to design and construct Soil Nail riverbank stabilisation works on Tumbulgum Road Murwillumbah between Old Ferry Road and Sunnyside Lane.

The successful contractor will engage a suitably experienced Geotechnical Engineer to supervise and certify the construction works on completion. The contractor will be responsible to remove all vegetation between the crest of the road to the water level, scale any loose material and excavate the existing shoulder of the road. Drill and install soil nail anchors, install drilled drainage (if required), install 2 varieties of erosion control matting for the entire face and install high tensile strength steel mesh in the upper half of the embankment.

Request for Offer Advertising

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 6 June 2017 in The Sydney Morning Herald and also in The Tweed Link on 5 June 2017.

Offer Submissions

Offer submissions closed at 4.00pm (local time) on 28 June 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 submissions, the Tender Box was opened and 4 Offers recorded:

Bidder	ABN	Offered Amount (incl GST)
Crosana Pty Ltd	45 943 696 462	Confidential Information
Earthtec	25 093 558 582	
GEO Stabilise	47 166 054 842	
Piling & Civil Australia	79 137 273 682	

Offer Evaluation Panel

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

Position
Project Manager - Contracts
Engineer Assets and Maintenance
Senior Engineer Civil Design

Evaluation Criteria

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

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

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.

Evaluation Summary

GEO Stabilise achieved the highest overall assessment score and is therefore deemed as the most advantageous option for Council.

OPTIONS:

That Council:

1. Awards the contract to GEO Stabilise Pty Ltd ABN 47 166 054 842 for the amount of \$485,639.88 (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:

At the closing time for submissions, the Tender Box was opened and 4 Offers recorded.

GEO Stabilise achieved the highest overall assessment score and is therefore deemed as the most advantageous option for Council. It is recommended that Council awards the contract to GEO Stabilise Pty Ltd ABN 47 166 054 842 for the amount of \$485,639.88 (exclusive of GST).

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Policy v1.6.

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

- Local Government Act 1993 and NSW Local Government (General) Regulation 2005
- Council's Procurement Policy v1.6

b. Budget/Long Term Financial Plan:

Provision for RFO2017067 is included in the 2017/2018 Budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. RFO2017067 - Offer Evaluation Report (ECM 4614814).

(Confidential) Attachment 2. RFO2017067 - Offer Evaluation Scoring Sheet (ECM 4614966).

29 [E-CM] EOIRFO2017082 Expressions of Interest (EOI) for Road Flood Damage Restoration Contractors

SUBMITTED BY: Infrastructure Delivery

mhm



People, places and moving around

Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Provider**

SUMMARY OF REPORT:

Request for Offer EOIRFO2017082 was called to seek interest of suitably qualified and experienced contractors to perform road, bridge and culvert repairs of assets damaged during the March 2017 flood event.

Damage to be repaired includes:

- Abutments of bridges including scoured rock armouring, loss of timber sheeting, scouring around piles
- Causeways buried under soil or debris
- Causeway support scoured or undermined
- Causeway surfaces including concrete surface cracked / broken sections
- Culverts blocked by silt, vegetation or other washed debris
- Culvert pipes or headwalls
- Culvert washout or displacement within road
- Debris washed against bridge in watercourse or on deck/barriers/kerbs
- Embankments including bottom side slips
- Bridge embankments including scoured wingwall batters
- Traffic guardrail requiring replacement or repairs
- Guide posts or delineator markers
- Kerb and gutter including washed away, displaced, or broken
- Scours to infill area between K&G and road cutting or verge
- Land slip / rock falls in roadside corridor (but not onto road or drainage - refer Land Slip on Roadway for this)

- Land slip / rock falls onto road or in table drain area, including top side slips & fallen rocks
- Pavement failures of sealed road as a result of saturation by inundation
- Formations and pavements of sealed roads including scouring & washouts of sections (excludes slips or surface damages or pavement failures)
- Silt, shingle and other deposits on roadway (excludes top side slip removals)
- Wearing surface seals including delaminations, cracking, erosion
- Shoulder failures including scouring, washouts, subsidence outside travel lanes
- Table drain scour or other damage requiring restoration
- Table drains silted up or blocked by debris
- Trees on roadway
- Formations of unsealed roads including washouts of sections (excludes slips or surface damages)

The Offer was advertised as per the requirements of the Local Government Regulation 2005 and closed at 4:00pm NSW Local Time on 5 July 2017.

Council officers are undertaking an assessment of the Offers and a Late Report to Council will be included in the Agenda for consideration at the Council Meeting of 20 July 2017.

RECOMMENDATION:

That Council considers a Late Report for EOI-RFO2017082 Expressions of Interest (EOI) for Road Flood Damage Restoration Contractors.

REPORT:

As per summary.

OPTIONS:

Not applicable.

CONCLUSION:

Not applicable.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Policy v1.6.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

30 [E-CM] RFO2017030 Registration for Interest for Contract Truck Haulage and Plant and Equipment for Tweed and Byron Shire Councils

SUBMITTED BY: Infrastructure Delivery

nhm



People, places and moving around

Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.3 Moving around
- 3.3.2 Construction Services - To manage the construction of Council assets such as transport, drainage, water supply and other infrastructure.

ROLE: Collaborator

SUMMARY OF REPORT:

A panel of providers for Offer RFO2017030 Registration for Interest for Contract Truck Haulage and Plant and Equipment Hire for Tweed and Byron Shire Councils was accepted at the 15 June 2017 Council meeting. It was reported that 117 offers were received with one non-conforming offer.

The one reported non-conforming offer was from Sharp Mini Excavator Hire. A representative from Sharp Mini Excavator Hire later contacted Council and was able to provide evidence that Council's etendering automated reply system confirmed correct documentation was uploaded to Council's etendering portal on time.

The etendering system issue was investigated and the offer was confirmed to be conforming.

RECOMMENDATION:

That in respect to Contract RFO2017030 Registration for Interest for Contract Truck Haulage and Plant and Equipment Hire for Tweed and Byron Shire Councils, Council accepts the Offer from Sharp Mini Excavator Hire for inclusion on the panel of providers.

REPORT:

As part of servicing Council's operational requirements a panel of providers for Offer RFO2017030 Registration for Interest for Contract Truck Haulage and Plant and Equipment Hire for Tweed and Byron Shire Councils was accepted at the 15 June 2017 Council meeting. It was reported that 117 offers were received with one non-conforming offer.

The reported non-conforming offer from Sharp Mini Excavator Hire was deemed non-conforming because only the Notice to Bidders Number 1 was received. It appeared that no other offer schedules had been submitted. During assessment it was checked and confirmed that no other documentation had been submitted from Sharp Mini Excavation Hire through the etendering portal.

After the 15 June 2017 Council meeting, a representative from Sharp Mini Excavator Hire contacted Council. They provided evidence in the form of a notification from Council's etendering automated reply system that two documents had been uploaded to Council's etendering portal. The authenticity of the notification emails was checked and deemed true. An Information Technology (IT) issue had occurred in Councils etendering system as only one document was uploaded however the bidder was notified that both documents had been received. The bidder could not have reasonably known that the document was not uploaded to the etendering system.

The bidder was asked to submit the second document. The "properties" document showed that it was last edited just minutes prior to the time of the return Council email notification, and well before the tender closing time.

The second document makes the offer from Sharp Mini Excavators & Hire, 'conforming'.

On this basis it was considered that the bidders second document should be included for assessment.

The IT issue has subsequently been rectified and will not impact on future etenders.

OPTIONS:

That Council:

1. Accepts the Offer from Sharp Mini Excavator hire as conforming and includes them on the panel of providers for RFO2017030 Registration for Interest for Contract Truck Haulage and Plant and Equipment Hire.
2. Rejects the Offer from Sharp Mini Excavator hire and does not include them on the panel of providers for RFO2017030 Registration for Interest for Contract Truck Haulage and Plant and Equipment Hire.

CONCLUSION:

It appears Council's e-tendering system, rather than bidder error, resulted in the documents from Sharp Mini Excavator Hire not being uploaded correctly. The subsequent copy sent to

Council was edited prior to the offer closing time. The submission by Sharp Mini Excavator Hire is therefore considered "conforming" and should be accepted by Council.

COUNCIL IMPLICATIONS:

a. Policy:

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 v1.6.

In accordance with Local Government (General) Regulations 2005.

b. Budget/Long Term Financial Plan:

Provision for the RFO2017030 Registration for Interest for Contract Truck Haulage and Plant and Equipment Hire for Tweed and Byron Shire Councils is included in the Long Term Financial Plan.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

31 [E-CM] Jack Julius Park

SUBMITTED BY: Design

mhm



Behind the scenes
Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Leader

SUMMARY OF REPORT:

Council received notification from the Registrar General on 1 February 2017 that a caveat had been registered over Lot 66 DP 858466, being Jack Julius Park/Cudgen Foreshore Park, on the northern banks of Cudgen Creek, west of the Cudgen Creek bridge at Kingscliff. The caveator relies on a grant of native title in Kyogle to claim his interest in the parcel.

Lot 66 is Council owned Community land, being a parcel used as a park for the public benefit. Council has owned this parcel since the 1970's. The caveator is claiming ownership of the land on the basis of a grant of native title in Kyogle in 2007.

A claim of ownership over public land cannot arise from a grant of native title, particularly as the grant was over land in Kyogle, which establishes that there is no connection to the land at Kingscliff.

In this regard, it is necessary to lodge an Application for Preparation of a Lapsing Notice, which is a notice, to be prepared by office of the Registrar General, to be delivered to the caveator, that unless a court order is obtained by the caveator that validates the interest claimed, the caveat will lapse.

RECOMMENDATION:

That Council:

1. Approves the lodgement of an Application for Preparation of a Lapsing Caveat over Lot 66 DP 858466 being Jack Julius Park at Kingscliff; and

2. Executes all documentation under the Common Seal of Council.
3. ATTACHMENTS 1 2, 3 and 4 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land

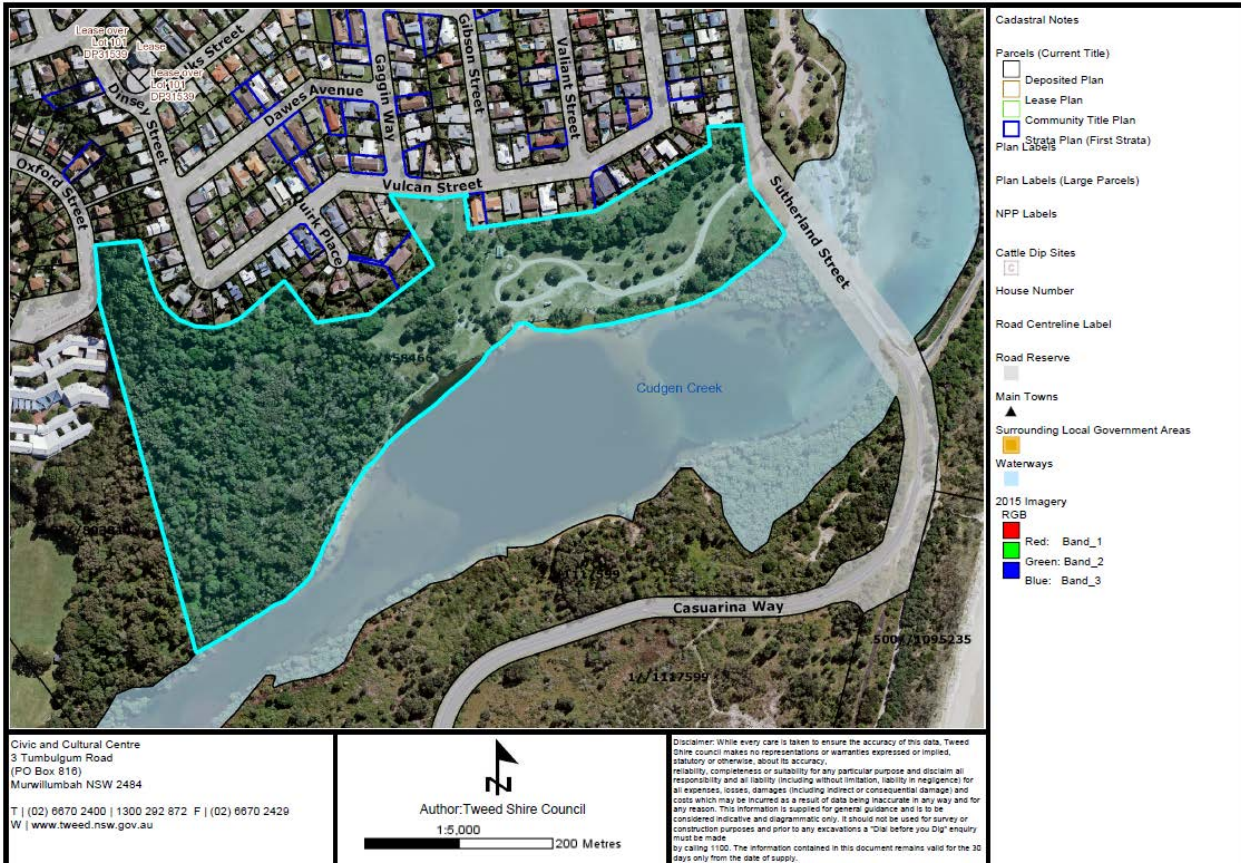
REPORT:

Council received notification from the Registrar General on 1 February 2017 that a caveat had been registered over Lot 66 DP 858466, being Jack Julius Park/Cudgen Foreshore Park, on the northern banks of Cudgen Creek, west of the Cudgen Creek bridge at Kingscliff. This notice and a copy of the registered caveat are attachment 1 to this report.

The plan below shows the location of the affected land:



Jack Julius Park/Cudgen Foreshore Park



The Caveat

A caveat is a mechanism to protect or claim an interest, generally a legal or equitable interest, in land that is owned by someone else, by virtue of an unregistered dealing. Common examples of caveatable interests include the interest of a purchaser under a contract for the sale of the land pending the registration of a Transfer following completion of a contract, or the interest of a mortgagee, whether the mortgage is registered or not registered on the title.

A caveat can be lodged by any person who considers they have a caveatable interest in land, as it will be registered on the Register of Folios held by the Registrar General only, it is not necessary for the title deed to be produced for a caveat to be registered.

The requirements for a caveat fall within the *Real Property Act 1900*, where in Part 7, Division 3, in section 74F(1), it is stated that:

“Any person who, by virtue of any unregistered dealing or by devolution of law or otherwise, claims to be entitled to a legal or equitable estate or interest in land under the provisions of this Act may lodge with the Registrar-General a caveat prohibiting the recording of any dealing affecting the estate or interest to which the person claims to be entitled.”

The Registrar-General's responsibility as to the lodgement of a caveat is an administrative role only, he is not required to be satisfied that the caveator is in fact entitled to the interest claimed.

The Supreme Court is vested with the jurisdiction to determine whether or not the caveator has the interest they claim to have.

The Registrar-General relies on the registered proprietor of the land to respond to protect its own interest in the land, that is, to seek an order from the Supreme Court that the interest claimed under the caveat is valid or not.

Alternatively, the registered proprietor can lodge an Application for a Lapsing Caveat, which when issued by the Registrar-General to the owner of the land, is served on the caveator, who can then seek an order from the Supreme Court that the interest is valid and the caveat can remain.

This is the action sought by Council, as the onus to take action in the Supreme Court falls to the caveator, not with Council.

Interest claimed

In this instance, the caveator is claiming an “Interest in Fee Simple Title”, that is, a claim of ownership of the land, on the basis of the grant of native title in 2007 over land in Kyogle Shire. It is apparent that the caveator is utilising the outcome of a claim for native title, under the provisions of the Commonwealth *Native Title Act 1993*, to claim ownership of land under the *Real Property Act 1900*, utilising a mechanism under the latter Act to protect an interest in land that is not relevant to the grant of native title.

A grant of native title recognises the connection of an Aboriginal group to the land, that the land had been continually used for cultural or traditional purposes, this was established in the Kyogle native title grant. Such a grant does not facilitate a claim of ownership of land, particularly land that is outside the land subject of the native title grant.

It is understood that the caveator is not recognised by the local Aboriginal community as having any right to claim native title rights over land in the Tweed Shire local government area. Minutes of the Aboriginal Advisory Committee meeting of 16 June 2017 of the discussion of this matter show that the Committee resolved as followed:

"LA.1 Jack Julius Park Caveat – Nela Turnbull

Nela Turnbull advised that council has received a notice that a caveat has been lodged over Jack Julius Park, Kingscliff. Nela provided advice that council is dealing with the matter at hand, however, they have decided to defer this matter and seek further advice from the AAC.

Cr Cherry asked for the AAC's guidance on their preferred process for Council to deal with issues of this nature. It was suggested that the AAC be consulted and will provide their advice on an individual case basis.

Moved: Joyce Summers

Seconded: Jackie McDonald

RESOLVED that the AAC Committee supports council's action in seeking the removal of the caveat on Jack Julius Park as it is not a caveatable interest."

The caveator states in Schedule 1 of the caveat, that he is claiming an "Interest in Fee Simple Title" by virtue of a Federal Consent Order ILUA, NCD 2007/001 dated 29 November 2007.

Lot 66 is Council owned Community land, vested in Council as a public reserve, so held by Council for the benefit of the public.

As the ownership interest over Lot 66 claimed by the caveator relies on a grant of native title in Kyogle, this interest cannot be a consequence of that grant nor extend to a claim of ownership of the subject parcel. As noted above in section 74F(1) of the *Real Property Act*, the interest claimed in the caveat must arise from the provisions of that Act, not any other piece of legislation.

Actions taken in response to the Caveat

When Council received the Notice of the Caveat in February, 2017, a Request was lodged with the Land & Property Information (LPI) requesting the removal of the caveat, pursuant to section 32(6) of the *Real Property Act* 1979, which provides:

"That the Registrar-General shall have, and shall be deemed always to have had, power to cancel in such manner as the Registrar-General considers proper and recording in the Register that the Registrar-General is satisfied does not affect the land to which the recording purports to relate."

This Request attracted an LPI requisition on 20 March 2017, which stated:

"the Supreme Court alone has the jurisdiction to determine whether or not the caveator has the interest they claim to have. The role of the Registrar-General with respect to caveats is an administrative function only. In fact, the Registrar-General is not required to be satisfied that the caveator is in fact entitled to the estate or interest claimed in the caveat or otherwise as to the validity of the caveat."

A copy of the Request and LPI response are confidential attachments to this report.

In this regard, the Request has been withdrawn and it is necessary for the Application for a Lapsing Notice to be lodged to initiate the removal of the caveat. An Application was lodged, but attracted a further LPI requisition, as it was necessary for the Application to be executed under the Common Seal of Council, hence the necessity for this report.

Should the caveat be ignored and allowed to remain on title, it can be implied that Council accepts that claim of ownership of the land. As Council has owned the land for over 40 years, for the benefit of the public, the implied acceptance of a claim of ownership by an individual should not be supported.

It is recommended that Council approve the lodgement of the Application for a Lapsing Notice and to sign all documentation under common seal to establish a public position by Council that recognises its obligations to protect the land for the benefit of the public.

OPTIONS:

1. To lodge the Application for Preparation of a Lapsing Caveat; or
2. To ignore the caveat and risk the implication that Council accepts the claim of ownership of public land.

CONCLUSION:

It is recommended that Council approve the lodgement of the Application for a Lapsing Notice to facilitate the removal of the caveat. Such action expresses Council's recognition and acknowledgement of its obligations to continue to hold the land for the benefit of the public and not allow the private claim of ownership to hold any traction.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

No budgetary implications are expected to arise as a result of this report, other than the administrative costs arising from the preparation of documents to remove the caveat.

c. Legal:

If the caveat remains on title it can be implied that Council supports a claim of ownership of the land by an individual which conflicts with Council's ownership of the land as a public reserve for the public benefit.

d. Communication/Engagement:

Inform - We will keep you informed.

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

A Council officer presented details of the caveat and the caveator to the June meeting of the Aboriginal Advisory Committee. As noted in the body of the report, the Committee resolved to support Council's actions to remove the caveat.

UNDER SEPARATE COVER/FURTHER INFORMATION:

- | | |
|-------------------------------------|--|
| <i>(Confidential)</i> Attachment 1: | Notice of Caveat from LPI (ECM 4406062) |
| <i>(Confidential)</i> Attachment 2: | LPI Requisition relating to Request (ECM 4457244) |
| <i>(Confidential)</i> Attachment 3: | Notice of Withdrawal (ECM 4515100) |
| <i>(Confidential)</i> Attachment 4: | LPI Requisition relating to Lapsing Notice (ECM 4518885) |
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REPORTS FROM THE DIRECTOR CORPORATE SERVICES

32 [CS-CM] 2017/2018 Annual Loan Borrowing Program

SUBMITTED BY: Financial Services

mhm



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Provider**

SUMMARY OF REPORT:

The annual loan borrowing requirements adopted in the 2017/2018 Budget total \$1,976,000 and are detailed in the body of this report.

It is Council practice to call quotations for the supply of loan funds from various financial institutions each financial year. This report provides the necessary delegations and resolutions for Council Officers to call for quotations and execute loans as adopted within the 2017/2018 Budget.

RECOMMENDATION:

That

1. **The General Manager and Manager Financial Services be authorised to negotiate acceptance of the loan quotations for 2017/2018 totalling \$1,976,000.**
2. **Relevant loan documentation is to be executed under the Common Seal of Council.**

REPORT:

The annual loan borrowing requirements adopted in the 2017/2018 Budget total \$1,976,000 and are detailed below:-

New Loans

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

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

It is Council practice to call quotations for the supply of loan funds from various financial institutions each financial year. This report provides the necessary delegations and resolutions for Council Officers to call for quotations and execute loans as adopted within the 2017/2018 Budget.

OPTIONS:

Not Applicable.

CONCLUSION:

The General Manager and Manager Financial Services be authorised to negotiate acceptance of the loan quotations for 2017/2018 totalling \$1,976,000 and relevant loan documentation be completed under the Common Seal of Council.

COUNCIL IMPLICATIONS:

a. Policy:

Not Applicable

b. Budget/Long Term Financial Plan:

Loan borrowings were included in the adopted 2017/2018 Budget and Long Term Financial Plan.

c. Legal:

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

Loan borrowings were included in the adopted 2017/2018 Budget and Long Term Financial Plan.

Quotations for the loan borrowing program will be invited from all major financial institutions in due course, depending upon funding requirements for the various loan purposes. The Manager Financial Services as the Responsible Accounting Officer has the following delegation:

"Loan Borrowings-

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

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

33 [CS-CM] Draft Events Sponsorship Policy Version 2.0

SUBMITTED BY: Director

mhm



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

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.1 People
- 3.1.7 Events - To develop, attract and support events that showcase the Tweed's unique characteristics and identity.

ROLE: **Provider**

SUMMARY OF REPORT:

The process of providing both financial assistance and in-kind support to event organisers was reviewed last year in accordance with the actions outlined in the Tweed Shire Events Strategy 2016-2020 Action Plan, adopted by Council on 18 February 2016.

This review resulted in the adoption of the Events Sponsorship Policy Version 1.0, which provides a framework for Council to offer financial assistance to event organisers to develop, host and grow festivals and events in the Tweed Shire.

To complement the Policy the Events Sponsorship Guidelines, Version 1.0 were also developed to give applicants additional information around the timing/logistics, advertising assistance from Council, funding available, how to lodge the application, and who to contact for further information.

As actions continue to be implemented from the Events Strategy over its' four-year implementation period, further reviews and updates may be required of the Events Sponsorship Policy, Events Sponsorship Guidelines and the Events Sponsorship Application Form.

RECOMMENDATION:

That Council:

1. **Places the draft Events Sponsorship Policy, Version 2.0 on public exhibition for a period of 28 days, commencing Monday 24 July 2017, and accepts public submissions for a period of 42 days, up until Monday 4 September 2017 as per Section 160 of the Local Government Act 1993.**

2. Notes the Events Sponsorship Guidelines, Version 1.1.

REPORT:

The process of providing both financial assistance and in-kind support to event organisers was reviewed last year in accordance with the actions outlined in the Tweed Shire Events Strategy 2016-2020 Action Plan, adopted by Council on 18 February 2016.

This review resulted in the adoption of the Events Sponsorship Policy which provides a framework for Council to offer financial assistance to event organisers to develop, host and grow festivals and events in the Tweed Shire.

The aims and objectives of the draft Events Sponsorship Policy version 2.0 are to:

- Drive social, community, environmental and economic outcomes for the Tweed Region (noting the important link between community outcomes and economic benefits).
- Generate local economic activity and development within the Tweed Shire.
- Further develop the region's capacity to deliver authentic and well-organised events.
- Attract external visitation to The Tweed.
- Enhance and honour the personality of the region and desires of the community.

It is recognised that each event has a unique characteristic and therefore the relative importance of these objectives will vary from event to event. The means for qualifying and measuring outcomes related to these objectives is crucial, and are reflected in both the application form and funding agreements for successful applicants. It will also be a requirement to report these outcomes in their project reports and acquittals.

One year on from implementation, and following the assessment and awarding of two rounds of sponsorship applications 2016/2017 and 2017/2018, the Policy (refer Attachment 1) was updated as follows:

- Community Strategic Plan year changed from 2013/2023 to 2017-2027;
- Reference to 'Civic' event was removed as it is considered a Council event and officers would not make application for funding;
- In-kind support now referenced as resource support; and
- Eligibility categories – Location, Previous funding from Council, and Timing of Application removed as they are reflected in the Events Sponsorship Application Form.

To complement the Policy, the Events Sponsorship Guidelines were also developed. These give applicants additional information around the timing/logistics, advertising assistance from Council, funding available, how to lodge the application, and who to contact for further information. Therefore, a result of the changes to the Policy, the Guidelines (refer Attachment 2) also required updating.

OPTIONS:

1. That Council places the draft Events Sponsorship Policy, Version 2.0 on public exhibition for a period of 28 days, commencing Monday 24 July 2017, and accepts public submissions for a period of 42 days, up until Monday 4 September 2017 as per Section 160 of the Local Government Act 1993.
 2. Notes the Events Sponsorship Guidelines, Version 1.1.
-

3. That Council does not place the draft Events Sponsorship Policy Version 2.0 on public exhibition and makes further amendments.

CONCLUSION:

As actions continue to be implemented from the Events Strategy over its' four-year implementation period, further reviews and updates may be required of the Events Sponsorship Policy, Events Sponsorship Guidelines and the Events Sponsorship Application Form.

COUNCIL IMPLICATIONS:

a. Policy:

Community Strategic Plan "Living and Loving the Tweed" 2017-2027
Events Strategy v1.0
Events Sponsorship v1.0
Events Sponsorship Guidelines v1.0
Tweed Shire Economic Development Strategy 2014

b. Budget/Long Term Financial Plan:

A budget allocation has been made in the 2017/2018 Budget for Events Sponsorship funding.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

Subject to Council's support the draft Events Sponsorship Policy version 2.0 will be placed on public exhibition for 28 days, commencing Monday 24 July 2017, with submissions accepted for 42 days from the commencement date of exhibition. A public exhibition notice will appear on Council's website on Monday 24 July 2017, with an advertisement appearing in the Tweed Link on Tuesday 25 July 2017.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Draft Events Sponsorship Policy Version 2.0 (ECM 4581383)

Attachment 2. Events Sponsorship Guidelines, Version 1.1 (ECM 4523906)

34 [CS-CM] Applications for 2017/2018 Events Sponsorship Funding

SUBMITTED BY: Director Corporate Services

mhm



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

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

3	People, places and moving around
3.1	People
3.1.7	Events - Council seeks to showcase the area's unique natural environment and cultural heritage by assisting organisers to stage festivals and other events in Tweed Shire.

ROLE: **Leader**

SUMMARY OF REPORT:

The process of providing both financial assistance and resource support (formerly in-kind) to event organisers was reviewed last year in accordance with the actions outlined in the Tweed Shire Events Strategy 2016-2020 Action Plan, adopted by Council on 18 February 2016.

The review resulted in:

1. The creation of the Events Sponsorship Policy, Version 1.0 which provided the framework for Council to offer financial assistance to event organisers to develop, host and grow festivals and events in the Tweed Shire.
2. Opening the funding round for Events Sponsorship in May, rather than March, as in previous years.

This year the 2017/2018 Events Sponsorship funding round opened on 15 May 2017, and closed on 13 June 2017.

All applications were assessed against the eligibility criteria of the Events Sponsorship Policy Version 1.0, with the applications presented to Councillors in a Councillor Workshop on Thursday 22 June 2017. A table listing all applications received is included in the report, however the application assessment table, in accordance with Section 10A(2)(c) of the Local Government Act 1993, is a confidential attachment to this report.

Council's ongoing support of two local iconic events the Murwillumbah Agricultural Show and Banana Festival was discussed at the workshop.

The long term sustainability of these events in their existing program format was questioned.

Discussion supported that an independent review be undertaken by an external consultant to be funded and engaged by Council to explore contemporary opportunities for these events that capitalise on the region's strong Agribusiness / Food tourism appeal.

RECOMMENDATION:

That:

1. Council allocates the following support under the 2017/2018 Events Sponsorship Policy funding round:

Applicant	Cash	Resource (formerly in-kind)
Bowls Australia Ltd <i>(Australian Indoor Championships)</i>	To be determined	Nil
Caldera Environment Centre Inc. <i>(World Environment Day Festival)</i>	\$5,000	\$2,500
Coolangatta-Mt Warning Dragon Boat Club Inc. <i>(Bridge to Bridge and Corporate Regatta)</i>	\$600	Nil
Creative Caldera <i>(Murwillumbah Art Trail)</i>	To be determined	To be determined
Murwillumbah Rowing Club <i>(Head of the Tweed 2018)</i>	\$1,500	Nil
Tweed District Orchid Society Inc.	\$1,500	Nil
Tweed River Agricultural Society <i>(Murwillumbah Show)</i>	\$7,500	Nil
Tweed Valley Adventist College and Murwillumbah Churches Together <i>(Carols at the College)</i>	To be determined	Nil
Tweed Valley Equestrian Group (TVEG) <i>(TVEG Winter Series)</i>	\$750	Nil
TOTAL	\$16,850	\$2,500

2. Any funding or Council resource support (formerly in-kind) provided to an applicant is conditional upon the terms detailed in the funding agreement between Council and the successful applicant.
3. Council endorses the:
 - a. Engagement of a Consultant to work with Council and the event organisers of the Banana Festival and the Murwillumbah Agricultural Show to prepare a Business Plan for these events.
 - b. Allocate funds from the 2017/2018 Events Sponsorship budget to engage the consultant.

4. **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:

The 2017/2018 Events Sponsorship funding round opened on 15 May 2017, and closed on 13 June 2017. The application round was advertised in the Tweed Link on 16 May, 23 May and 6 June 2017. An information session on event eligibility was held on Tuesday 30 May 2017 from 10am to 11am in the Harvard Meeting Room, Tweed Heads Administration Building, Brett Street, Tweed Heads. This information session had 15 people in attendance representing various organisations/groups.

The aim of the information session was to draw applicant's attention to the eligibility criteria of the Events Sponsorship Policy, particular the need for the event to have a plan. It is important for event organisers to recognise that planning is the most important part of running a successful event. To assist applicants to meet this criteria Council created an Event Management Plan proforma and made it available on-line and on request.

All applications were assessed against the eligibility criteria of the Events Sponsorship Policy Version 1.0, with the applications presented to Councillors in a Councillor Workshop on Thursday 22 June 2017. A table listing all applications received is included in the report, however the application assessment table, in accordance with Section 10A(2)(c) of the Local Government Act 1993, is a confidential attachment to this report.

Council's ongoing support of two local iconic events the Murwillumbah Agricultural Show and Banana Festival was discussed at the workshop.

The long term sustainability of these events in their existing program format was questioned.

Discussion supported that an independent review be undertaken by an external consultant to be funded and engaged by Council to explore contemporary opportunities for these events that capitalise on the region's strong Agribusiness / Food tourism appeal.

Applicant	Event Details	Amount requested
Bowls Australia Ltd	<i>Australian Indoor Championships</i> <i>27-31 August 2017</i> Only indoor bowls event that incorporates qualified male and female state representatives. The event is a knock out competition with 32 qualifiers per gender.	\$20,000
Calder Environment Centre Inc.	<i>World Environment Day Festival 2018</i> <i>3 June 2018</i> To bring community together to learn about ecological sustainability. The objective of the event is to help people learn practical ways to live in an ecologically sustainable manner.	\$5,000
Coolangatta-Mt Warning Dragon Boat Club Inc.	<i>Bridge to Bridge and Corporate Regatta</i> <i>9-10 September 2017</i> The event attracts dragon boat crews from both Queensland and Country NSW. The event will be well-published in the media, including social media platforms.	\$1,120

Applicant	Event Details	Amount requested
Essentially East Coast Inc.	<p><i>Tweed Harvest & Banana Festival</i> 19-20 and 25-27 August 2018 Formerly the Banana Festival. Highlighting agriculture and industry to community. Natural and built environment in a sustainable manner.</p>	\$7,500
Murwillumbah Rowing Club	<p><i>Head of the Tweed 2018</i> 17 June 2018 A community based event that promotes rowing as a sport, creating cohesiveness among other non-powered boating organisations such as dragon boats, outriggers and surf skis.</p>	\$1,500
Tweed-Byron Trail horse Riders Club Inc.	<p><i>Tweed Coast Equestrian Ride</i> 21-22 October 2017 Run over a 40km and 20km course encouraging more local horse riders to become involved in trail riding and endurance riding on the local area trails in the National Parks of the Tweed Shire. Showcasing the diversity of areas for horse riding to visiting horse riders from areas adjoining the Tweed Shire in SE QLD and north/western NSW.</p>	\$5,000
Tweed District Orchid Society Inc.	<p><i>Tweed District Orchid Society Inc.</i> 4-5 November 2017 The event will comprise a fully judged orchid show. In the main auditorium 16 traders from Queensland and as far away as Adelaide will have their stock on sale.</p>	\$1,500
Tweed Heads Croquet Club Inc.	<p><i>Tweed Heads Spring Golf Croquet Festival</i> 22-25 September 2017 To provide competition for local croquet players by attracting competitors from other regions of New South Wales, Queensland and overseas.</p>	\$1,500
Tweed River Agricultural Society	<p><i>Murwillumbah Show</i> 3-4 November 2017 The Murwillumbah Show aims to promote the region, showcasing our best livestock, produce, trades and industries with an informative, educational and fun filled family orientated event. An objective of the show is to continue promoting its agricultural base and rich heritage whilst increasing awareness of the process our produce goes through from farmer to consumer and end product.</p>	\$7,500
Tweed River Classic Boat Regatta	<p><i>Tweed River Classic Boat Regatta</i> 21-23 October 2017 The aim of the event is to bring together people with an interest in classic boats to cruise from Tweed Heads to Murwillumbah and share the interests and skills associated with such craft.</p>	\$1,000

Applicant	Event Details	Amount requested
Tweed Valley Equestrian Group (TVEG)	<i>TVEG Winter Series</i> <i>29 July, 13 August and 2 September</i> The aim of the competition series will be to encourage participation by local members, and provide more events in winter when the weather is more suitable.	\$2,050
	TOTAL	\$61,170

Applications received requesting multi-year funding:

Applicant	Event Date/s & Applicant Description	Amount requested
Cooly Beachfest Pty Ltd	<i>Cooly Beachfest</i> <i>17 March 2018</i> We are bringing what will become a leading music festival in conjunction with the Quicksilver Pro – celebrating beach and surfing lifestyle.	\$20,000
Creative Caldera	<i>Murwillumbah Art Trail</i> <i>24-27 May 2018</i> Providing opportunities for regional artists of the Tweed Shire and surrounds to exhibit and reach a wider audience. Provide professional development opportunities for artists as they curate and promote their own group exhibitions. To activate the empty shops in Murwillumbah. To create a creative experiential art event to attract tourists to Murwillumbah	\$20,000
Island Style Promotions	<i>Australian Longboard Surfing Open</i> <i>21-25 March 2018</i> The promotion of surfing as a healthy and enjoyable sport for pleasure and competition. To encourage interstate and international visitors and surfers to the Tweed Coast. To highlight and promote as a world class surfing destination. To support the development and growth of business in Northern NSW. To create awareness of the event nationally and internationally.	\$20,000
	TOTAL	\$60,000

Applications not eligible for Council funding:

Applicant	Event Date/s & Applicant Description	Comment
Murwillumbah Property Investors Networking Group	<p><i>Murwillumbah Property Investors Networking Group</i> 17 October 2017, 20 February 2018, 15 May 2018</p> <p>We organise networking meetings for Property Investors to meet, discuss, exchange and share experience and knowledge while benefiting from the varying skills of each other with no hard sales guaranteed!</p>	A non-complying application as it does not meet the eligibility criteria.
Murwillumbah Touch Association	<p><i>Northern Rivers Touch League</i> June long weekend 2018</p> <p>The objective of event is to crown the Champion Touch team that plays in this Northern Rivers event. Our aim is to attract world class Touch Football athletes to participate in our country town to showcase and include locals that don't get opportunities to play alongside/against or watch these people.</p>	<p>A non-complying application as it requested assistance with infrastructure.</p> <p>Other streams of funding recommended.</p>

OPTIONS:

That Council:

1. Allocates the recommended financial support under the 2017/2018 Events Sponsorship Policy funding round, and agrees to enter into an Events Sponsorship Agreement with the successful applicants, based on either one-year or multi-year support.
2. Does not allocate funding under the 2017/2018 Events Sponsorship Policy at this point in time.

CONCLUSION:

In addition to financial assistance, Council will continue to review what other forms of assistance that could be provided to event organisers so that they may develop, host and grow successful events in the Tweed Shire.

One example of this assistance is re-establishing the quarterly Event Workshops, with modules focusing on completing application forms, risk management, budgeting, and other important components of event planning. The first of these workshops is tentatively scheduled for late August 2017.

COUNCIL IMPLICATIONS:

a. Policy:

Events Strategy v1.0
Events Sponsorship v1.0

The Events Sponsorship Policy will be reviewed in conjunction with the Community Sponsorship Policy as required, and to assist in implementing the actions from the Tweed Shire Events Strategy 2016-2020.

b. Budget/Long Term Financial Plan:

2017/2018 budget allocation:

Events Sponsorship \$70,535 (minus \$36,000 of this amount is already committed in multi-year funding agreements).

Total amount for distribution is \$34,535

Council entered into six (6) multi-year funding agreements in 2016/2017 with the following committed funds for 2017/2018:

Applicant	2017/2018
Cooly Rocks On	Amount to be determined, and subject to acquittal from 2017 event
Murwillumbah Festival of Performing Arts Inc.	\$7,500
Tweed Food Fest Inc.	\$7,500
Rhythmicana Festival	\$10,000
Tyalgum Music Festival Inc.	\$3,500
Battle of the Border	\$7,500
TOTAL	\$36,000

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

Advice appeared on Council's website on Monday 15 May 2017 that the Events Sponsorship application round was open from Monday 15 May until Tuesday 13 June 2017. An advertisement providing details of the application round appeared in the Tweed Link on 16 May, 23 May and 6 June 2017.

An information session was held on event eligibility on Tuesday 30 May 2017 from 10am to 11am in the Harvard Meeting Room, Tweed Heads Administration Building, Brett Street, Tweed Heads.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Events Sponsorship Policy Assessment Table – 2017/2018 Applications for Funding (ECM 4616953).

35 [CS-CM] Monthly Investment and Section 94 Development Contribution Report for Period ending 30 June 2017

SUBMITTED BY: Financial Services

mhm



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

SUMMARY OF REPORT:

The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested. The Manager Financial Services, being the Responsible Accounting Officer, certifies that investments have been made in accordance with Section 625 of the Local Government Act (1993), Clause 212 of the Local Government (General) Regulations and Council policies. Council had **\$288,445,462** invested as at **30 June 2017** and the accrued net return on these funds was **\$674,289 or 2.80%** 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 June 2017 totalling \$288,445,462 be received and noted.

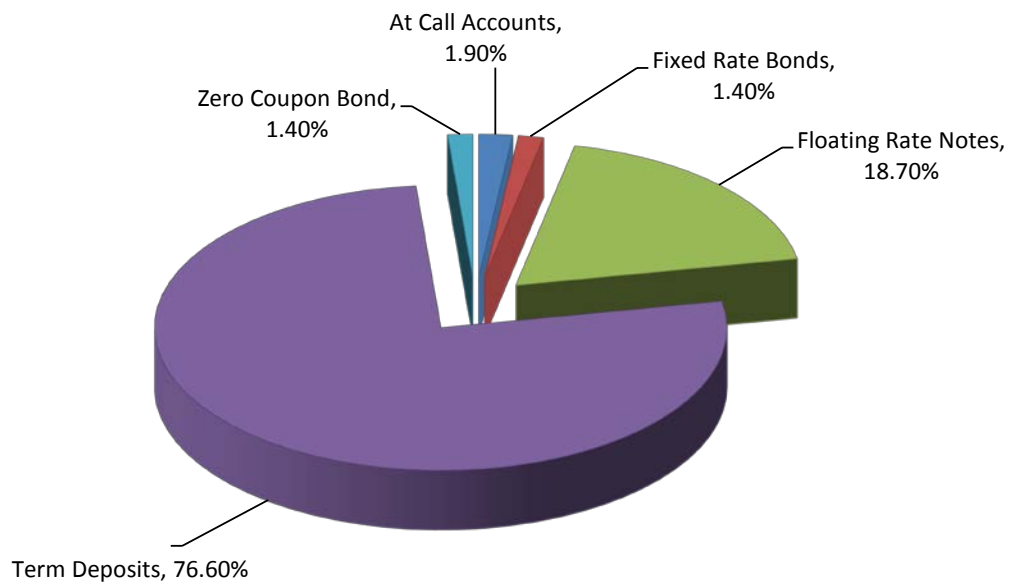
REPORT:

1. Restricted Funds as at 1 September 2016

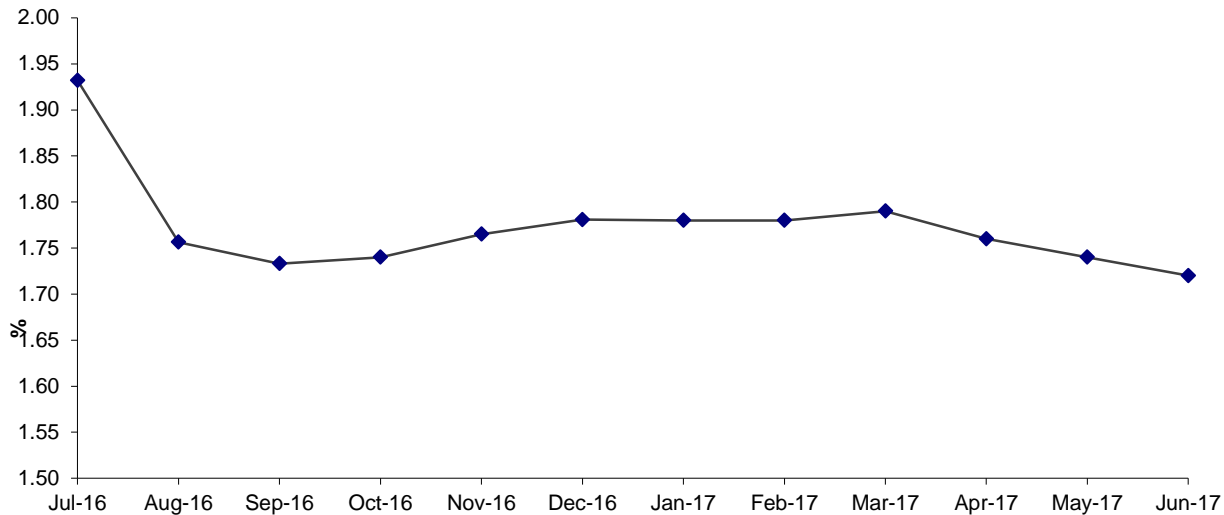
Description	(\$'000)			
	General Fund	Water Fund	Sewer Fund	Total
Externally Restricted (Other)	4,620	41,915	69,816	116,351
Crown Caravan Parks	19,035			19,035
Developer Contributions	31,046	1,701		32,747
Domestic Waste Management	14,912			14,912
Grants	4,846			4,846
Internally Restricted (Other)	48,756			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
AMP (Morgans) (6/18)	1,000,000.00	1,004,110.00	2.60	FRN	06-Jun-18
ANZ (04/20)	1,600,000.00	1,616,576.00	2.59	FRN	17-Apr-20
* ANZ Green Bond (06/20)	2,000,000.00	2,034,460.00	3.25	Fixed Rate Bond	03-Jun-20
* Bendigo (RBS) (11/18)	1,000,000.00	1,010,620.00	3.01	FRN	14-Nov-18
* Bendigo (Westpac) (08/20)	1,000,000.00	1,004,630.00	2.84	FRN	18-Aug-20
* Bendigo Bank (04/21)	3,000,000.00	3,056,310.00	3.21	FRN	20-Apr-21
* Bendigo Bank FRN (CBA) (02/20)	1,000,000.00	1,005,410.00	2.84	FRN	21-Feb-20
* BOQ (06/18)	1,000,000.00	1,016,440.00	4.00	Fixed Rate Bond	12-Jun-18
* BOQ (06/18)	1,000,000.00	1,004,150.00	2.72	FRN	12-Jun-18
* BOQ (10/20)	2,500,000.00	2,521,825.00	2.92	FRN	20-Oct-20
CBA (01/21)	1,000,000.00	1,020,700.00	2.93	FRN	18-Jan-21
CBA (04/19)	1,000,000.00	1,012,000.00	2.63	FRN	24-Apr-19
CBA (10/19)	2,000,000.00	2,023,540.00	2.62	FRN	18-Oct-19
CBA Bond (04/19)	1,000,000.00	1,040,150.00	4.25	Fixed Rate Bond	24-Apr-19

	Counterparty	Face Value	Market Value	% Return on Face Value	Investment Type	Maturity Date
	CBA/Merrill Lynch Zero Coupon Bond (01/18)	4,000,000.00	3,917,600.00	7.17	Fixed Rate Bond	22-Jan-18
*	CUA (04/19)	1,900,000.00	1,978,626.00	3.40	FRN	01-Apr-19
*	CUA (04/19)	2,000,000.00	1,978,626.00	3.40	FRN	01-Apr-19
*	CUA (12/17)					
	ANZ Heritage (Morgans) (05/18)	1,000,000.00	1,002,150.00	2.92	FRN	22-Dec-17
*	Macquarie (ANZ) (10/18)	3,000,000.00	3,014,640.00	2.89	FRN	07-May-18
	Macquarie (RIMSEC) (03/20)	1,000,000.00	1,009,340.00	2.80	FRN	26-Oct-18
	ME Bank (04/18)	2,000,000.00	2,017,940.00	2.83	FRN	03-Mar-20
*	ME Bank (ANZ) (07/19)	1,000,000.00	1,008,490.00	3.07	FRN	17-Apr-18
*	ME Bank (ANZ) (11/17)	1,000,000.00	1,010,270.00	3.22	FRN	18-Jul-19
*	NPBS (Morgans) (02/18)	2,000,000.00	2,007,480.00	2.74	FRN	17-Nov-17
*	NPBS (WBC) (01/22)	1,000,000.00	1,003,300.00	2.88	FRN	27-Feb-18
*	NPBS (Westpac) (04/20)	2,000,000.00	2,020,960.00	3.40	FRN	24-Jan-22
*	Rabo (ANZ) (03/21)	2,000,000.00	2,013,980.00	3.14	FRN	07-Apr-20
	Rabo (Morgans) (02/20)	2,000,000.00	2,051,100.00	3.23	FRN	04-Mar-21
*	Suncorp (04/21)	2,000,000.00	2,023,440.00	2.79	FRN	11-Feb-20
*	Suncorp (11/19)	2,000,000.00	2,044,960.00	3.15	FRN	12-Apr-21
*	Suncorp (CBA) (08/19)	1,000,000.00	1,000,880.00	2.47	FRN	05-Nov-19
*	Suncorp (NAB) (10/20)	1,000,000.00	1,004,000.00	2.68	FRN	20-Aug-19
*	Suncorp Metway (Covered Bond) (06/21)	3,000,000.00	3,050,640.00	3.00	FRN	20-Oct-20
*	TMB (NAB) (10/19)	2,000,000.00	2,019,200.00	2.82	FRN	22-Jun-21
		1,250,000.00	1,258,300.00	3.15	FRN	28-Oct-19

Counterparty	Face Value	Market Value	% Return on Face Value	Investment Type	Maturity Date
* Westpac (07/20)	2,000,000.00	2,022,260.00	2.65	FRN	28-Jul-20
* Westpac (WBC) (10/20)	1,000,000.00	1,016,360.00	2.83	FRN	28-Oct-20
	61,250,000.00	61,845,463.00	3.11		
LEGEND					
Investment Type		ABS = Asset Backed Security 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
* Bendigo Bank (Dec 2017)	15-Dec-15	18-Dec-17	18-Dec-17	2,000,000.00	3.15
QLD PCU (Curve) May 2018)	17-May-16	22-May-18	22-May-18	2,000,000.00	3.15
Rabo Bank (Curve) (May 2020)	20-May-16	19-May-18	19-May-20	2,000,000.00	3.20
Defence Bank (Curve) (May 2018)	25-May-16	28-May-18	28-May-18	1,000,000.00	3.05
Australian Military Bank (Curve) (July 2017)	05-Jul-16	11-Jul-17	11-Jul-17	1,000,000.00	3.15
RaboDirect (Curve) (Jul 2021)	27-Jul-16	27-Jul-17	27-Jul-21	1,000,000.00	3.30
AMP (Curve) (Aug 2017)	03-Aug-16	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	3.00
RaboDirect (Curve) (Aug 2019)	07-Aug-16	07-Aug-17	13-Aug-19	2,000,000.00	4.30
* 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	3.20
MMBS (Curve) (Aug 2018)	15-Aug-16	16-Aug-17	21-Aug-18	2,000,000.00	3.00

	Counterparty	Lodged or Rolled	Interest Due	Maturity Date	Principal	% Yield
	Rabo (RIMSEC) (Feb 2018)	19-Aug-16	21-Aug-17	20-Feb-18	3,000,000.00	3.00
	Rabo Bank (Curve) (Aug 2018)	21-Aug-16	21-Aug-17	21-Aug-18	2,000,000.00	4.10
*	Bendigo Bank (Aug 2019)	23-Aug-16	23-Aug-17	27-Aug-19	5,000,000.00	2.90
	CBA (Oct 2019)	23-Aug-16	23-Aug-17	23-Oct-19	1,999,999.00	3.20
	Rabo (Curve) (Aug 2018)	26-Aug-16	26-Aug-17	28-Aug-18	3,000,000.00	3.00
*	Bendigo Bank (Curve) (Mar 2018)	31-Aug-16	31-Aug-17	06-Mar-18	2,000,000.00	2.70
*	MyState (Curve) (July 2017)	01-Sep-16	04-Jul-17	04-Jul-17	2,000,000.00	2.70
	Rabo Bank (Curve) (Sept 2019)	01-Sep-16	01-Sep-17	03-Sep-19	1,000,000.00	4.05
*	Bendigo Bank (Sept 2019)	03-Sep-16	03-Sep-17	03-Sep-19	1,000,000.00	4.15
	QLD PCU (RIMSEC) (Sept 2018)	05-Sep-16	04-Sep-17	04-Sep-18	1,000,000.00	3.05
	NAB (Sept 2017)	13-Sep-16	12-Sep-17	12-Sep-17	3,000,000.00	2.69
	P&N Bank (RIMSEC) (Sept 2017)	21-Sep-16	21-Sep-17	21-Sep-17	1,000,000.00	4.00
	NAB (Oct 2017)	04-Oct-16	03-Oct-17	03-Oct-17	2,000,000.00	2.77
	NAB (Oct 2017)	18-Oct-16	17-Oct-17	17-Oct-17	2,000,000.00	2.80
	NAB (Oct 2017)	18-Oct-16	17-Oct-17	17-Oct-17	4,000,000.00	2.80
	Bendigo (Oct 2017)	19-Oct-16	17-Oct-17	17-Oct-17	4,000,000.00	2.85
	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	3.00
	Rabo (Curve) (Jul 2018)	26-Nov-16	26-Nov-17	03-Jul-18	3,000,000.00	3.10
*	Bendigo Bank (Curve) (Dec 2017)	07-Dec-16	12-Dec-17	12-Dec-17	2,000,000.00	2.85
	RaboDirect (Curve) (Jan 2019)	15-Jan-17	15-Jan-18	15-Jan-19	1,000,000.00	4.00
*	BOQ (Jan 2017)	17-Jan-17	15-Jan-18	15-Jan-19	2,000,000.00	3.05

	Counterparty	Lodged or Rolled	Interest Due	Maturity Date	Principal	% Yield
*	ME Bank (Curve) (Jan 2020)	24-Jan-17	24-Jan-18	28-Jan-20	2,000,000.00	3.26
*	Suncorp (May 2015)	31-Jan-17	01-Aug-17	01-Aug-17	2,000,000.00	2.65
*	Bankwest (Feb 2017)	07-Feb-17	11-Jul-17	11-Jul-17	3,000,000.00	2.60
*	Auswide Bank (Curve) (Feb 2017)	07-Feb-17	13-Feb-18	13-Feb-18	1,000,000.00	2.80
*	Rural (Curve) (Feb 2017)	14-Feb-17	19-Sep-17	19-Sep-17	2,000,000.00	2.65
*	CUA (Curve) (Feb 2017)	14-Feb-17	16-Jan-18	16-Jan-18	2,000,000.00	2.80
*	Bendigo (Curve) (Feb 2017)	14-Feb-17	13-Feb-18	13-Feb-18	2,000,000.00	2.70
*	Bendigo Bank (Feb 2018)	16-Feb-17	13-Feb-18	13-Feb-18	3,000,000.00	3.10
*	BOQ (Aug 2017)	21-Feb-17	22-Aug-17	22-Aug-17	4,000,000.00	2.70
*	ING (Curve) (Aug 2017)	21-Feb-17	29-Aug-17	29-Aug-17	1,000,000.00	2.60
*	BOQ (Feb 2017)	28-Feb-17	27-Feb-18	27-Feb-18	2,000,000.00	2.70
*	Defence Bank (Curve) (Mar 2019)	28-Feb-17	28-Feb-18	05-Mar-19	1,000,000.00	3.00
	Rural Bank (Curve) (Mar 2018)	28-Feb-17	06-Mar-18	06-Mar-18	4,000,000.00	2.70
	CBA (Aug 2017)	01-Mar-17	01-Aug-17	01-Aug-17	4,000,000.00	2.60
*	ING Bank (Aug 2017)	01-Mar-17	29-Aug-17	29-Aug-17	3,000,000.00	2.70
*	MEB (Curve) (Mar 2018)	01-Mar-17	06-Mar-18	06-Mar-18	2,000,000.00	3.13
	CBA (Mar 2018)	07-Mar-17	06-Mar-18	06-Mar-18	4,000,000.00	2.71
	BCU (Curve) (Mar 2018)	07-Mar-17	07-Mar-18	13-Mar-18	1,000,000.00	2.85
*	Rural Bank (Curve) (Mar 2017)	07-Mar-17	07-Mar-18	13-Mar-18	1,000,000.00	2.70
	RaboBank (RIMSEC)	07-Mar-17	07-Mar-18	10-Mar-20	2,000,000.00	3.00
*	Westpac (Curve) (Mar 2018)	14-Mar-17	20-Mar-18	20-Mar-18	4,000,000.00	2.65
	ING (Curve) (Sept 2017)	21-Mar-17	12-Sep-17	12-Sep-17	3,000,000.00	2.66
*	Suncorp (Mar 2017)	21-Mar-17	19-Sep-17	19-Sep-17	4,000,000.00	2.62
	ING Bank (Curve) (Sept 2017)	21-Mar-17	26-Sep-17	26-Sep-17	1,000,000.00	2.70

	Counterparty	Lodged or Rolled	Interest Due	Maturity Date	Principal	% Yield
	Police SA (Curve)	21-Mar-17	19-Dec-17	19-Dec-17	2,000,000.00	2.85
*	Bankwest (Jan 2017)	28-Mar-17	29-Aug-17	29-Aug-17	2,000,000.00	2.60
*	Suncorp (March 2017)	28-Mar-17	19-Dec-17	19-Dec-17	2,000,000.00	2.60
*	Rural (Curve) (Jan 2018)	28-Mar-17	23-Jan-18	23-Jan-18	1,000,000.00	2.70
*	BOQ (Mar 2017) quarterly interest	28-Mar-17	20-Mar-18	20-Mar-18	2,000,000.00	2.65
*	IMB (Jan 2020)	06-Apr-17	06-Jul-17	06-Jan-20	1,000,000.00	2.79
*	Westpac (Apr 2021) quarterly interest	07-Apr-17	07-Jul-17	07-Apr-21	1,000,000.00	3.09
*	Westpac (Jan 2021)	11-Apr-17	11-Jul-17	12-Jan-21	6,000,000.00	2.87
	NAB (Jan 2020)	18-Apr-17	17-Jul-17	21-Jan-20	2,000,000.00	2.90
	ING (RIMSEC) (Jan 2019)	01-May-17	31-Jul-17	29-Jan-19	2,000,000.00	2.62
*	Suncorp (Nov 2017)	02-May-17	14-Nov-17	14-Nov-17	2,000,000.00	2.62
*	Suncorp (Nov 2017)	02-May-17	14-Nov-17	14-Nov-17	2,000,000.00	2.62
	NAB (Feb 2020)	03-May-17	03-Aug-17	03-Feb-20	1,000,000.00	2.79
*	IMB (Nov 2017)	05-May-17	08-Aug-17	06-Nov-17	1,000,000.00	2.59
	AMP (RIMSEC) (May 2017)	09-May-17	13-Feb-18	13-Feb-18	3,000,000.00	2.70
	ING (RIMSEC) (Feb 2020)	11-May-17	11-Aug-17	11-Feb-20	1,000,000.00	2.69
	NAB (Feb 2020) annual interest	12-May-17	14-Aug-17	12-Feb-20	2,000,000.00	2.89
	CBA (Feb 2020)	15-May-17	14-Aug-17	13-Feb-20	1,000,000.00	2.64
*	Westpac (Feb 2022)	15-May-17	15-Aug-17	15-Feb-22	3,000,000.00	3.00
*	Westpac (Curve) (Feb 2021)	17-May-17	17-Aug-17	17-Nov-21	1,000,000.00	2.94
*	Westpac (Feb 2021)	17-May-17	17-Aug-17	17-Nov-21	1,000,000.00	3.00
*	Westpac (Feb 2021)	18-May-17	18-Aug-17	18-Feb-21	2,000,000.00	2.97
	CBA (May 2020)	19-May-17	19-Aug-17	19-May-20	2,000,000.00	2.46
	CBA (May 2020)	19-May-17	21-Aug-17	19-May-20	1,000,000.00	2.61
	NAB (May 2018)	22-May-17	22-Aug-17	22-May-18	2,000,000.00	2.70
*	Bendigo Bank (Curve) (May 2018)	22-May-17	22-May-18	22-May-18	2,000,000.00	3.05
	Police SA (Curve) (May	23-May-17	23-May-18	28-May-19	2,000,000.00	3.00

Counterparty	Lodged or Rolled	Interest Due	Maturity Date	Principal	% Yield
2019) Defence Bank (Curve) (June 2019)	23-May-17	23-May-18	04-Jun-19	2,000,000.00	3.00
* Westpac Bank (May 2021)	23-May-17	24-May-18	24-May-21	3,000,000.00	2.75
* Westpac (Aug 2020)	25-May-17	25-Aug-17	25-Aug-20	2,000,000.00	2.47
Rabobank (Curve) (June 2021)	30-May-17	30-May-18	01-Jun-21	3,000,000.00	3.10
CBA (Aug 2021)	31-May-17	31-Aug-17	31-Aug-21	6,000,000.00	3.40
* Bendigo Bank (Curve) (June 2019)	01-Jun-17	01-Jun-18	04-Jun-19	2,000,000.00	3.15
Defence Bank (Curve) (June 2018)	01-Jun-17	05-Jun-18	05-Jun-18	1,000,000.00	3.05
* Suncorp Bank (Feb 2018)	13-Jun-17	13.02.18	13-Feb-18	5,000,000.00	2.60
* IMB (Mar 2020)	19-Jun-17	18-Sep-17	17-Mar-20	2,000,000.00	2.77
NAB (Dec 2019)	19-Jun-17	19-Sep-17	17-Dec-19	2,000,000.00	2.77
* Heritage Bank (Aug 2017)	28-Jun-17	15-Aug-17	15-Aug-17	5,000,000.00	2.60
ING (Curve) (Dec 2018)	05-Jul-17	05-Jun-18	05-Dec-18	3,000,000.00	2.65
* BOQ (Aug 2017)	06-Aug-17	08-Aug-17	08-Aug-17	1,000,000.00	3.00
* BOQ (Aug 2017)	06-Aug-17	08-Aug-17	08-Aug-17	2,000,000.00	3.00
Total				220,999,999.00	2.92
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			

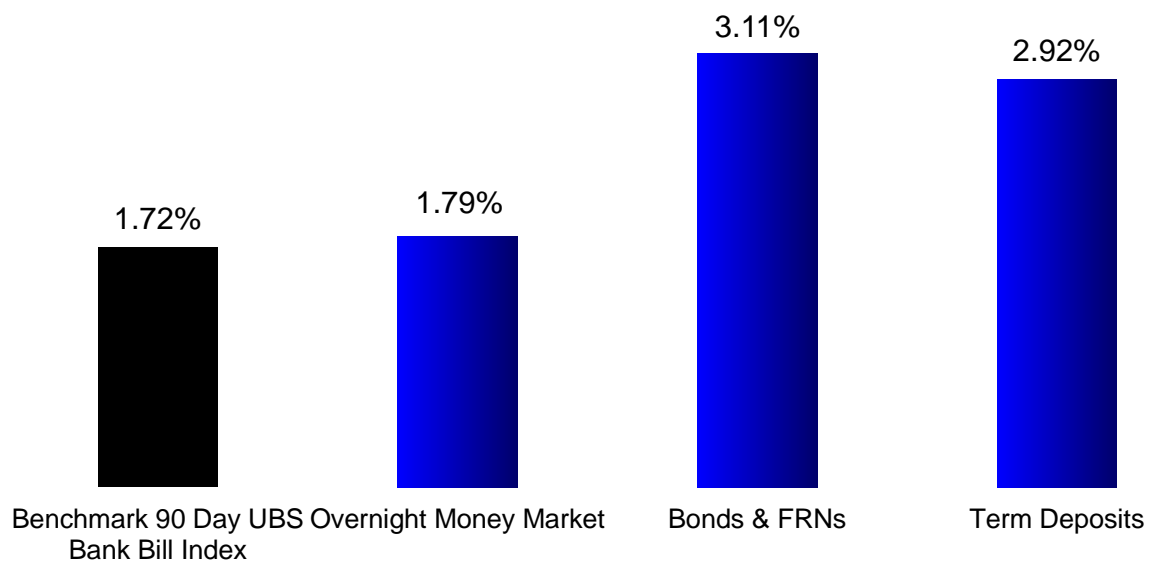
6. Ethical Investments

* Ethical Financial Institutions highlighted
\$159,959,586 which represents **55.46%** of the total portfolio
 Source: Australian Ethical - www.australianethical.com.au

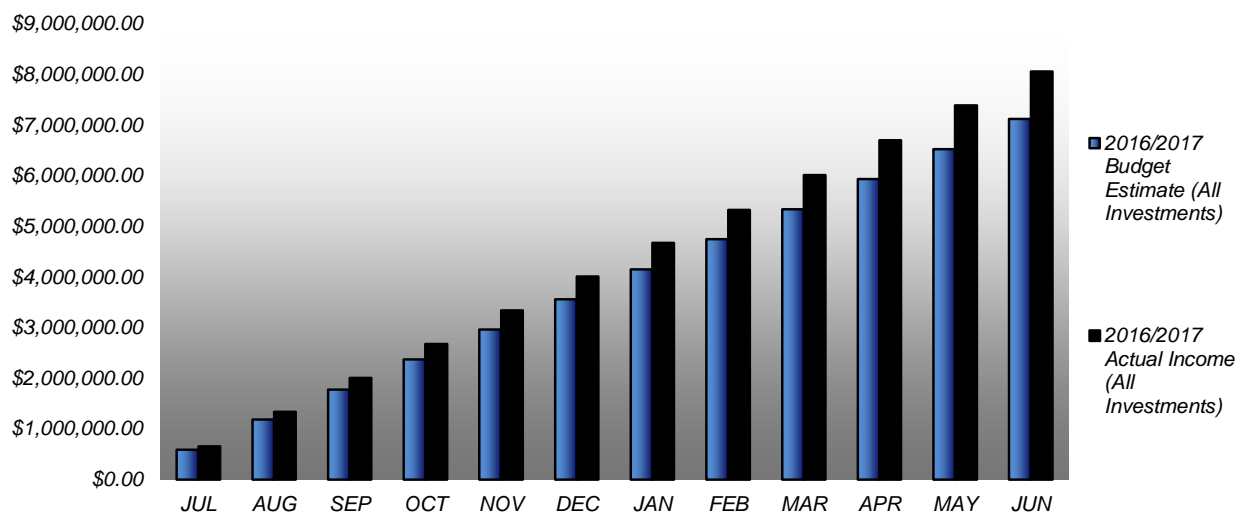
7. Performance by Category

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			1.72%	
Overnight Money Market	5,600,000.00	5,600,000.00	1.79%	0.07%
Bonds & FRNs	61,250,000.00	61,845,463.00	3.11%	1.39%
Term Deposits	220,999,999.00	220,999,999.00	2.92%	1.20%
			Weighted Average Total Portfolio	
	287,849,999.00	288,445,462.00	2.94%	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%	0.70%	A-1+	100%	19.62%
AA Category	100%	10.30%	A-1	100%	15.60%
A Category	60%	9.99%	A-2	60%	31.90%
BBB Category	20%	7.38%	A-3	20%	1.04%
Unrated	10%	0.00%	Unrated	10%	3.47%

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	51.16%	Minimum 40%
More than 365 days and less than 3 years	29.48%	Maximum 60%
3 years and less than 5 years	19.36%	Maximum 35%
Total	100.00%	

Market Value by Term Remaining

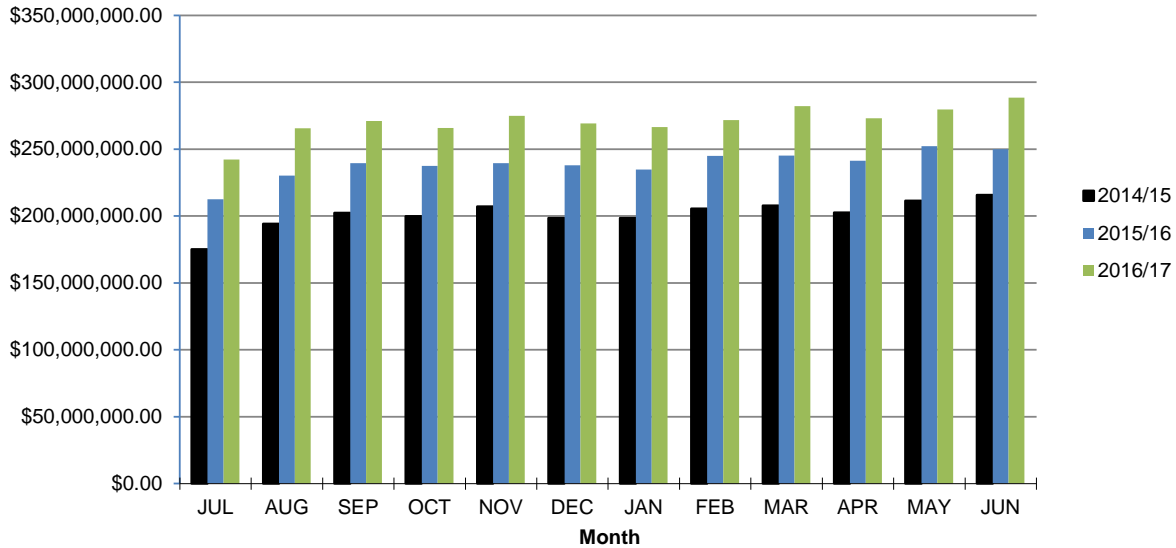


11. Investment Alternatives Explained

Investment Product	Maturity Range	Usual term to maturity	Major Benefits	Major risks
At Call Cash	At Call	Immediate to a few months	Highly liquid - same day access to funds with no impact on capital	Not a capital growth asset
			Highly secure as a bank deposit	Underperforms other asset classes in the long term
Bank Bill	1 - 180 days	Less than 1 year	Medium liquidity - generally some notice to access funds, usually with no or minimal impact on capital	Not a growth asset
			Highly secure (bank risk)	Underperforms other asset classes in the long term
				May incur a small loss for early redemption
Term Deposit	Up to 5 years	Less than 2 years	Not liquid - generally 31 days to access to funds	Will incur a significant capital loss for early termination
			Highly secure as a bank deposit	Underperforms growth assets in the longer term
Floating Rate Note Bond	1 - 5 years	Greater than 2 years	Increased yield over bank bills	Not a growth asset
			Can accrue capital gain if sold ahead of maturity and market interest rates have fallen	Can incur capital losses is sold ahead of maturity and market interest rates have risen

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

12. Monthly Comparison of Total Funds Invested



13. Section 94 Developer Contributions - Monthly Balances & Receipts

Contribution Plan	Plan Description	End of Month Balance	Contributions Received for Month
1	DCP3 Open Space	4,541,061	
2	Western Drainage	642,495	
3	DCP3 Community Facilities	1,739	
4	TRCP Road Contributions	16,138,280	693,099
5	Open Space	587,774	18,413
6	Street Trees	205,807	
7	West Kingscliff	909,239	5,865
10	Cobaki Lakes	-1,439	
11	Libraries	2,314,660	46,028
12	Bus Shelters	126,909	3,456
13	Cemeteries	133,628	6,698
14	Mebbin Springs	96,164	
15	Community Facilities	1,741,824	53,972
16	Surf Lifesaving	102,483	113
18	Council Administration/Technical Support	1,816,457	95,809
19	Kings Beach	927,328	
20	Seabreeze Estate	802	
21	Terranora Village	34,606	
22	Cycleways Shirewide	202,468	24,830
23	Carparking Shirewide	1,516,766	
25	SALT	1,134,564	
26	Open Space Shire wide	1,747,722	264,962
27	Tweed Heads Masterplan	365,893	
28	Seaside City	618,721	
91	DCP14	115,083	
92	Public Reserve Contributions	137,399	
95	Bilambil Heights	562,762	
	Total	36,721,196	1,213,246

14. Economic Commentary

Australian and World Economy and Cash Rate

At its 4 July, 2017 meeting the Reserve Bank of Australia (RBA) decided to leave the cash rate unchanged at 1.50 per cent.

The broad-based pick-up in the global economy is continuing. Labour markets have tightened further in many countries and forecasts for global growth have been revised up since last year. 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 rise in commodity prices over the past year has boosted Australia's national income.

Headline inflation rates, having moved higher over the past year, have declined recently in response to lower oil prices. Wage growth remains subdued in most countries, as does core inflation. Further increases in US interest rates are expected and there is no longer an expectation of additional monetary easing in other major economies. Financial markets have been functioning effectively and volatility has been low.

As expected, GDP growth slowed in the March quarter, partly reflecting temporary factors. The Australian economy is expected to strengthen gradually, with the transition to lower levels of mining investment following the mining investment boom almost complete. Business conditions have improved and capacity utilisation has increased. Business investment has picked up in those parts of the country not directly affected by the decline in mining investment. At the same time, consumption growth remains subdued, reflecting slow growth in real wages and high levels of household debt.

Indicators of the labour market remain mixed. Employment growth has been stronger over recent months. The various forward-looking indicators point to continued growth in employment over the period ahead. Wage growth remains low, however, and this is likely to continue for a while yet. Inflation is expected to increase gradually as the economy strengthens.

The outlook continues to be supported by the low level of interest rates. 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.

Conditions in the housing market vary considerably around the country. Housing prices have been rising briskly in some markets, although there are some signs that these conditions are starting to ease. In some other markets, prices are declining. 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 recent supervisory measures should help address the risks associated with high and rising levels of household indebtedness. Lenders have also announced increases in mortgage rates for investor and interest-only loans.

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 NSW Office of Local Government guidelines with approximately 78% of the portfolio held in cash and term deposits. Term deposits and bonds are paying average margins over the 90 day bank bill rate.

Bank demand for term deposit funds is waning as investors require higher returns due to an uncertain interest outlook. The imposition of mortgage lending restrictions is also crimping bank demand for depositor's funds.

Conversely, new Australian Prudential Regulation Authority regulations increasing the amount of capital required to be held by banks is marginally increasing bank demand for depositors funds.

Many "cash at call" rates remain at levels below the RBA cash rate. The historic low cash rate is still translating to lower total investment yields. This continues to present difficulties obtaining reasonable investment income without risking capital.

All investment categories out-performed the UBS 90 day bank bill benchmark this month. The investment portfolio again benefited this month from some longer-dated, higher yielding bonds and term deposits purchased before interest rate margins began contracting, however these securities are maturing. As these longer-dated bonds and term deposits mature and are replaced with lower yielding investments the total portfolio return will decrease. Overall, the investment portfolio has returned a **weighted average 1.22% 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	8,008,650.00	
FLOATING RATE NOTES	53,836,813.00	
ASSET BACKED SECURITIES	0.00	
FUND MANAGERS	0.00	
TERM DEPOSITS	88,999,999.00	
CALL ACCOUNT	5,600,000.00	156,445,462.00

WATER FUND

TERM DEPOSITS	52,000,000.00	
FUND MANAGERS	0.00	52,000,000.00

SEWERAGE FUND

TERM DEPOSITS	80,000,000.00	
FUND MANAGERS	0.00	80,000,000.00

TOTAL INVESTMENTS		288,445,462.00
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It should be noted that the General Fund investments of \$156 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.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

36 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held Monday 24 April 2017

SUBMITTED BY: Recreation Services

mhm



People, places and moving around

Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.2 Places
- 3.2.9 Sporting Fields - To provide a range of accessible sports facilities and major event venues to promote an active and healthy lifestyle.

ROLE: **Leader**

SUMMARY OF REPORT:

The Minutes of the Minutes of the Sports Advisory Committee Meeting held Monday 24 April 2017 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Minutes of the Sports Advisory Committee Meeting held Monday 24 April 2017 be received and noted.

REPORT:

The Minutes of the Minutes of the Sports Advisory Committee Meeting held Monday 24 April 2017 are reproduced as follows for the information of Councillors.

Venue:

Banora Point Community Hall

Time:

5.00pm

Present:

Cr Pryce Allsop, Cr Warren Polglase, Matt McCann, Merve Edwards, Rob Nienhuis, Gillian Austin, Linton Alford

Apologies:

Bruce Campbell, Helen Rigney

Minutes of Previous Meeting:

Moved: Dion Andrews

Seconded: Cr Pryce Allsop

RESOLVED that the Minutes of the Sports Advisory Committee meeting held Monday 13 March 2017 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

Agenda Items:

1. Welcome back Merve Edwards

The whole committee extended a warm welcome back to Merve.

2. Snapshot of Sports Clubs & Facilities damaged in recent flood

Matt McCann explained the process Council has undertaken to assess sports facilities and buildings damaged as a result of the recent flood event. Council will be providing a detailed report and cost estimate to the insurance assessor.

3. How the Sports Field Assets Reserves Trust Fund Works

It was clarified that all licence fee payments are accumulated in the sports assets reserves trust. These funds contribute to the salary of Council's Sports Field Officer and one major sports field renovation each year. The remainder of the funds are available to any organisation who contributes for either construction or upgrading of facilities on Council owned or managed fields, or for financial assistance to develop club business plans.

4. Increasing participation in Sport – What about club capacity

The committee discussed opportunities to increase sport participation within Tweed. The committee requested Council representation at the National Sports Convention Conference held July 2017 which focuses on strategies to promote increased sport participation.

The committee discussed Council's adopted 'Sports Field Strategy' which was undertaken and implemented accommodate and plan for increased sport participation and population growth.

5. Tweed Shire's shared use fields

A list of all season licence holders and a virtual tour of Tweed's sports fields has been emailed to each committee member.

6. NSW State of Origin Team based in Tweed for game 1 & 3 a photo will be organised with Sports Advisory Committee.

Committee was informed that the NSW State of Origin team will be in camp in Tweed for games 1 and 3 this year. A photo with the team and committee members will be organised with an accompanying story on the role of the Sports Advisory Committee in the Tweed Link.

7. Sports Field Assets Reserves Trust Fund Applications

Pottsville Cricket Club

Committee members requested quotations for the proposed works. It was acknowledged the club had taken the initiative to source a \$26,000 NSW Government Grant and were prepared to contribute \$5,000 from the club to undertake an extension to the clubhouse via a shade structure, replacement of artificial turf to three (3) cricket nets, reinstatement of chain mesh for training pitch and two (2) second hand mobile sight screens. The committee were happy to endorse the requested funds upon receipt of proposed work quotations.

Mustangs Rugby League Club

Due to a busy agenda the committee chose to defer this application to the next meeting.

General Business:

The committee agreed to adopt a new meeting starting time of 5.30pm to assist members attending.

Merve Edwards and Gillian Austin asked for an update on the Kingscliff Sporting Fields Masterplan at the next meeting.

Next Meeting:

The next meeting of the Sports Advisory Committee will be held Monday 5 June 2017.

The meeting closed at 7.15pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - adopted 21 August 2012 (ECM2846627).

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

**37 [SUB-CHAC] Minutes of the Community Halls Advisory Committee (CHAC)
Meeting held Wednesday 3 May 2017**

SUBMITTED BY: Community and Cultural Services

mhm



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

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.1 People
- 3.1.4 Cultural and Community Development - To provide community and cultural development services to foster and improve the social and cultural wellbeing of the community and to plan for the needs of current and future populations by understanding needs and identifying gaps in service delivery.

ROLE: **Leader**

SUMMARY OF REPORT:

The Minutes of the Community Halls Advisory Committee (CHAC) Meeting held Wednesday 3 May 201 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Community Halls Advisory Committee (CHAC) Meeting held Wednesday 3 May 2017 be received and noted.

REPORT:

The Minutes of the Community Halls Advisory Committee (CHAC) Meeting held Wednesday 3 May 2017 are reproduced as follows for the information of Councillors.

Venue:

Canvas and Kettle Meeting Room, Murwillumbah Civic Centre, Tumbulgum Road, Murwillumbah

Time:

11:00am

Present:

Maree Edwards (Chillingham Hall), Margaret Hulbert (Crabbes Creek Hall), Steve Sweetnam (Doon Doon Hall), Helen Manning (Fernvale Hall), Claire Masters (Limpinwood Hall), Janet Tkachenko and Ruth Clarke (Pottsville Beach Hall), Jenny Kidd and Donna Martin (Tumbulgum Hall), Cr Warren Polglase (Tweed Shire Council), Chantelle Howse and Shannon Rees (Tweed Shire Council) (Minutes)

Apologies:

Liz Mioni (Piggabeen Hall), Reg Robinson (Crabbes Creek Hall)

Absent without Notice:

Crystal Creek Hall Representative

Ex-officio:

Chantelle Howse (Tweed Shire Council), Shannon Rees (Tweed Shire Council)

Guests:

Neil Baldwin (Tweed Shire Council)

The Committee agreed to suspend the meeting proceedings and business in order for Committee Governance session to commence.

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.

Tweed Shire Council has provided copies of the Model Code of Conduct Policy and Administration of the Model Code of Conduct Procedure via email and hard copy to the members of the Committee.

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'. Neil advised that the Model Code of Conduct is applicable to Councillors, staff and Committee members.

Neil tabled letters that have been prepared 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 letters were handed out to CHAC members to sign and return, once further discussions with individual hall management committees have taken place if members felt this was appropriate.

Neil also advised that due to the delay in Council elections and as per the Committee's Terms of Reference, the Election of a Chairperson can take place for the period either until September 2017 or September 2018 if more practical.

Action: CHAC 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 was thanked for coming along to the meeting.

Neil Baldwin left the meeting at 11:30am

Shannon Rees from Tweed Shire Council welcomed all members present and invited a brief introduction of each member. Shannon also informed the Committee of the sudden passing of Geoff ("Fluffy") Davis in October 2016, and that Council provided condolences at the time and is currently supporting the Piggabeen and Cobaki Progress Association in their endeavours for a memorial at the hall to celebrate and commemorate Fluffy's contribution to Piggabeen Hall and the local community. The Committee also wished to pass on condolences to the Piggabeen and Cobaki Progress Association and acknowledge Fluffy's contribution to the Committee.

The Committee agreed to address Agenda Item 1 – Election of Chairperson prior to undertaking the meeting proceedings and business.

AI1 Election of Chairperson

Chair: Reg Robinson

Moved: Janet Tkachenko
Second: Maree Edwards

Deputy Chair: Jenny Kidd

Moved: Councillor Polglase
Second: Janet Tkachenko

RESOLVED that the chair and deputy chair were declared vacant and Reg Robinson has advised acceptance of nomination for Chairperson and Jenny Kidd accepted the nomination for Deputy Chairperson.

Jenny Kidd as Deputy Chair to proceed with meeting.

Minutes and Record of Proceedings of Previous Meetings:

Moved: Janet Tkachenko
Seconded: Steve Sweetnam

RESOLVED that the Minutes of the Community Halls Advisory Committee (CHAC) meeting held Monday 1 August 2016 and Record of Proceedings of the CHAC

meeting held Monday 23 May 2016, be accepted as a true and accurate record of the proceedings of those meetings.

OUTSTANDING MATTERS REPORT:

OM1 Community Hall Management Committee Guidelines:

Shannon Rees provided a brief outline of the document and confirmed that all items have been updated in the draft document as per previous meeting action items, with the exception of Draft Templates to be addressed in Outstanding Matters (OM)2.

Shannon also noted that due to the length of the file printed copies were not distributed at the meeting, however all members have been emailed a copy of the file.

This item is now closed.

OM2 Review Draft Templates:

Shannon Rees advised she has amended the Draft Templates as per the previous meeting minutes, with the exception of Templates 6, 7 and 8 which will be completed as soon as possible following further information from relevant hall committees (with respect to Fee Schedules) as well as further information and advice from relevant Council Officers with regards to risk management and building inspection reports.

Shannon confirmed that although the templates/forms are not compulsory to use (with the exception of the Conditions of Hire form (Template 5) various hall management committees (e.g. Tumbulgum and Pottsville Beach Halls) are using them. Jenny Kidd raised the issue of cultural change in relation to events in community halls, in that there is an increased trend with community members seeking to manage their own events, which may in turn have implications for responsibilities and management practices of community hall management committees.

Claire Masters raised the issue of the length of the Conditions of Hire form (Template 5) and whether this could be converted to a smart/fillable form. Shannon responded that this has not been addressed as yet as there are ongoing discussions and plans internally at Council regarding future use of online forms. Shannon informed the Committee that Council has implemented an online booking form for community halls and facilities that are managed by Council (e.g. Banora Point Community Centre and Kingscliff Community Hall). Maree Edwards commented on the possible difficulty with community members being required to lodge an online hire application form. Other Committee members commented on the increasing trend for online use in the community, and also that there would hopefully remain a provision for paper applications in the event that an online hiring system is implemented. Janet Tkachenko requested clarification on responsibilities for maintaining or managing an online system. Shannon confirmed will keep the Committee informed as this process continues.

Action: Shannon Rees to amend Template 6 (Risk Management Checklist), Template 7 (Fee Schedule), Template 8 (Annual Building Inspection and Management Report) following further advice from relevant hall committees and Council Officers. Shannon to send the amended Draft Templates to Committee members for discussion at the next meeting.

Committee members also sought clarification on the requirement to sign each page of the Conditions of Hire form. Shannon confirmed that this issue had been raised at a previous

meeting and the Committee had agreed on the requirement to sign each page. The Committee noted that modification or reduction of this system on hiring forms may expose the hall committee to increased risk.

Committee members also raised the issue of administrative complications with the Maintenance Request form as it is a paper document which requires completion, scanning and emailing to Tweed Shire Council for action. Committee requested this form to be amended to a fillable form. Shannon Rees advised can send out the Maintenance Request form as a Word document as an interim measure, however Community and Cultural Services still to finalise administrative procedures whilst Paul Mitchell employed as Community and Cultural Services Maintenance Officer who is the central point of contact for maintenance requests. Shannon Rees advised will keep the committee informed as these procedures progress.

In relation to the appointment of Paul Mitchell as Maintenance Officer, Committee members wished to extend their thanks and support for the support that Paul has provided to community halls during this trial appointment, and that the Committee would be very keen to see this position appointed permanently.

Action: Shannon Rees to provide Word version of Maintenance Request form to Committee members.

Maree Edwards requesting clarification on NSW Health Private Water Supply regulations. Shannon Rees confirmed that as per these regulations relevant halls using tank water have now had warning stickers placed at taps with regard to the safety of the water to drink. Maree requested that Council continue to test the water supplies at the halls. Shannon relayed advice that was provided by NSW Health in relation to inconsistencies with water testing over a period of time or following significant weather events, and that advice to adequately mitigate risks with drinking water by the placement of the stickers has been followed. Claire Masters advised that under sink water filters may be an option.

Committee members also requested an update on legal advice former Councillor Caroline Byrne had agreed to pursue through the General Manager in relation to application of the Food Safety Requirements to Community Hall Committee members. Shannon advised will follow up. Chantelle Howse also suggested inviting an Environmental Health Officer to the next CHAC meeting to provide advice on interpretation of the Food Safety Requirements as per the NSW Food Act 2003.

Action: Shannon Rees to invite Environmental Health Officer to next CHAC meeting.

With regard to lead time for Tweed Link advertisements, Shannon advised as per the Tweed Link Policy that recognised resident, ratepayer or progress associations are entitled to advertise their monthly meetings and annual general meetings in the Tweed Link free of charge. Shannon also advised has not yet had the opportunity to distribute information regarding lead times on Tweed Link advertisements but will do so as soon as possible.

Action: Shannon Rees to confirm lead time for Tweed Link advertisements.

OM3 General Business – Events:

Agenda Item “Upcoming Events” to be included on the agenda for the next meeting.

Shannon Rees advised this item is now closed.

OM4 Community Halls Advisory Committee and Council Elections:

Shannon Rees confirmed that information had been provided to the Committee regarding submission of Expressions of Interest for the Committee for the new Council term and ongoing information and advice has been provided throughout the process of Council Elections late last year.

This item is now closed.

AGENDA ITEMS:

AI2. Terms of Reference

Shannon requested the Committee review the Terms of Reference which may be altered or amended by Council on the recommendation of the Committee at any ordinary meeting. Shannon advised that a possible addition to the Terms of Reference might include a clause regarding absence from Committee meetings without notice or expectations regarding minimum attendance requirements each year. Jenny Kidd raised the issue of fair allocation of resources across community halls with regard to participation in Committee processes as well as participation in decision making.

Janet Tkachenko also seeking amendment to Clause 8 of Terms of Reference to change from 'Training' to 'Induction'.

Action: Shannon Rees to circulate possible Terms of Reference amendments to Committee members prior to next meeting for discussion.

AI3. Management Agreements

Shannon requested Committee members review the Management Agreements which were signed by individual community hall management committee members approximately one year ago. Shannon noted that there was no end date nominated for these Management Agreements, however with a new CHAC commencing, and also with changes in membership of individual community halls management committee members it is an opportune time to review these agreements and make amendments as necessary. The Committee noted that responsibilities such as 'light maintenance' are still to be clarified in relation to workplace health and safety requirements and regulations. Shannon advised that these responsibilities may be amended following legal advice that Council is currently pursuing.

Janet Tkachenko requested that the Management Agreements be aligned correctly with the Community Halls Management Committee Guidelines. Shannon noted this request and will alter the documents as required.

Action: All committee members to review Management Agreements prior to next meeting for discussion.

AI4. Draft Community Halls Management Guidelines Templates As per OM2 Review Draft Templates

AI5. Committee Contact Lists

Shannon thanked the members for sending in Annual General Meeting documentation and other committee documentation as requested. Shannon noted that Community Halls Advisory Committee membership has changed for some community hall representatives, along with changes to individual community hall management committee membership as per meeting documentation submitted. Committee members agreed for Shannon to circulate contact details of both CHAC and individual community hall management committee membership lists internally to CHAC members, provided this is acceptable to individual community hall management committee members.

Action: Community hall management committee members to confirm acceptance of sharing of contact lists, and Shannon Rees to circulate Committee contact lists if confirmed.

AI6. Upcoming Events

Miss Tweed Ball series, conducted by the Tweed Combined Country Halls Association have commenced for this year, with balls at relevant Tweed Shire Council Community Halls scheduled for:

6 May – Pottsville Beach
20 May – Tumbulgum
3 June – Crystal Creek
29 July – Chillingham

Claire Masters also advised Biggest Morning Tea event (Cancer Council fundraiser) scheduled for 6 May at Limpinwood Hall.

Inwards Correspondence:
Nil.

Outgoing Correspondence:
Nil.

General Business:

1. Flood Recovery Update

Chantelle Howse and Shannon Rees acknowledged the impact the recent flood event has had on the community in general and the halls and hall communities specifically. They also thanked the various hall committees and community members for the work undertaken to assist with flood recovery efforts. They informed the Committee that the Flood Recovery Centre at Knox Park is to remain open according to need and that information is soon to be sought from the community regarding the flood and impact on the community.

Action: Shannon Rees to arrange meetings at community halls for flood information gathering.

Jenny Kidd advised is needing assistance with insurance inquiries with regard to Tumbulgum Hall flooding damage. Donna Martin also requested whether volunteers could conduct working bees for flood damage repairs. Shannon Rees advised any work carried out at the halls is required to be consistent with relevant guidelines and regulations (e.g. heritage listing and/or workplace health and safety guidelines), however Council is working to assist community hall members or other volunteers in these endeavours.

Action: *Chantelle Howse to meet with Tumbulgum Hall representatives.*

Helen Manning advised that although not flood related, Murwillumbah Potters have outlined plans to replace windows at Fernvale Hall as per a recent agreement for shared use of the hall. Shannon advised that Council is aware of these arrangements and that assessment and approvals for any work at Fernvale Hall are to be completed by relevant Council Officers prior to any works commencing.

2. Scheduling Next Meeting, including venue

Next Meeting:

The next meeting of the Community Halls Advisory Committee will be held 11:00am Wednesday 2 August 2017 at the Canvas and Kettle Meeting Room, Murwillumbah Civic Centre.

Janet Tkachenko and Donna Martin submitted their apologies in advance for this meeting.

The meeting closed at 1:05pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - adopted 16 April 2015 (ECM 3635284).

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.

38 [SUB-TCKMC] Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 9 May 2017

SUBMITTED BY: Natural Resource Management

mhm



Leaving a Legacy
Looking out for future generations



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.1 Natural resource management
- 1.1.1 Biodiversity Management - To protect and manage the environment and natural beauty of the Tweed for current and future generations.
- 2 Making decisions with you
- 2.2 Engagement
- 2.2.1 Animal Management - To provide effective and responsible care, management and public education for companion animals such as pet dogs and cats.

ROLE: **Leader** **Collaborator**

SUMMARY OF REPORT:

The Minutes of the Tweed Coast Koala Management Committee meeting held Tuesday 9 May 2017 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Tweed Coast Koala Management Committee meeting held Tuesday 9 May 2017 be received and noted.

REPORT:

The Minutes of the Tweed Coast Koala Management Committee meeting held Tuesday 9 May 2017 are reproduced as follows for the information of Councillors.

Venue:

Mt Warning Room

Time:

2.00pm

Present:

Cr Katie Milne, Lorraine Vass, Jenny Hayes (from 3.45pm), Rhonda James, David Norris, Marama Hopkins, Scott Hetherington, Kim Stephan, Mark Kingston (part).

Apologies:

Tracey Stinson, Bill Hoskins.

Minutes of Previous Meeting:

Moved: Rhonda James

Seconded: Lorraine Vass

RESOLVED that the Minutes of the Tweed Coast Koala Management Committee meeting held Tuesday 28 March 2017 be accepted as a true and accurate record of the proceedings of that meeting.

Agenda Items:

1. *KPOM implementation actions*

- This item was brought forward.
- Scott Hetherington provided an overview of the implementation summary table, which summarises each action from the KPOM, lists its place in the works program and status to date. It is the intent that this document be used to guide discussion at subsequent meetings, and will be revised and circulated to the group with the draft agenda prior to each meeting.
- Kim Stephan described the criteria for prioritising site selection for ongoing habitat restoration works, being 1. additional plantings at sites where previous plantings are being used by koalas; 2. habitat restoration within koala activity areas; 3. plantings within Koala Linkage Precincts. Kim presented draft online public and interactive mapping of koala planning layers and restoration works areas.
- Katie suggested investigating the potential to work with the Drainage Union in order to encourage improved connectivity and water quality in key agricultural areas on the Tweed Coast. Scott to initiate discussion with the drainage union.

Business Arising:

2. *E zone status*

- This item was brought forward.
- Mark Kingston provided an overview of the process and status of the E zone review. Review and mapping of E zones within the Tweed Coast study area is nearing completion and will be presented to a Council workshop within the coming months.

- There will be an opportunity for landholders to provide input into preferred zonings on their land.
- Mark advised of the recently drafted Biodiversity and Habitat Management Development Control Plan. The Plan will be presented to an upcoming Council workshop.

1. *KPOM implementation budget*

- Scott Hetherington advised that the KPOM implementation budget was \$176,000 for 2016/17 and \$193,000 for 2017/18. Approximately 50% of this budget is allocated to employee costs (part funding of two relevant positions). The remainder is allocated to delivery of actions under the KPOM works program.
- Additional funds have been available through Koala Connections and other external funding.
- Additional funding is still required in order to meet KPOM targets eg. 200ha of habitat creation. Any large infrastructure will also require additional external funding.
- Discussion followed which noted the large proportion of expenditure on employee costs which might be better used on achieving the more urgent actions within the KPOM. It was also noted that Council's budget and delivery program is currently on exhibition and that this may be a suitable time to propose amending the proportion of funds allocated to employee costs.

Moved: Rhonda James

Seconded: Jenny Hayes

RECOMMENDATION:

That in order to increase delivery of KPOM actions and meet targets over the next financial year, that the Committee recommends to Council that the portion of KPOM budget currently allocated to employee costs be reallocated to the KPOM works program and employee costs be sourced from Council's core budget, without impact on other NRM program areas.

3. *Committee role in recommendations for land acquisition*

- This item was raised by Chris Cherry at the previous meeting, and was carried over due to time constraints.
- Scott Hetherington advised that the Committee is able to make recommendations for land acquisition for koala conservation. The outcome of any recommendation will be dependent on Council endorsement of the recommendation, funding availability and the strategic justification for the recommendation.

Agenda Items:

2. *Nelly's Park, Pottsville Waters*

- David Norris relayed community concern about illegal activities in Pottsville Wetland adjacent to Nelly's Park including shelter building and fire lighting. Police, Council and RFS have visited the site. Scott advised that residents should continue to report incidents and vehicle registration, if possible, to police. Scott to undertake site visit and arrange clean-up of the site by Council if necessary.
- General discussion followed which included a suggestion by David Norris to establish a fund to offer reward for information leading to conviction of persons responsible for starting fire in koala habitat. Marama to investigate any similar existing facilities.

- Katie Milne suggested that the Mayoral Fund mechanism could potentially be used to raise funds for general koala management actions.
3. *Koala Monitoring – Pottsville Wetland / Black Rocks*
- David Norris asked about Council's plans for monitoring the impact of the Men's Shed on the koala population at Pottsville Wetland/Black Rocks. Scott advised that the population will continue to be monitored on a three-yearly basis as committed to in the KPOM.
4. *Discussion – Journal article (Time-delayed influence of urban landscape change on the susceptibility of koalas to chlamydiosis)*
- Marama gave a brief summary of the article and general discussion followed regarding the influence of disease, habitat availability, urbanisation and their influence on koala populations.

General Business:

Nil.

Next Meeting:

The 2017 meetings of the Tweed Coast Koala Management Committee will be held as follows:

Tuesday 15 August 2017 2.00 - 5.00pm

Tuesday 7 November 2017 2.00 - 5.00pm

The meeting closed at 5:00pm

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

1. **KPOM Implementation Budget**

Nil.

EXECUTIVE MANAGEMENT TEAM'S NOTES:

1. **KPOM Implementation Budget**

That in order to increase delivery of KPOM actions and meet targets over the next financial year, that the Committee recommends to Council that the portion of KPOM budget currently allocated to employee costs be reallocated to the KPOM works program and employee costs be sourced from Council's core budget, without impact on other NRM program areas.

COUNCIL IMPLICATIONS:

a. **Policy:**

Code of Meeting Practice.

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.

39 [SUB-EAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 10 May 2017

SUBMITTED BY: Community and Cultural Services

mhm



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

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

3	People, places and moving around
3.1	People
3.1.2	Community Services and Grants - To assist people to participate fully in social and economic life and build stronger, more inclusive communities.

ROLE: Collaborator

SUMMARY OF REPORT:

The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 10 May 2017 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

- 1. The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 10 May 2017 be received and noted; and**
- 2. The Executive Management Team's recommendations be adopted as follows:**
 - 4. Amendment to the Access and Inclusion Plan 2014-2018 in line with Disability Inclusion Action Plan process**

That Council:

- 1. Produces documents in accessible formats and in particular documents associated with the EAAC area.***
- 2. Investigates the use of software which provides verbal descriptions of images in any publications or documentation.***

REPORT:

The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 10 May 2017 are reproduced as follows for the information of Councillors.

Venue:

Banora Point Community Centre

Time:

10am

Present:

Una Cowdroy, Wendy Gilbert, Suzanne Hudson, Milena Morrow, Nathan Quinell, Prospero Aplet (Community Representatives); Chris Vannucci (Alzheimer's NSW); Cr Warren Polglase, Chantelle Howse, Karen Collins, Alana Brookes, Neil Baldwin, Joel Jeffery (Tweed Shire Council); Gabby Arthur (Tweed Shire Council (Minutes)

Apologies:

Beverley Kelso (Community Representative); Cr Reece Byrnes, Robert Noakes (Tweed Shire Council)

Minutes of Previous Meeting:

Moved: Milena Morrow

Seconded: Suzanne Hudson

RESOLVED that the Minutes of the Equal Access Advisory Committee meeting held Wednesday 15 June 2016 be accepted as a true and accurate record of the proceedings of that meeting.

Suspension of Business for Agenda Item A1.

1. Committee Governance - Neil Baldwin (Tweed Shire Council)

Neil provided an overview of the responsibilities of the Committee Members. Neil reminded the Committee that they have been appointed for the term of the current Council which at this point in time is until September 2020. Neil advised that the Committee members will be requested to sign an acknowledgement that they have received a copy of the 'Standards of Conduct for Council Officials' and 'Your Obligations as a Council Committee Member' documentation. Neil advised that Committee Members need to be aware of the Code of Conduct and advised that he will leave a copy of that document with Karen for future reference.

Neil suggested that when electing the Chairperson, the Committee consider the Chairperson's term running forward to September 2018.

2. Election of Chair

Karen provided an overview of the Chairperson's role. Nominations were requested for the position of Chairperson of the Equal Access Advisory Committee until September 2018. Wendy Gilbert was nominated as Chairperson and accepted the position. Milena Morrow was nominated as Deputy Chairperson and accepted the position.

Neil Baldwin left the meeting at 10.15am

Wendy welcomed the EAAC to the meeting.

Business Arising:

Outstanding Matters Report

1. Designated Accessible Park Bays (DAPBs) at Tweed Centro Shopping Centre

Karen provided background information regarding this item. Item deferred to the next meeting to enable Beverley Kelso to provide an update.

2. Addressing Attacks on Guide Dogs by Other Dogs

Karen provided background information regarding this item. Karen advised there is an Action Item in the Access and Inclusion Plan regarding a research project to develop a strategy that supports a dog culture to improve the health and safety of guide dogs and assistance animals and their owners. Karen advised that she will follow up the recommendation and will report back to the next meeting.

Milena advised that she was a member of the Companion Animals Sub-Committee and enquired whether this Sub-Committee was still meeting. Wendy advised that she will do some research regarding this item.

Action: *Karen and Wendy to meet with Council staff regarding the Companion Animals Sub-Committee and the recommendation regarding the research project in the Access and Inclusion Plan supporting a dog culture to improve the health and safety of guide dogs and assistance animals and their owners. Responsibility: Karen Collins and Wendy Gilbert.*

3. Future Recruitment Strategy for EAAC Members

Karen provided background information regarding this item and advised there are some great models from other Councils. Karen enquired whether this project should be continued or placed on hold. The EAAC agreed that it should proceed.

Action: *Karen to undertake research and prepare information regarding a Recruitment Strategy for the EAAC for discussion at the next meeting. Responsibility: Karen Collins.*

Action: *Karen to discuss having a photograph and profile of the EAAC on Council's website with Neil Baldwin. Responsibility: Karen Collins.*

Karen advised that she will recommence the monthly articles in the Tweed Link now that the EAAC has commenced meeting again.

Agenda Items:

3. Terms of Reference

Karen advised that the EAAC's Terms of Reference (ToR) need to be updated and provided an overview of the items that need to be considered. An induction will need to be done with the new EAAC members.

Action: *Karen to send ToR to EAAC with her comments for their consideration and discussion at the next meeting. Responsibility: Karen Collins.*

Action: *Milena and Wendy to arrange for the induction of Prospero and Nate at the next meeting. Responsibility: Wendy Gilbertt and Milena Morrow*

4. Amendment to the Access and Inclusion Plan 2014-2018 in line with Disability Inclusion Action Plan process

Karen provided the EAAC with background information regarding the legislative requirements for the Access and Inclusion Plan. Prior to today's meeting, Karen circulated information to the EAAC regarding what is required to update the current Plan. The structure of the current Plan has to be updated, endorsed by Council and submitted to the Department by 30 June 2017. When the new Access and Inclusion Plan is prepared the words 'Disability Inclusion Action Plan' will need to be included beneath the title. Consultation to develop the new Plan will commence in the second half of the year and be submitted to Council for public exhibition and adoption by mid 2018.

Prospero provided feedback that the photos included in the Plan do not represent cultural diversity and has requested that this be changed in the next Plan and it would be good to include some diversity.

Action: *Prospero was requested to email feedback to Karen regarding the photos included in the Access and Inclusion Plan to be included as feedback for the new Plan. Responsibility: Prospero Aplet.*

Moved: Suzanne Hudson

Seconded: Una Cowdroy

RECOMMENDED that Council:

1. produces documents in accessible formats and in particular documents associated with the EAAC area.
2. investigates the use of software which provides verbal descriptions of images in any publications or documentation.

Karen advised that she will be attending a training course in Melbourne in relation to translating documents into EasyRead version.

5. Evaluation of the Access and Inclusion Plan 2014-2018

Joel advised that he is a university student and is undertaking an evaluation project in relation to the Access and Inclusion Awards. Joel advised he is consulting with the EAAC and community.

6. NDIS rollout

Karen advised that the NDIS rollout will be a permanent Agenda Item. Karen advised that there are some NDIS brochures and information sheets now available on the NDIS website and the NSW State Government has already put out some information in relation to the NDIS rollout.

Karen sought advice from the EAAC as to what it thinks Council can do to support people in the community with the NDIS rollout.

- Suzanne suggested that a forum be held as there are still a lot of people in the community who access services who aren't aware of the NDIS.

- Information be placed in the Tweed Link and on Council's website regarding the NDIS rollout in July 2017, and providing some links to information.
- Milena advised that Council could alert the community to some scams targeting people for the NDIS. Milena recommended that people be made aware that they should not be giving information over the phone and to request a face to face meeting with NDIS approved representatives.
- Prospero requested that Council consider having an information hub so that people can find out which service providers are registered for the NDIS in this area. Wendy advised that she will follow up with Prospero regarding this item.

Action: *Wendy to liaise with Prospero and investigate a peak body which is able to compile and circulate information in relation to NDIS service providers in the Shire. Responsibility: Wendy Gilbertt and Prospero Aplet.*

7. Access Funds

Karen provided details of the pool of reserve funds. The balance is currently \$63,000. Karen provided details in relation to the projects that have been funded:

- Hearing augmentation loops are presently being installed in the Murwillumbah Auditorium, Canvas and Kettle and at three customer service counters at Murwillumbah and Tweed Heads offices.
- Planning section regarding an accessible canoeing launching place at Byangum Bridge.
- Pool disability subsidy.
- All Access Playground.
- Toilet audits.

Any surplus funds will be rolled over to next year.

General Business:

1. Access and inclusion during natural disasters

Karen provided information in relation to access and inclusion during natural disasters and effects on buildings, clients and staff. Karen has emailed a copy of the documentation to the EAAC.

Suzanne and Una provided accounts of their experiences during the flooding event. Chantelle advised that Council is looking at what can be learnt from the community as a result of the recent event and going forward a Recovery Plan will be produced.

2. Beach access matting and aquatic wheelchair

Karen advised that beach access matting is now available at Kingscliff Beach as a result of a grant obtained from Fundability. There was a shortfall in the funding, which has been picked up by Council. The matting is managed by Cudgen Surf Life Saving Club.

Karen has received an enquiry regarding the availability of an aquatic wheelchair in the Shire as the aquatic wheelchair can go in the water whereas the beach wheelchairs can only go onto the beach.

Prospero suggested that Karen seek information from a local family as she believes they have some information regarding aquatic wheelchairs.

Action: *Karen to investigate cost of aquatic wheelchair and report back to next meeting. Responsibility: Karen Collins.*

3. Access to beach at Pottsville - Blacks Rocks

Karen advised that Nate has placed this item on the agenda. Nate provided some background in relation to his request for modification to the beach access at Blacks Rocks.

Karen advised that she is working on a foreshores review which is looking at access to beaches and waterways and she has inspected this beach access. Karen advised the access is in a very bad position and that she has included this item in her report for review. Karen advised that 30m down the road there is an area for parking and better access to the beach and if a better footpath was provided it may be a better beach access point. Karen advised that a map of accessible beaches will be produced as a part of this project.

4. Accessible Service Stations

A member of the public who uses a wheelchair and drives a car has advised that it is very difficult for people who use a wheelchair and drive to get petrol. Karen has emailed the letter to the EAAC.

Alana advised that it would be necessary for Service Stations to volunteer to be involved in this project and that a universal access symbol could be placed on the Service Centre signs provided by Council. Karen suggested that Council focuses on the Service Stations that have accessible toilets and that the accessible toilet signage incorporates a petrol sign.

Action: *Alana to carry out research in relation to service stations which may be interested in participating as Accessible Service Stations. Responsibility: Alana Brookes.*

5. Companion Card and Twin Towns - Letter from Ability Incorporated

Council received a letter from Ability Incorporated in July 2016 regarding Twin Towns Services Club not honouring the Companion Card. The Club's response was that it already provides low cost facilities and shows. Today is the first meeting of the EAAC since receiving the letter. The EAAC noted that honouring of Companion Cards is done on a volunteer basis.

Action: *Council to send a letter on behalf of the EAAC to ClubsNSW and Tweed Clubs requesting that they honour the Companion Card. Responsibility: Karen Collins.*

6. Launch nominations for 2017 Access and Inclusion Awards

Karen provided an update on the launch of the 2017 Access and Inclusion Awards nominations. The Access and Inclusion Awards Committee would like to return to Twin Towns Services Club for the awards this year.

Action: *Cr Polglase to contact Twin Towns Services Club to advocate for their support again this year. Responsibility: Cr Polglase.*

7. Congratulations to Members presenting at conferences

Karen passed on her congratulations to Suzanne and Una for being involved in the Toilet Audit which has resulted in invitations to present at conferences. These include a regional community sector conference in Coffs Harbour and an international Universal Design conference in Sydney. Una has also been invited as guest speaker to a local Probus Club.

8. Minister meeting

Nate and Wendy will be meeting with the Minister in Lismore on Tuesday 16 May 2017.

Next Meeting:

The next meeting of the Equal Access Advisory Committee will be held 21 June 2017 at Banora Point Community Centre.

The meeting closed at 11.53am.

EXECUTIVE MANAGEMENT TEAM COMMENTS:

4. Amendment to the Access and Inclusion Plan 2014-2018 in line with Disability Inclusion Action Plan process

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

4. Amendment to the Access and Inclusion Plan 2014-2018 in line with Disability Inclusion Action Plan process

That Council:

- 1. Produces documents in accessible formats and in particular documents associated with the EAAC area.***
- 2. Investigates the use of software which provides verbal descriptions of images in any publications or documentation.***

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - Adopted 19 September 2013 (ECM 3146605).

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

40 [SUB-TSYC] Minutes of the Tweed Shire Youth Council Meeting held Wednesday 24 May 2017

SUBMITTED BY: Communication and Customer Services

nhm



People, places and moving around

Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Collaborator Leader

SUMMARY OF REPORT:

The Minutes of the Tweed Shire Youth Council Meeting held Wednesday 24 May 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 24 May 2017 be received and noted.

REPORT:

The Minutes of the Tweed Shire Youth Council Meeting held Wednesday 24 May 2017 are reproduced as follows for the information of Councillors.

Venue:

Council Chambers, Murwillumbah Civic and Cultural Centre, Tumbulgum Road, Murwillumbah

Time:

4.00pm – 6.00pm

Present:

Maddison Uitendaal, - Banora Point High School; Talia Green - Lindisfarne Anglican Grammar; Oscar Winters, Lucy Neilson-Senise - St Joseph's College; Monique Maugueret – Pacific Coast Christian School; Emily Hickey, Nathanael Adam - Murwillumbah High School; Jesse Wright – Mt St Patrick's College

Guests:

Deputy Mayor Cr Cherry; Cr Allsop; Cr Polglase; Robyn Grigg, Manager Community and Cultural Services; Chantelle Howse, Coordinator Community Development

Ex-Officio:

Neil Baldwin, Manager Corporate Governance; Shane Davidson, Executive Officer; Sylvia Roylance, Community Development Officer - Families and Youth; Lisa Bailey, Administrative and Program Support; Scott Green, Communication Officer – Media

Apologies:

Rosaleen Newell – Murwillumbah High School; Will Griffiths – Lindisfarne Anglican Grammar; Joshua Carpenter - Banora Point High School; Mayor of Tweed Shire, Cr Katie Milne; Cr James Owen; Cr Ron Cooper; Troy Green, General Manager, Tracey Stinson, Director Community and Natural Resources

Minutes of Previous Meeting:

RESOLVED that the Minutes of the Tweed Shire Youth Council Committee meeting held 22 January 2017 be accepted as a true and accurate record of the proceedings of that meeting.

Moved: Talia Green
Seconded: Nathanael Adam

Business Arising:

Nil.

Agenda Items:

AI1 Aboriginal Statement

The Deputy Chairperson Maddison Uitendaal 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."

AI2 Receipt of Petitions

The process was queried by Talia Green to which Neil Baldwin responded with advice that Petitions need to have a title, followed by a specific request and a number of signatories supporting that request. If this is operational in nature it will be referred to the General Manager, or if it needs to come back to Council it will be presented at the next meeting for consideration.

There are no submissions at this meeting.

AI3 Youth Council Conference and Event Brief

Multi-Cultural Conference - Advocate for Children and Young People

Attended by Jesse Wright, Mt St Patricks College

The conference held in Sydney focused on the creation of a campaign to be targeted at young people to raise awareness of multi-culturalism. Attendees were split up into tables of ten who then workshopped advertising and marketing campaigns. They learned how to develop a campaign, promote the campaign using various streams of social media and posters. In attendance were organisations such as: Google Advertising Manager, Tax My Period, Gay Rights activists.

It was highlighted that a formal approach is not necessarily best to promote this message. The NSW Government was to receive submissions of the campaigns discussed across the day. The main outcome of the day was that 80-100 people did not just want to focus on people of different backgrounds, but to focus on ALL backgrounds to create true inclusion across all of these areas. It is understood that young people are generally better at creating ideas on the spot and in the moment so this process was used to gather ideas for the campaign which will now move into action stage.

The organisers continue to look for young people to be involved in the trials of the marketing options. The contact is Jesse Wright for anyone who would like to be involved. Jesse will follow up on the outcomes and encouraged other members to attend such events, noting that networking at these events is important because of the exposure and time you can spend with young people from a wide area.

International Women's Day - Tweed Shire Council

Attended by Talia Green, Lindisfarne Grammar School and Emily Hickey, Murwillumbah High School

The Guest Speaker, Lyn Russell, a recipient of the Telstra Business Woman of the Year, discussed statistics of women in our society, what jobs are available and ways of breaking down the barriers to support each other. Talia noted that International Women's Day is to be celebrated. It has been a part of history that has gone unrecognised and she appreciates that Tweed Shire Council is promoting this event.

AI4 Emerging Issues from School Community

Mental Health, Drug and Alcohol Issues - Mt St Patricks College

Jesse noted that issues with mental health, drug and alcohol, are prevalent at his school and in his social circles, along with depression and anxiety. Jesse would like to see some action at a Council level. Students are aware of organisations such as headspace but they do not feel these organisations are actually addressing the issues.

Tahlia noted that, with mental health issues, it is important to have events where the whole community can be involved. Create more events where people can attend as a preventative method for these issues to assist with networking and bringing the community together. She suggested youth markets and spaces to show what youth can do.

Cabarita Beach Littering - St Joseph's College

Lucy highlighted her own observation of littering progressively getting worse as the years go by. Cabarita Beach is not a dog beach but a lot of people bring their dogs. Lucy has visibly noticed a decline in varieties of wildlife and aquatic life. Plant life along the bush walks is decreasing because of littering. There are a lot of dead animals on the shore line due to littering, oil and pollution.

Tahlia commented that, in relation to dog beaches, it might be about promoting which areas dogs are allowed so that people know where to take their pets for a walk.

Improved Lighting - Lindisfarne Grammar School

Talia noted additional lighting across the Shire will help to make people feel safe. It may also resolve issues such as crime, and drug and alcohol issues.

Abandoned Building, Aquatic Centre - Pacific Coast Christian School

Monique passes this abandoned building, formerly the Aquatic Centre, each day as she is traveling to and from school. The building is suffering high levels of graffiti, is very unwelcoming and makes you feel very unsafe. Monique raised this issue in the hope of finding out a little more about what is planned for this building.

In response, Cr Polglase advised he understands a Development Application (DA) will be submitted to Council soon noting the intention to demolish the building.

Graffiti on Sextons Hill - St Joseph's College

Oscar noted racial graffiti along the walls has started to appear. This is one of the busiest roads as you drive past, or enter Banora Point. It is on the wall of an apartment complex which spans along the road.

Sylvia reminded everyone to download the app that Cr Cherry mentioned previously so that people can upload a photo to report on the graffiti and other issues. Ownership of the infrastructure needs to be determined first to see who should take rectification action. Neil Baldwin noted that Council has an after hours security contract and we receive reports on a daily basis with each addressed as soon as possible, usually on that day.

Cr Allsop asked all members to recommend ideas for solutions when presenting issues. Council wants to hear what young people can offer as solutions.

AI5 Reports from Sub-Committees / Projects

Mt St Patrick's College - Project 1- Save a Mate

The programme focusses on drug and alcohol preventative action and looks at how to deal with substance abuse as well as emergency action to take if someone has an overdose.

Mt St Patrick's College - Project 2 - Mental Health First Aid

This is a two day course where students will learn how to deal with people going through severe mental health issues.

St Joseph's College - Save a Mate and Mental Health First Aid

A survey has been carried out across the school community to gauge students' awareness of drug and alcohol issues. It targeted students in Year 10 and received responses from 25 of the target group who all presented questions. A brief will be presented at assembly and advertised to Year 11 and 10. If interest from other years is received they are hoping to run more sessions in future years.

Banora Point High School - Homeless Awareness

This project is focussed on situations where, for example, children are kicked out of home. The plan is to hold an event in the school hall to show how this happens and what they can do when they find themselves in this situation.

Lindisfarne Grammar School - Transport

This project relates to transport within our community and the fact that young people don't have licences or access to vehicles or people to get them from A to B. The project will suggest better bus services to allow them to be more involved in community events. Also to be included in this project is the topic of transport for young people who will never be able to drive due to vision impairment. Safety issues surrounding people driving under the influence of drugs and/or alcohol will be considered, with an increase in services to keep these people off the road.

AI6 Reports from Council

6.1 Flood Event Update - Chantelle Howse

Chantelle Howse gave a presentation to all members on the details of the flood, the emergency phase, the disaster recovery phase and the disaster planning phase. The responsibilities of Council throughout this process included ensuring services could still operate, establishing the Recovery Centre and responding to community buildings that are owned by Council.

With the Recovery Centre now coming to a close, the longer term affects are becoming the focus. Some buildings have suffered significant damage and others have repairs underway. A survey will go out soon to all service providers to see how the disaster recovery management went. When the recovery plan is in place we will start to look at lessons learned.

Youth Council members were encouraged to be the eyes and ears connecting Council to the youth of the Shire including advising friends what services are available using the handouts provided: Disaster Welfare Assistance Line, Mental Health Flood Support Line, Local Community Contacts List. Youth Council members were encouraged to contact Chantelle Howse or Sylvia Roylance if they noted any issues they would like to raise over coming months.

Members were advised of the SES Workshops being held and were encouraged to both attend and also advise their community members and family to go along to voice their opinion.

6.2 Youth Transportation - Tamara Moon, Coordinator, Cruisin' Youth

In response to discussions held with Youth Council Members recently, Sylvia invited Cruisin' Youth to attend this meeting to provide an outline of the services they offer.

The service is for youth between the ages of 12 to 25 which provides transport for social and recreational activities outside of school hours, on school holidays and weekends. The service mainly caters to groups (about 8 as a minimum, but smaller numbers will be considered) and is a charter bus that picks passengers up and will wait for them to be collected at an allotted time. This is a door to door service with multiple pick up points if needed. One week's notice is preferred. There is a minimal cost, for example: Murwillumbah to Dreamworld is \$8.00 per person return, Pottsville to Brisbane for events has been \$10 to \$15 per person depending on the hours across the whole trip. The service is active on social media, Facebook, Instagram and provided brochures to members for distribution.

Tamara advised she is available to meet with School SRC groups if requested, or to do a presentation during assembly.

There is wheelchair accessibility and this service could also assist those with other levels of ability such as vision impairment, for example.

Youth Council members requested this information be shared with their schools as a way to promote the service. Tamara has recently approached all schools, and would now like members of the Youth Council to inform their social circles to better improve awareness of, and increased use of, the service.

The information will also be shared via Council's Facebook page.

Informal session commenced 5.18pm

Emerging Issues:

EI1 Project Update by Jesse Wright - Mt St Patricks College

Students at Mt St Patricks have identified a major issue around mental health in school which often coincided with drug and alcohol abuse. As a result they are looking at introducing Save a Mate and Mental Health First Aid.

The Mental Health First Aid program looks at ways to provide a person who is developing a mental health issue with information on how to manage the situation. The course also provides recipients with skills in how to identify people with issues, increased awareness of treatments available, how to give initial help and advice on avoiding overstepping boundaries by making referrals. A review of facilitators has been completed and it has been difficult to find a financially viable provider with some quotes being as high as \$6000 for two days for 25 people. At present, a facilitator that provided this course for staff at St Josephs is being followed up. The cost is expected

to be about \$2000 and the school have requested Youth Council funding to support one course if possible.

Save a Mate is a Red Cross program working through many topics including drug and alcohol classification, what can increase the likelihood of overdoses, how to deal with emergency services. The school currently has 12-13 people booked in for the first course through Year 10 and 11. Students from Year 9 all the way down to Year 7 are having problems and it would be ideal to increase the target group. Students will also consider arranging mentoring from those who have participated in the first session to then further assist younger students coming through for the second session, thus creating peer mentor support.

- EI2 Project Update by Lucy Neilson-Senise and Oscar Winters - St Joseph's College
St Joseph's is doing the Save a Mate (SAM) program as drug and alcohol abuse is a big problem within the school and surrounding area. A question box was provided to gain feedback on the need for, and interest in, the workshop and any questions about the content of the course. Students talked about it being implemented in Years 11 and 10 but would also like to offer it to the younger student years.

It was evident following a review of the questions posed that we need to adapt our methods. The SAMs workshop facilitator will be invited to talk about questions that were raised: how to take drugs responsibly; how to take precautions ie. not to share syringes.

Sylvia will circulate information regarding the RRISK health promotion program that addresses risk-taking behaviour amongst Year 11 students.

Next Meeting:

Wednesday 23 August 2017, 4.00pm - 6.00pm
Tweed Heads Administration Office (Harvard Room)
21 Brett Street Tweed Heads.

Meeting closed 5.42pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

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.

41 [SUB-TCWC] Minutes of the Tweed Coast and Waterways Committee Meeting held Wednesday 14 June 2017

SUBMITTED BY: Natural Resource Management



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Collaborator

SUMMARY OF REPORT:

The Minutes of the Tweed Coast and Waterways Committee Meeting held Wednesday 14 June 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 14 June 2017 be received and noted; and**
- 2. The Executive Management Team's recommendations be adopted as follows:**

A3. Riparian Rehabilitation and Stabilisation Projects

That Council invites the incoming Local Land Services Board to visit at their earliest convenience, to meet with Councillors, Executive, relevant staff and Tweed Coast & Waterways Committee members and to undertake a site inspection of Tweed catchment riparian restoration sites that deliver improved agricultural outcomes. The purpose is to demonstrate the value of collaborative projects, and the positive relationship between rural landowners and Council and innovative funding mechanisms.

REPORT:

The Minutes of the Tweed Coast and Waterways Committee Meeting held Wednesday 14 June 2017 are reproduced as follows for the information of Councillors.

Venue:

Canvas & Kettle Meeting Room

Time:

9.00am

Present:

Rhonda James (Chair); Cr Chris Cherry; Bill Hoskins; David Cranwell; Hamish Brace; John Harbison; Lindy Smith; Robert Quirk; Scott Petersen; Tracey Stinson; Jane Lofthouse; Tom Alletson; Marama Hopkins; Pat Dwyer (from 9.30am).

Informal: Matthew Bloor

Apologies:

Cr Katie Milne; Stewart Brawley; Ben Fitzgibbon; Carl Cormack; Sam Dawson, Bill Fenelon.

Minutes of Previous Meeting:

Moved: David Cranwell

Seconded: John Harbison

RESOLVED that the Minutes of the Tweed Coast and Waterways Committee meeting held 26 April 2017 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

BA1. New Committee Members

Noted that a call for additional representatives to the TCWC from power boating and Kingscliff locality advertised. A report recommending the appointment will be sent to the July Council meeting.

BA2. Stotts Island Dredging

Noted availability of funds for dredging activities under the NSW Government's Coastal Dredging Strategy. Any applications would require a 50% contribution by Council. Noted that if a project adjacent to Stotts Island was to proceed that management by DPI Lands would be a major advantage.

Noted that the State Government recently announced additional dredging of the Fingal reach of the Tweed River and Terranora Inlet, with sand to be transported to Kingscliff for beach nourishment.

Agenda Items:

A1. Code of Conduct for Members

This item was deferred, Neil Baldwin will attend and brief the committee on these matters when available.

A2. DuneCare

Marama provided an update which included:

- Results of the Bitou Bush aerial survey
- Dumping of rubbish in the dunes. Tracey noted that a waste/dumping management strategy will be considered by Council staff.
- Illegal recreational camping.
- Bill Hoskins requested increase in resources to police illegal camping.
- Emphasise the importance of Pottsville to Wooyung, and the increasing impacts of weeds, dumping, camping.
- A map of dune access points will be provided at the next meeting.
- Hastings Point filming discussed briefly. Awaiting receipt of environmental study.

A3. Riparian Rehabilitation and Stabilisation Projects

Matt Bloor provided details of major upper catchment river rehabilitation projects in the Rous, Oxley and Tweed. Committee members commended Council and the Water Unit for providing funding to the River Health Grants Program.

There was discussion on the role of Local Lands Services.

Moved: Robert Quirk

Seconded: Lindy Smith

RECOMMENDATION:

That Council invites the incoming Local Land Services Board to visit at their earliest convenience to meet with Councillors, Executive, relevant staff and Tweed Coast & Waterways Committee members and to undertake a site inspection of Tweed catchment riparian restoration sites that deliver improved agricultural outcomes. The purpose is to demonstrate the value of collaborative projects, and the positive relationship between rural landowners and Council and innovative funding mechanisms.

A4. Tweed River Estuary Management Plan

Management Plan Objectives

Tom presented the draft objectives for the Tweed Estuary Management Plan. Discussion of proposed amendments. Tom to make changes and send an electronic version to the committee for review.

Roads and Maritime Services (RMS) Tweed River Boating Plan Review

Coordination of Council's Estuary Management Plan and RMS's Tweed River Boating Plan was discussed at the April meeting. Tom presented a summary of proposed input to the RMS plan review process for endorsement by TCWC, prior to it being provided to RMS.

Moved: Robert Quirk

Seconded: Lindy Smith

RESOLVED that the Tweed Coast and Waterways Committee supports the concept of different zones along the river to protect high conservation value areas, assets, and to

provide for multiple uses and manage conflicts between users; and that this be advised to Roads and Maritime Services in the development of the draft Tweed River Boating Plan.

A5. Foreshore Erosion - Peninsula Street Cudgera Creek

Tom provided additional detail on two possible options for management of the erosion hotspot at Peninsular Street, Hastings Point.

Options presented included a permanent set of stairs and seawall, 'engineered option', or a 'do nothing' approach. The engineered option's costs and risks were explained. After discussion, the summarised feedback from the committee was:

- No support for rock wall due to impacts on existing beach and downstream reserve, and substantial long term costs to mitigate these impacts.
- Undertake a risk assessment of existing access.
- Look at nourishment, pedestrian access control and planting.
- Advise EMT of issue, potential management options and preferred approach.
- Consult with the Hastings Point community.

General Business:

GB1. Kingscliff – Dreamtime Coastal Zone Management Plan

Noted that Council adopted the Kingscliff – Dreamtime Coastal Zone Management Plan and forwarded the Plan to the NSW Minister for the Environment for certification under the *Coastal Protection Act 1979*. Once certified, actions within the Plan may be eligible for grant funding through the NSW Government's Coastal Management Program.

GB2. Tweed River Festival

Jane requested feedback on options for funds allocated for the Tweed River Festival to improve education and awareness outcomes. A report will be going to Council.

Next Meeting:

The next meeting of the Tweed Coast and Waterways Committee will be held 9 August 2017.

The meeting closed at 12.30pm.

EXECUTIVE MANAGEMENT TEAM COMMENTS:

A3. Riparian Rehabilitation and Stabilisation Projects

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

A3. Riparian Rehabilitation and Stabilisation Projects

That Council invites the incoming Local Land Services Board to visit at their earliest convenience to meet with Councillors, Executive, relevant staff and Tweed Coast & Waterways Committee members and to undertake a site inspection of Tweed catchment riparian restoration sites that deliver improved agricultural outcomes. The

purpose is to demonstrate the value of collaborative projects, and the positive relationship between rural landowners and Council and innovative funding mechanisms.

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.

42 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 16 June 2017

SUBMITTED BY: Community and Cultural Services



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

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.1 People
- 3.1.2 Community Services and Grants - To assist people to participate fully in social and economic life and build stronger, more inclusive communities.

ROLE: **Leader**

SUMMARY OF REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 16 June 2017 are reproduced in the body of this report for the information of ECouncillors.

RECOMMENDATION:

That the Minutes of the Aboriginal Advisory Committee Meeting held Friday 16 June 2017 be received and noted.

REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 16 June 2017 are reproduced as follows for the information of Councillors.

Venue:

Tweed Byron Local Aboriginal Land Council, 21/25 Ourimbah Road, Tweed Heads

Time:

9.40am

Present:

Des Williams (Tweed Byron Local Aboriginal Land Council representative), Leweena Williams (Tweed Aboriginal Corporation for Sport), Jackie McDonald (Tweed Wollumbin Aboriginal Education Consultative Group representative), Desrae Rotumah (Tweed Aboriginal Co-op), Joyce Summers (Canowindra), Cr Chris Cherry.

Ex-officio:

Robyn Grigg (Tweed Shire Council), Robert Appo (Tweed Shire Council), Deb Galvan (Tweed Shire Council) (Minutes).

Guests (in order of arrival):

Nela Turnbull (arrived at 9.35am).

Apologies:

Mayor Katie Milne, Tracey Stinson (Tweed Shire Council), Chantelle Howse (Tweed Shire Council), Mark Cora (Arts Northern Rivers).

Chair: Leweena Williams

Moved: Desrae Rotumah

Seconded: Joyce Summers

RESOLVED that the Chair was declared vacant and nominations were called. Leweena was nominated and was unanimously elected to Chair the meeting.

Leweena opened the meeting with a welcome to all present and called on Jackie McDonald to pay respects to Elders past and present.

Minutes of Previous Meeting:

Moved: Jackie McDonald

Seconded: Des Williams

RESOLVED that the Minutes of the Aboriginal Advisory Committee meeting held Friday 5 May 2017 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising

BA1. Public Arts Projects at Wommin Bay Road underpass Chinderah/Kingscliff and the roundabout at Alma Street, Murwillumbah

Rob Appo issued copies of the Expression of Interest document for the Murwillumbah Art and Chinderah Art Projects. Jackie McDonald raised concerns about the ambiguity of the Welcome to Chinderah/Kingscliff boundary and would like the Welcome to Chinderah sign

moved to the appropriate boundary location. Rob Appo advised that the Geographical Names Board have responsibility for the boundaries and he will seek clarification from them concerning the boundary. Jackie McDonald suggested that the AAC write to Council to ask for their support in seeking a change to the boundary from the Geographical Names Board.

Action: Rob Appo will seek clarification from Geographical Names Board concerning the Chinderah/Kingscliff boundary and provide feedback at a later AAC meeting.

Robyn Grigg arrived 10.04am

A1. Terms of Reference

Rob Appo advised that he met with Peter Honeyman (Bugalwena Advisory Volunteers Group) and has asked to attend the next meeting to enquire about their participation in the AAC. If Bugalwena Advisory Committee do participate, Rob confirmed there would still be 8 committee members, with a quorum of 5.

Action: Rob Appo will attend the next Bugalwena Advisory Volunteers Group meeting and report back to the next AAC meeting.

A4a Reconciliation Action Plan (RAP)

Rob Appo provided an update to the Committee and advised that the RAP has now been endorsed by Reconciliation Australia. Matt Hopewell (Tweed Shire Council) and Christine Slabb (Cultural Content Consultant) are working on the first draft of the RAP. This will be emailed to AAC members for comment on cultural content.

Action: Rob Appo to email draft RAP document to AAC members for comment on cultural content.

A4b Reconciliation Week Event

Rob Appo gave an update on the Cultural Awareness Training for Councillors and the Reconciliation Week Event. Cr Chris Cherry said the Reconciliation Week Event had been very well-received with both Councillors and staff attending. Feedback was excellent from council staff and the RAP group who considered it a very valuable learning experience. Rob advised that it had been very late notice from Federal Government and he only received confirmation of funding a week prior.

Leweena Williams asked what tiers of council attended Cultural Awareness Training and commented that there should be compulsory Cultural Awareness Training for all council staff to encourage knowledge and demonstrate commitment from council at all levels to the local Aboriginal Community. She commented on the need for a council pledge of commitment that is not tokenistic. Rob noted that there are provisions in the Reconciliation Action Plan for Cultural Awareness Training to be offered to council staff.

Nela Turnbull joined the meeting at 10.35am

A3c RPS Hastings Point midden update (NBN)

Rob Appo advised that RPS consultants have applied for a variation to the original AHIP as investigations revealed sensitivities in the eastern portion of the midden at the Hastings Point site. Rob advised that Council has received an amendment to the development

consent for DA17/0144. He also noted that the Tweed Byron Local Aboriginal Land Council and registered Aboriginal parties have already been updated.

Late Agenda Item

LA.1 Jack Julius Park Caveat – Nela Turnbull

Nela Turnbull advised that council has received a notice that a caveat has been lodged over Jack Julius Park, Kingscliff. Nela provided advice that council is dealing with the matter at hand, however, they have decided to defer this matter and seek further advice from the AAC.

Cr Cherry asked for the AAC's guidance on their preferred process for Council to deal with issues of this nature. It was suggested that the AAC be consulted and will provide their advice on an individual case basis.

Moved: Joyce Summers

Seconded: Jackie McDonald

RESOLVED that the AAC Committee supports council's action in seeking the removal of the caveat on Jack Julius Park as it is not a caveatable interest.

Cr Chris Cherry and Nela Turnbull left the meeting at 11.29am

A2. Dance & Song Project – Letter of Support Mark Cora (Arts Northern Rivers)

Guest did not attend to present this item.

Inwards Correspondence:

IC1. Department of Primary Industries – Fisheries (DPIF)

A letter dated 18 May 2017 was received regarding the Cultural Fishing Local Management Plan (CFLMP). Rob Appo advised the AAC of the DPIF's invitation to take part in the proposed trial for a Cultural Fishing Local Management Plan. The DPIF would like to utilise the AAC's established network to engage the broader community and encourage community members to take part in preparing a plan to assist the overall management of fisheries resources. The DPIF are seeking confirmation the AAC are agreeable to begin formal meetings over the next several months.

The Committee suggested that Rob Appo follow up with Steve Schnierer and Hayley Egan, independent researchers for the Indigenous Cultural Fishing and Fisheries Governance report, to confirm their further engagement for this program.

Action: Rob Appo to follow up with Steve Schnierer and Hayley Egan to discuss next steps before confirming with DPIF.

Late Business Item

LBI.1 NAIDOC Week – AAC nomination for Community Member of the Year

Rob Appo called for the AAC to consider possible nominations, within the next week. Committee discussed the nomination and will record the nomination after NAIDOC Week.

Action: Rob Appo will submit the AAC's nomination to the NAIDOC Committee.

Outwards Correspondence:
Nil

General Business:
Nil

Next Meeting:
The next meeting of the Aboriginal Advisory Committee will be held 9.00am, Friday 14 July 2017 at the Minjungbal Museum.

The meeting closed at 12.35pm.

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.

43 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held Monday 19 June 2017

SUBMITTED BY: Recreation Services

mhm



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

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.2 Places
- 3.2.9 Sporting Fields - To provide a range of accessible sports facilities and major event venues to promote an active and healthy lifestyle.

ROLE: **Leader**

SUMMARY OF REPORT:

The Minutes of the Sports Advisory Committee Meeting held Monday 19 June 2017 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Sports Advisory Committee Meeting held Monday 19 June 2017 be received and noted.

REPORT:

The Minutes of the Sports Advisory Committee Meeting held Monday 19 June 2017 are reproduced as follows for the information of Councillors.

Venue:

Banora Point Community Hall

Time:

5.30pm

Present:

Cr Pryce Allsop, Matt McCann, Merve Edwards, Rob Nienhuis, Gillian Austin, Linton Alford; Bruce Campbell, Helen Rigney

Apologies:

Cr Warren Polglase

Minutes of Previous Meeting:

Moved: Dion Andrews

Seconded: Pryce Allsop

RESOLVED that the Minutes from the Sports Advisory Committee meeting held on 24 April 2017 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

Agenda Items:

1. Sports Field Assets Reserves Trust Fund Applications Review

The committee reviewed the existing Sports Field Asset Reserves Trust Fund application form and it has been recommended that minor amendments be made. It was agreed that an additional guideline be added stating 'each applicant will be evaluated on individual merit'.

2. Sports Field Assets Reserves Trust Fund Applications

Pottsville Cricket Club

Pottsville Cricket Club requested \$12,500 for a UV resistant and waterproof shade sails installed to the front of the clubhouse; two (2) portable sight screens, for each end of the ground; replacement of three (3) synthetic turf wickets; and net repairs of cricket training nets.

Approved \$12,500.

Mustangs Rugby League Football Club

Request for 50% contribution towards the installation of a rangehood in the canteen at Stan Sercombe Field.

Approved \$1,881.

Murwillumbah Cricket Club

Murwillumbah Cricket Club requested \$3,000 for a business plan. The committee would like to investigate the market value to produce a five year business plan. Clarification on what exactly the club wishes to see in the plan has been requested. Murwillumbah Cricket Club will be advised that further information is required and their request is still pending.

3. Kingscliff Sports Field Master Plan Update

The committee were informed that the soccer and athletics club house which includes change room facilities, canteen and store rooms proposed for Walter Peate Reserve is currently under design in preparation for DA approval.

This will assist Council in seeking opportunities to access state or federal grant funding to complete the project.

4. Dion Andrews – Terranora Tennis Appointment

Dion Andrews disclosed that he accepted a position on the Terranora Tennis Committee. The committee members felt that this would be no conflict of interest to his position on the Sports Advisory Committee.

5. Kingscliff Football Club (A Current Affair Story)

Gillian Austin announced Kingscliff Football Club has been chosen to pilot 'The Unity of Faiths Foundation (TUFF) project in Australia. TUFF is a successful educational football program in the UK designed to support youth integration, create positive developmental pathways for, underprivileged children. The Australian government has supported this initiative and Kingscliff Football Club will be the first club in Australia to roll out this program. This presents a good opportunity for the club to improve their playing facilities.

General Business:

Next Meeting:

The next meeting of the Sports Advisory Committee will be held Monday 14 August 2017.

The meeting closed at 7.25pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - adopted 21 August 2012 (ECM2846627).

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

C1 [GM-CM] Tourism Promotion and Marketing Options

REASON FOR CONFIDENTIALITY:

This report deals with procurement options for Council and at this point of time it is best dealt with as a Confidential Item.

Local Government Act

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

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

mhm



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

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.1 People
- 3.1.12 Tourism - to market the Tweed as a tourism destination.

ROLE: **Collaborator**

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C2 [PR-CM] Development Application DA03/0445.03 for an Amendment to Development Consent DA03/0445 for Use of an Existing Stock & Domestic Water Bore for the Purpose of a Rural Industry Comprising the Harvesting & Bottling of Mineral Water at Lot 1 DP 735658

REASON FOR CONFIDENTIALITY:

This report is confidential because there are elements of correspondence received which could be considered as commercial-in- confidence.

Local Government Act

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Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Provider**

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

C3 [CNR-CM] Tweed Regional Gallery and Margaret Olley Arts Centre Air Conditioning

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.

nhm



People, places and moving around

Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.2 Places
- 3.2.2 Art Gallery - To promote awareness, enjoyment and understanding of the visual arts through collections, exhibitions, education and community programs.

ROLE: **Provider**

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