

Mayor: Cr K Milne

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

Agenda

Ordinary Council Meeting Thursday 26 October 2017

held at
Council Chambers, Murwillumbah Civic & Cultural Centre, Tumbulgum Road, Murwillumbah
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 Meetings held Thursday 21 September 2017

SUBMITTED BY: Corporate Governance

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**

The Minutes of the Ordinary and Confidential Council Meetings held Thursday 21 September 2017 are attached for information and adoption by Council.

RECOMMENDATION:

That:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 21 September 2017 be adopted as a true and accurate record of proceedings of that meeting.
2. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (f) matters affecting the security of the council, councillors, council staff or council property.

REPORT:

As per Summary.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

Attachment 1	Minutes of the Ordinary Council Meeting held Thursday 21 September 2017 (ECM 4787093)
(Confidential) Attachment 2	Minutes of the Confidential Council Meeting held Thursday 21 September 2017 (ECM 4786934).

2 [CONMIN-EXT] Confirmation of Minutes of the Extraordinary Council Meeting held on Thursday 21 September 2017

SUBMITTED BY: Corporate Governance

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LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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ROLE: Leader

The Minutes of the Extraordinary Council Meeting held on Thursday 21 September 2017 are attached for information and adoption by Council.

RECOMMENDATION:

That the Minutes of the Extraordinary Council Meeting held on Thursday 21 September 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:

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

Attachment 1

Minutes of the Extraordinary Council Meeting held on
Thursday 21 September 2017 (ECM 4786411)

3 [CONMIN-EXT] Confirmation of Minutes of the Extraordinary Council Meeting held Wednesday 27 September 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 Extraordinary Council Meeting held Wednesday 27 September 2017 are attached for information and adoption by Council.

RECOMMENDATION:

That the Minutes of the Extraordinary Council Meeting held Wednesday 27 September 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:

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

Attachment 1

Minutes of the Extraordinary Council Meeting held
Wednesday 27 September 2017 (ECM 4798201).

4 [CONMIN-CM] Confirmation of Minutes of the Ordinary Council Meeting held Thursday 5 October 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 5 October 2017 are attached for information and adoption by Council.

RECOMMENDATION:

That the Minutes of the Ordinary Council Meetings held Thursday 5 October 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:

*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 5 October 2017 (ECM 4813582).

SCHEDULE OF OUTSTANDING RESOLUTIONS

5 [SOR-CM] Schedule of Outstanding Resolutions as at 26 October 2017

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LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

CODE OF MEETING PRACTICE:

Section 2.8 Outstanding Resolutions

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

16 JULY 2015

ORDERS OF THE DAY

31 [NOM] Parking Requirements for Small Businesses

408

Cr K Milne
Cr P Youngblutt

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

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

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

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

15 SEPTEMBER 2016

REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

C1 [GM-CM] Murwillumbah Railway Station

C 29

That Council:

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

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

18 MAY 2017

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: Since the Councillor workshop held on 30 June to discuss the Draft Community Engagement Strategy, Council has engaged Adjunct Professor Graham Sansom to assist Council to proceed with the review and development. A Councillor workshop is being held 16 October 2017 to review the revised draft strategy, after which a report to Council will be presented to proceed with a suitable exhibition and strategy adoption timeframe.

ORDERS OF THE DAY

37 [NOM] Tweed Shire Housing Opportunities

222

Cr K Milne
Cr C Cherry

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

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

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

15 JUNE 2017

27 [CS-CM] Integrated Planning and Reporting Framework - 2017/2021 Delivery Program and 2017/2018 Operational Plan

272

Cr C Cherry
Cr R Cooper

RESOLVED that:

...

3. The General Manager brings back a report prior to the September Quarterly Budget Review on measures that could fund the following:
-

- A4690 Western Drainage Scheme Maintenance p8 increase from \$109,000/year to \$159,000/year;
- A0304 Community Engagement p12 increase from \$30,000/year to \$60,000/year;
- A2271 Public Art Maintenance p15 increase from \$7,000/year to \$32,000/year; and
- Renewable Energy Action Plan implementation \$195,000/year.

Current Status: Western Drainage Scheme Maintenance and Renewable Energy Action Plan implementation are subject to reports within the Council Meeting agenda of 26 October 2017.

Additional funds for Community Engagement are subject to a Council Workshop and finalisation of Tweed Link negotiations.

Public Art Maintenance will be the subject of a Workshop to be scheduled.

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: A report is being prepared for the November 2017 Council Meeting.

20 JULY 2017

ORDERS OF THE DAY

6 [NOM] Supporting Artists and Activating our Towns

302

Cr K Milne
Cr R Byrnes

RESOLVED that:

1. 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.

2. Council considers establishing a local musicians project working group to facilitate aspects of the above objective by calling for expressions of interest from local community and industry members in this group in the report.

Current Status: Council's Community Development team made a submission to the CREATE NSW Live and Local Strategic Initiative. Council has been successful in receiving a grant of approximately \$15,000 to host a one day music festival in Kingscliff in April as part of the planned celebrations for the opening of Kingscliff Central Park.

The Youth Strategy Update Report to Council's August 2017 meeting identifies that \$10,000 is to be allocated from the Youth Development budget for an allocation of \$10,000 for activating spaces through youth performance initiatives.

11 [NOM] Webcasting of Council Meetings

307

Cr K Milne
Cr C Cherry

RESOLVED that Council brings forward a report on the cost to the Lismore and Gold Coast Council for live streaming of their Council meetings.

Current Status: Report is to be prepared for a future Council Meeting.

REPORTS FROM THE GENERAL MANAGER

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

311

Cr K Milne
Cr C Cherry

RESOLVED that:

1. The Planning Proposal for Bob Whittle Murwillumbah Airfield be prepared and submitted to the NSW Department of Planning and Environment for a Gateway Determination, in accordance with s56 of the Environmental Planning and Assessment Act.

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

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

17 AUGUST 2017

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

16 [CNR-CM] Possums' Preschool Inundation from April Floods 2017

380

**Cr W Polglase
Cr C Cherry**

RESOLVED that:

1. Following the 31 March 2017 floods, Condong Hall be reinstated to pre March 2017 flood condition and budget be allocated as detailed in the Confidential Attachment 3.
2. Negotiations commence to formalise Possums' Community Preschool Association Inc. tenure subject to a future report to Council.
3. ATTACHMENT 3 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

Current Status: Negotiations with Possums' Community Preschool Association being undertaken to ensure a lease is in place prior to commencement of Term 1 2018 as the land is currently classified as Community Land.

It is noted that this community facility is one of thirteen used for pre-schools / early childhood and that this will be the subject of a future report to Council to take a more consistent approach to the tenure of community buildings.

21 SEPTEMBER 2017

ORDERS OF THE DAY

10 [NOM] Rail Trail Community Consultation

435

**Cr K Milne
Cr R Byrnes**

RESOLVED that:

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

Current Status: A report to be prepared.

REPORTS FROM THE DIRECTOR PLANNING AND REGULATIONS

a19 [PR-CM] Unauthorised Forestry and Road Works - Lot 136 DP 755724 Boormans Road, Tyalgum

425

**Cr K Milne
Cr C Cherry**

RESOLVED that:

1. Council engages its solicitors to provide advice regarding the unauthorised forestry and road works within that portion of Lot 136 DP DP755724 Boormans Road, Tyalgum affected by Tweed Local Environmental Plan 2000 environmental zones, as identified in this report, and that a further report be submitted to Council providing preferred options for prosecution of the site owners, and best options to impose a statutory stop work order under the Environmental Planning and Assessment Act 1979 and **a Clean Up Notice under** the Protection of the Environment Operations Act 1997;
2. Council endorse that a systematic site assessment be undertaken to inform any investigation and compliance action including:
 - a. Survey all constructed roads via vehicle traverse with differential GPS;
 - b. Survey the aerial extent and location of all areas of vegetation clearing;
 - c. Assessment by a suitably qualified ecologist to quantify the vegetation classification of areas impacted by vegetation clearing; and
 - d. Assessment by a suitably qualified ecologist of the quantified extent of vegetation clearing in relation to the impacts of the clearing on threatened species and threatened species habitat.
3. Council officers continue to work with relevant State and Federal Government compliance agencies to seek a prosecution of the site owners under their legislation and appropriate site management.
4. Subject to the advice in 1 above the Stop Work Notice and the Clean Up Notice may be issued by the General Manager or delegate without the need for a further report to Council.
5. Council requests in the strongest terms and makes representation in person to the state government to revoke this Private Native Forestry licence due to the significant impacts for Tweed's World Heritage values, threatened species, waterway pollution, safety issues with the instability of the works for compliance officers and on site workers, the unsuitability of the external road network, the significant costs of the extensive compliance actions required, the distress caused in the community, and the ongoing risks of further compliances breaches as evidenced by the significance and similarity of these repeat unauthorised activities.

Current Status: Investigation for a Stop Work Order has been initiated with Council's solicitors and a letter has been sent to the Minister for Environment seeking a meeting on private native forestry approval processes.

REPORTS FROM THE DIRECTOR ENGINEERING

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

462

Cr C Cherry
Cr K Milne

RESOLVED that this item be deferred for a Workshop.

Current Status: A Workshop is to be scheduled.

MAYORAL MINUTE

6 [MM-CM] Mayoral Minute for September 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

- 1 September Aboriginal Advisory - Minjungbal Aboriginal Museum and Cultural Centre, Kirkwood Road, Tweed Heads South.
 - 5 September Tweed Coast Koala Management - Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
-

INVITATIONS / MAYORAL REPRESENTATION:

Attended by the Mayor

- 2 September My Mayor Rules Cook-off - Simple Food Festival, Bangalow Showgrounds, 1 Market Street, Bangalow.
 - 6 September Tweed Heads Women's Hearts and Health Day - Tweed Heads Hospital, Florence Street, Tweed Heads.
 - 8 September Official Opening Tweed Heads Police Station - 83 Wharf Street, Tweed Heads.
 - 13 September Site Visit and Workshop Enquiry By Design Wardrop Valley - Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
-

- 15 September General Manager's Performance Review - Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah. All Councillors attended.
- 16 September Northern Rivers Sustainable House Day - Seagulls Club, Gollan Drive, Tweed Heads West.
- 22 September Mount Warning Springwater and Yaru Water Tour - 2574 Kyogle Road, Uki. Crs Byrnes and Cherry also attended.
- 23 September Second Hand Saturday with Dirt Boy - Bilambil Pre-school, 418 Bilambil Road, Bilambil.
- 25 September Public Transport In Our Region Public Forum - Murwillumbah Community Centre, Nullum Street, Murwillumbah.
- 26 September Stott's Creek Resource Recovery Centre Master Plan Stakeholder Consultation - Sustainability Centre, Altona Road, Cudgen.
- 28 September Red Cross Flood Appeal Cheque Presentation - South Tweed Sports Centre, 4 Minjungbal Drive, Tweed Heads South.
- 28 September O'Heart Festival Flood Appeal Cheque Presentation - Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.

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

- 2 September Tyalgum Park Opening - Coolman Street, Tyalgum. Cr Allsop attended.
- 3 September Dedication of Monument To All Seafarers - Apex Park, Pt Danger, Marine Parade, Coolangatta. Cr Polglase attended.
- 18 September Grand Re-opening of Vinnies Tweed Heads - 11 Beryl Street, Tweed Heads. Cr Cherry attended.
- 19 September Murwillumbah High School Year 12 Graduation Ceremony - Murwillumbah High School, 86 Riverview Street, Murwillumbah. Cr Cherry attended.
- 23 September Battle Recharge Cycling Event - Murwillumbah Showground, Queensland Road, Murwillumbah. Cr Allsop attended.
- 29 September Caldera Art 2017 Exhibition Opening - Tweed Regional Gallery, Mistral Road, Murwillumbah. Cr Cherry attended.

Inability to Attend by or on behalf of the Mayor

- 8 September Official Opening NSW Ambulance and Westpac Life Saver Rescue Helicopter Service - 77 Krauss Avenue, Lismore. Very late notice of event and no Councillors were available to attend.
 - 23 September Raising of the Flags - Cudgen Headland Surf Life Saving Club, Marine Parade, Cudgen. Cr Owen accepted the invitation but was called away on the day for a family event.
-

REQUESTS FOR WORKSHOPS:

Councillors did not request any additional workshops during September 2017.

CONFERENCES:

Conferences attended by the Mayor and/or Councillors

Councillors did not attend any conferences during September 2017.

Information on Conferences to be held

There was no information received on pending conferences during September 2017.

SIGNING OF DOCUMENTS BY THE MAYOR:

- 20 September Licence Agreement Extension - Operation of Café at Tweed Regional Gallery.
-

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 September 2017 be received and noted.**
 - 2. The attendance of Councillors at nominated Conferences be authorised.**
-

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

RECEIPT OF PETITIONS

7 [ROP-CM] Receipt of Petitions

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
2.2.4 Councillors and Civic Business - To make informed decisions in the best interest of the community.

ROLE: Collaborator

SUMMARY OF REPORT:

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

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

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

RECOMMENDATION:

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

REPORT:

As per Summary

OPTIONS:

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

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

CONCLUSION:

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

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

ORDERS OF THE DAY



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**

8 [NOM] Kingscliff Foreshore Park

NOTICE OF MOTION:

Councillor W Polglase moves that Council:

1. **Reconsiders the naming of the Kingscliff Foreshore Park to an appropriate name which represents the character of the area.**
2. **Consults with the Kingscliff Community for their input for the renaming of the Foreshore Redevelopment Park.**

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

The Naming of Council Parks and Sportsfields Policy details the criteria and process for naming of parks in the Shire. It is recommended that Council considers amending point 2 of the Notice of motion to read:

2. *Invites submissions from the community on renaming the Foreshore Redevelopment park in accordance with Council's Naming of Council Parks and Sportsfields Policy.*

Delivery Program:

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**Budget/Long Term Financial Plan:

The costs to replace the concrete park sign with an alternative name would be up to \$10,000, depending on the method employed.

Legal Implications:

Nil

Policy Implications:

Naming of Council Parks and Sportsfields Policy states:

Policy Objective

To provide a consistent, transparent and standard procedure for the naming of Public Parks and Sportsfields under the control of Council.

Public Park Naming

That Council adopt the following guidelines when considering and approving the naming of Public Parks (excluding sportsfields) under the control of Council, where each application is to be assessed on its own merits.

Application

Council requires an application for the naming of Public Parks under the control of Council to be in writing providing the following information:

- (i) a clear description of the public park to be named, including street address, locality and/or property particulars;*
- (ii) the proposed name and the reason for the choice of that proposed name, particularly if the proposed name relates to flora, fauna, or contains any descriptive element relating to the Tweed Shire area;*
- (iii) any history of the land set aside for public park relative to the name proposed;*
- (iv) any history or historical involvement with the Tweed Shire area of the person or organisation after whom the naming is sought;*
- (v) contributions by the person or organisation to the Tweed Shire community which may warrant consideration for the proposed name;*

- (vi) any history of service to the Tweed Shire community that was on a voluntary basis;*
- (vii) any detailed information in relation to the service and its contribution to the betterment of the Tweed Shire community;*

Assessment Criteria

- (a) Council will not consider the names of living persons in accordance with the guidelines of the Geographical Names Board;*
- (b) No duplication of names within the Tweed Shire local government area;*
- (c) The person after whom the naming is sought should have made a significant and long term contribution to the Tweed Shire community;*
- (d) The person after whom the naming is sought must be widely known and respected within the community;*
- (e) The person after whom the naming is sought must have a recognised historical link with the locality or is generally acknowledged as having made a significant contribution to the social, economic, sporting or cultural development of the community;*
- (f) The person after whom the naming is sought must have been a resident of the Tweed Shire;*
Page 4 of 6
- (g) Names of Aboriginal origin associated with the locality or associated with the historical background of the locality will be highly regarded, but must be accompanied by written approval of the name from the Local Aboriginal Land Council existing in the locality of public park to be named;*
- (h) Prior ownership of the land is not sufficient reason to apply the owner's name, personal or corporate, to the public park;*
- (i) The proposed descriptive name refers to flora, fauna or other descriptive elements refers to local indigenous species and relates directly to the Tweed Shire area.*

Approval Process

- (1) If Council approves the application against the criteria listed above, then a report will be presented to Council for consideration of a resolution to advertise the name in the Tweed Link or any other local newspaper inviting submissions from the public for a twenty eight (28) day submission period. Any submissions received will be considered in a further report to Council.*
 - (2) Proposal to be assessed against any submissions received and a recommendation for approval or otherwise to be made in report to Council.*
-

9 [NOM] Private Native Forestry

NOTICE OF MOTION:

Councillor K Milne moves that Council:

- 1. Notes that Tweed Shire has the highest biodiversity of remnants in Australia of the Ancient Gondwana Rainforests which are of international significance and much which are contained within private lands.**
- 2. Notes the appalling situation of State Government reliance on existing records only to determine conditions for Private Native Forestry licences, and the complete lack of any on ground ecological studies required to determine whether critical flora and fauna or cultural heritage would be at jeopardy.**
- 3. Notes that Tweed's forests have not been mapped in detail in many places, such as the Hewittville property at Limpinwood currently being investigated for unauthorised works for the third time.**
- 4. Calls on the State Government for an urgent moratorium on any further issuing of Private Native Forestry licences for native forests (i.e. not native plantation forests) in the Tweed Shire, until a review of the existing legislation is completed.**
- 5. Brings back a report on options to restrict heavy logging vehicles along Boormans Rd, Limpinwood Rd, Zara Rd, and Numinbah Rd due to sections of the road still subject to flood damage, the potential for danger and wear and tear from logging vehicles on these lower standard rural roads.**

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Currently there are no posted restrictions on heavy vehicles along the nominated roads. It is lawful for heavy vehicles to operate on these roads, subject to configuration and weight limits imposed by heavy vehicle regulators, and compliance with Australian Road Rules.

Regulations can be placed on roads to limit loads and dimensions of heavy vehicles, however these cannot single out heavy vehicles servicing a particular industry or development, such as the private native forestry on Boormans Road. Imposition of limits would therefore prohibit any movements of heavy vehicles on these roads, impacting on other industries, such as construction, agriculture and goods deliveries. This would be particularly impractical on a regional road such as Numinbah Road, which connects to the City of Gold Coast and services a large geographical portion of the Shire.

Imposition of regulations preventing heavy vehicles operating on the subject roads would result in the diversion of these heavy vehicles on alternate routes. In the case of the Boormans Road operations, trucks would be made to travel south through Tyalgum village and along Tyalgum Road to Byangum, along Kyogle Road through Bray Park and Murwillumbah, and then on urban streets (Riverview St, Wollumbin St, Alma St) to Tweed Valley Way. Currently the logging trucks bypass Murwillumbah to the north to Condong. This is highly likely to generate a new range of amenity and safety related complaints from residents in these areas. Rural road standards and flood damaged segments would be raised as concerns on these alternate routes also.

In terms of process, proposals to erect signage to restrict heavy vehicles on the subject roads require consideration by the Local Traffic Committee. Recommendations from the Committee would then be reported for Council decision. Representatives of Roads and Maritime Services, NSW Police and the State Member may or may not support these measures.

Delivery Program:

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

Budget/Long Term Financial Plan:

Points 1 to 3 have no financial impact on Council's budget. Point 4 may require some resources to develop an appropriate response to the NSW Government. Point 5 will require staff resources to develop a report.

Legal Implications:

No known legal implications for Points 1 to 4.

Policy Implications:

Nil.

10 [NOM] Stop Adani Campaign

NOTICE OF MOTION:

Councillor K Milne moves that Council:

- 1. Notes the Stop Adani campaign event in Cabarita and around Australia for the National Stop Adani Day of Action on 7 October 2017 to support the farmers directly affected and the wider communities' concerns over this mine.**
- 2. Notes the plan to extract 2.3 billion tonnes of coal from Adani's planned mine which would result in 4.6 billion tonnes of CO₂ emissions, along with the extraction of billions of tonnes of groundwater from the Galilee Basin, and the potential for pollution of this groundwater source.**
- 3. Writes to the Prime Minister, the Hon. Mr Malcolm Turnbull and Queensland Premier, the Hon. Ms Anastacia Palaszczuk to express in the most respectful terms our extreme concern for the Adani mine.**
- 4. Brings back a report on the potential to identify companies that may be associated with the Adani mine and whether Council could restrict any dealings with those companies.**

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

As there are no current mining applications within Tweed Shire Council this matter is solely a matter for Councillors consideration.

Note: Part 4 of the Motion is not achievable within Tweed Shire Council as Council has no power or authority to request Adani to disclose their dealings.

Delivery Program:

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.1 Natural Resource Management
- 1.1.4 Environmental Sustainability - To support Council, businesses and the community to achieve the best possible combination of environmental, social and economic outcomes.

ROLE: Advocate

Budget/Long Term Financial Plan:

Not applicable.

Legal Implications:

This matter is outside the principles of local government as per the Local Government Act, 1993.

Policy Implications:

This matter is outside the principles of local government as per the Local Government Act, 1993.

11 [NOM] Greening our Shire

NOTICE OF MOTION:

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

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

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

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

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

PRIORITY 5

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

KEY OBJECTIVES

1. Increase the tree canopy by planting and maintaining trees to improve the amenity of the urban landscape and reduce the urban heat-island effect.
2. Provide **natural shade** from trees as an effective protection measure against harmful UV and to improve our community's resilience to **heat** waves.

3. Maintain a healthy and well managed urban forest that can supply the community with a wide range of social, economic and environmental benefits.

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

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

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

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

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

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

KEY STRATEGIES/ACTIONS

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

Delivery Program:

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

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

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

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

Budget/Long Term Financial Plan:

The costs of developing a strategy if contracted to a consultant will be approximately:

\$20,000

For a program as suggested in point 2 of the notice of motion to be successful would require the engagement of an extension officer to manage and coordinate, on a part time basis initially.

\$50,000/PA

Legal Implications:

Nil

Policy Implications:

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

12 [NOM] Insulation and Air Tight Buildings

NOTICE OF MOTION:

Councillor K Milne moves that Council:

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

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Delivery Program:

mhm



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

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

ROLE: **Leader**

Budget/Long Term Financial Plan:

Not applicable.

Legal Implications:

Not applicable.

Policy Implications:

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

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

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

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

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

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

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

13 [NOM] Sustainable Building Materials for Council Facilities

NOTICE OF MOTION:

Councillor K Milne moves that Council brings forward a report on developing a policy to require the use of sustainable and/ or recycled building materials in all new Council buildings and facilities wherever possible and reasonable.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Delivery Program:

Council has an *Environmental Design Guidelines for Council Facilities* protocol; however it was produced in 2008 and requires updating. Council officers began a review of the protocol in 2016 but it was not completed due to competing priorities and resource requirements. Accordingly, a report as requested is supported by Council officers.

A review of the *Environmental Design Guidelines for Council Facilities* protocol and potential development of a policy as described will potentially have implications on the Delivery program and these would be detailed in the requested report.

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**

Budget/Long Term Financial Plan:

A report back to Council will outline budget requirements, and staff resourcing implications to develop a policy. The report will also discuss cost and long term asset management implications of specifying the use of sustainable and/ or recycled building materials.

Legal Implications:

Nil

Policy Implications:

Nil

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

NOTICE OF MOTION:

Councillor K Milne moves that Council:

- 1. Notes the benefits that the Art Gallery brings to the Shire but that approximately \$2 million of Council's general fund are directed to the Tweed Regional Art Gallery and Margaret Olley Art Centre each year.**
- 2. Brings forward a report on:**
 - a) an estimate of the percentage of exhibition space dedicated to local artists per annum,**
 - b) the number of dedicated exhibitions of local works compared to NOROC region artists and artists outside the NOROC region,**
 - c) the number of visitors to the Gallery over the last 3 years and an estimate of the proportion of locals compared to visitors,**
 - d) the number of art acquisitions accumulated by the Art Gallery over the years,**
 - e) the original costs and the current estimated value of these acquisitions,**
 - f) the long term financial plan for the art gallery, including information on electricity savings from the installation of the solar panels,**
 - g) how much funding Council allocates to each of the other sectors of the Arts, h) such as murals and other outdoor public art, music, theatre and dance, etc.,**
 - h) options to reduce costs and improve the financial sustainability of the Art Gallery so that a greater variety of the arts can be better supported, and**
 - i) options for more comprehensive reporting of the Art Gallery operations to Council,**

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Delivery Program:

The scope of Arts and Cultural investment includes a number of service areas in the Delivery Program. In particular:

- Tweed Regional Art Gallery and Margaret Olley Art Centre (MOAC)
- Tweed Regional Museum
- Murwillumbah and Tweed Heads Auditoria
- Community and Cultural Development

The Tweed Regional Art Gallery and Margaret Olley Art Centre (TRGMOAC) has consistently attracted over 100,000 visitors each year since 2014 generating an estimated \$7M worth of economic impact for the Tweed each year as our most significant tourist and cultural attraction. Based on recent information collected through our Point of Sales software approximately 28% of Gallery visitors come from local postcodes.

The TRGMOAC has a total of 335 running metres of exhibition space and of this approximately 16% is permanently dedicated to local and regional artists. Regional artists often also feature and are included in exhibitions shown throughout the Gallery. The Gallery also coordinates two exhibitions (Border Art Prize and Les Peterkin Portrait Prize for Children) that are specifically for regional artists.

The Gallery currently reports to Council through quarterly KPI's and as required based on grants received or significant outcomes achieved. It is feasible for a more detailed annual plan to be provided to Council based on the Gallery strategic business plan. The request for a report on the following items can be included in an annual report as the gallery currently keeps records of this data:

- a) an estimate of the percentage of exhibition space dedicated to local artists per annum,
- b) the number of dedicated exhibitions of local works compared to NOROC region artists and artists outside the NOROC region,
- c) the number of visitors to the Gallery over the last 3 years and an estimate of the proportion of locals compared to visitors,
- d) the number of art acquisitions accumulated by the Art Gallery,
- e) the current estimated value of these acquisitions,

A detailed report could be prepared for Council addressing the specific questions in this NOM including further information about visitor demographics, exhibition of local and regional artists, acquisitions, long term financial planning and sustainability.

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
- 3.2.2 Art Gallery - To promote awareness, enjoyment and understanding of the visual arts through collections, exhibitions, education and community programs.

ROLE: **Leader**

Budget/Long Term Financial Plan:

TRGMOAC attracts significant additional funding to that provided by Council through numerous government grants, private and community philanthropic donations and gifts.

The amount of funding Council allocated to each of the arts and cultural service areas in the 2017- 2018 budget (excluding requested roll over funds from 2016/17) is summarised in the table below:

	Budget	% of TOTAL
Art Gallery		
TOTAL INCOME (shop, café, sales, workshops, donations, artist in residence, grants)	-155,293.00	
TOTAL EXPENSES (incl salaries)	1,507,506.00	
OPERATING COST	1,352,213.00	
CAPITAL EXPENDITURE	195,956.00	
TOTAL COST	1,548,169.00	62.2
Museum		
TOTAL INCOME	0	
TOTAL EXPENSES (incl Salaries)	492,002.00	
OPERATING COST	492,002.00	
CAPITAL EXPENDITURE	194,386.00	
TOTAL COST	686,388.00	27.5
Auditoria (Murwillumbah and Tweed Heads)		
TOTAL INCOME	-82,065.00	
TOTAL EXPENSES (incl contractors)	213,010.00	
OPERATING COST	130,945.00	
CAPITAL EXPENDITURE	0.00	
TOTAL COST	130,945.00	5.3

	Budget	% of TOTAL
Arts Northern Rivers		
TOTAL COST	28,157.00	1.2
Cultural Planning and Public Art (incl P/T Cultural Planner)		
TOTAL COST	94,994.00	3.8
TOTAL	2,488,653.00	

Legal Implications:

Not applicable.

Policy Implications:

Not applicable.

15 [NOM] Tweed Valley Wildlife Carers

NOTICE OF MOTION:

Councillor K Milne moves that Council allocates an extra \$10,000 to the Tweed Valley Wildlife Carers from either the roads budget or the major events budget to assist these volunteers with operating expenses and to expand their promotion and education programs.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Delivery Program:

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

Budget/Long Term Financial Plan:

A reduction on the roads budget will impact the level of service provided to our community in the areas of roadside weed and vegetation control, road and footpath cleaning and rubbish removal. This service is rated by our community as Extremely Important and has the lowest satisfaction level of all Council services at 67.1%.

Legal Implications:

Nil

Policy Implications:

Financial Assistance to Licensed Not for Profit Native Animal Welfare Groups - As an indication, base line funding for the care and rehabilitation of one species may

commence at \$2500 per annum, to a maximum of \$5000 per annum to groups licensed in providing services to more than one native species.

Funding associated with the Events Sponsorship Policy provides a framework for Council to offer financial assistance to event organisers to develop, host and grow events in the Tweed Shire. Council recognises that events not only create a great sense of local pride but they are also a key driver for tourism visitation growing the local areas capacity for destination brand identification and attracting business and new residents to the region.

Applications for this funding cannot be submitted for general operating costs.

Councillors can choose to make a variation at the September Quarterly Budget Review to reduce the Events Sponsorship budget. This could however, impact on level of support provided to local community events such as World Environment Day and the Murwillumbah Agriculture Show.

16 [NOM] Supporting Small Businesses

NOTICE OF MOTION:

Councillor K Milne moves that Council:

- 1. Notes the Business Council of Australia recently wrote to Council to request that we become a signatory to the Australian Supplier Payment Code which is a voluntary initiative to improve payment times to small business suppliers and across the economy.**
- 2. Council becomes a signatory to the Australian Supplier Payment Code.**

Councillor's Background Notes

Recommended Priority:

Dear Cr Milne

We are writing to invite your council to become a signatory to the *Australian Supplier Payment Code*, a voluntary initiative to improve payment times to small business suppliers and across the economy.

The Code, launched in May 2017, commits signatories to pay small businesses within 30 days of receipt of a correct invoice. A printed copy of the Code is enclosed and a website with information about the Code is available at www.supplierpaymentcode.org.au.

Nearly 60 organisations have signed up to the Code so far, including several councils and a number of Australia's largest companies. These signatory organisations have a combined annual turnover of over \$375 billion and employ over 370,000 Australians. Many more organisations are in the process of signing up.

All businesses and government organisations operating within Australia are encouraged to sign up to the Code. We are writing to the Mayors of Australia's local councils to ask them to sign the Code and help promote better payment practices to small businesses.

As well as doing the right thing by small business suppliers, widespread adoption of the Code will demonstrate that a voluntary effort can improve payment practices and that economy-wide regulation, with all its associated costs, is not required. To achieve lasting improvement in payment times we need a culture of cooperation, not compliance.

The Code has been developed collaboratively by the Business Council of Australia, the Council of Small Business Australia and the Victorian Government, and has been welcomed by both the federal government and the Opposition.

If you would like to know more about the Code and how your council can become a signatory, please contact Simon Pryor at the Business Council on 03 8664 2616 or via email at simon.pryor@bca.com.au.

Yours sincerely,



Jennifer A. Westacott
Chief Executive
Business Council of Australia



Peter Strong
Chief Executive
Council of Small Business Organisations of Australia

Description of Project:

Nil.

Management Comments:

The *Australian Supplier Payment Code* is a voluntary, industry-led initiative to enshrine the importance of prompt and on-time payment for suppliers through a set of best practice standards.

On 22 August 2014, Council received an invitation from the NSW Small Business Commissioner to join the *Small Business Friendly Councils Program*. This programs aim was also to achieve On Time payments.

As a result Council adopted on 22 January 2015 the On Time Payment Policy which is available on Council website <http://www.tweed.nsw.gov.au/Policies> and is attached for information.

It would appear that the objectives of the *Australian Supplier Payment Code* are already being met by Councils adoption of the On Time Payment Policy in January 2015

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
- 3.1.5 Economic Development - To support the local economy and attract new business and employment to the Tweed.

ROLE: **Leader**

Budget/Long Term Financial Plan:

Nil

Legal Implications:

Nil

Policy Implications:

Accords with Council's On Time Payment Policy adopted in January 2015.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. On Time Payment Policy adopted 22 January 2015
(ECM3480823)

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

17 [GM-CM] Review of Organisation Structure

SUBMITTED BY: General Manager

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:

Section 333 of the Local Government Act 1993 requires that the council must review, and may re-determine, the organisation structure within 12 months after any ordinary election of the council.

Section 332 of the Local Government Act 1993 also sets out minimum requirements for the determination of the organisation structure:

"(1) A council must, after consulting the general manager, determine the following:

- (a) the senior staff positions within the organisation structure of the council,*
- (b) the roles and reporting lines (for other senior staff) of holders of senior staff positions,*
- (c) the resources to be allocated towards the employment of staff.*

(1A) The general manager must, after consulting the council, determine the positions (other than the senior staff positions) within the organisation structure of the council.

(1B) The positions within the organisation structure of the council are to be determined so as to give effect to the priorities set out in the strategic plans (including the community strategic plan) and delivery program of the council."

This report provides a review of the organisation structure.

RECOMMENDATION:

That, in accordance with Section 333 of the Local Government Act 1993, Council endorses the retention of the higher order organisation structure adopted by Council in 2014 of:

**General Manager
Director Corporate Services
Director Engineering
Director Planning and Regulation
Director Community and Natural Resources.**

REPORT:

Section 333 of the Local Government Act 1993 requires that the council must review, and may re-determine, the organisation structure within 12 months after any ordinary election of the council.

Section 332 of the Local Government Act 1993 also sets out minimum requirements for the determination of the organisation structure:

"(1) A council must, after consulting the general manager, determine the following:

- (a) the senior staff positions within the organisation structure of the council,*
- (b) the roles and reporting lines (for other senior staff) of holders of senior staff positions,*
- (c) the resources to be allocated towards the employment of staff.*

(1A) The general manager must, after consulting the council, determine the positions (other than the senior staff positions) within the organisation structure of the council.

(1B) The positions within the organisation structure of the council are to be determined so as to give effect to the priorities set out in the strategic plans (including the community strategic plan) and delivery program of the council."

At its meeting of 20 February 2014, Council resolved the executive and senior staff structure as follows:

General Manager
Director Corporate Services
Director Engineering
Director Planning and Regulation
Director Community and Natural Resources

Council also adopted the organisation structure that currently exists, which has only since been altered slightly through a number of amendments below a Director level. Further, since the adoption of the February 2014 organisation structure the Local Government Act has been amended through the Local Government Amendment (Governance and Planning) Bill 2016, and Council is now only required to resolve the higher order organisation structure, with the general manager determining the other positions (with the exception of the senior staff positions) within the organisation structure.

The new Community Strategic Plan 2017 – 2027 Living and Loving the Tweed has been adopted that incorporates the principle streams of:

Leaving a legacy: *Looking out for future generations*
Making decisions with you: *We're in this together*
People, places and moving around: *Who we are and how we live*
Behind the scenes: *Providing support to make it happen*

This Plan is underpinned by over 50 key services with Council's role being either the Leader; Advocate; Provider or Collaborator or a mixture of these roles.

In determining the 2017/2021 Delivery Program that supports the Community Strategic Plan, Council endorsed the Organisation Structure that supports the implementation of the nominated services and it is included as Attachment 2 within the Delivery Program document.

This report proposes that the current organisation structure of General Manager supported by the four Directors – which are classified as senior staff positions – is retained. A minor change of direct reporting to a Director is being implemented which will see the position of Internal Auditor moved from reporting directly to the Director Corporate Services to report to the Manager Corporate Governance.

This change in direct reporting will result in the areas of Enterprise Risk Management and Internal Audit being on par and both working within the Corporate Governance Unit and directly reporting to the Manager Corporate Governance. This is an important strategic change that aligns with the change in emphasis of the Audit Committee to reflect the responsibilities of Audit, Risk and Improvement. The change in reporting by the Internal Auditor will reduce the number of direct reports to the Director Corporate Services and also within the Corporate Services Division; the line of reporting of the Events Officer may also be reviewed in the future.

Also, for the information of Council, reviews are currently occurring within the Communication and Customer Services, Community and Cultural Services, Building and Environmental Health, Regulation and Compliance Units and Office of the General Manager, with these reviews designed to attain the optimum levels of customer service and achieving the Service Goals that have been established within the Delivery Program.

OPTIONS:

1. That the existing organisation structure of General Manager and four Directors be endorsed.
2. That the General Manager be requested to provide a report on an alternate organisation structure.

CONCLUSION:

That in accordance with Section 333 of the Local Government Act 1993 Council endorses the higher order organisation structure of General Manager and the four Directors as previously resolved in 2014.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Wage, salary and other associated employee expenses are allowed for within the annual budget and long term financial plan.

c. Legal:

As per Sections 332 and 333 of the Local Government Act 1993.

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

18 [GM-CM] Telecommunications Infrastructure on Council Land

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
- 3.1 People
- 3.1.5 Economic Development - To support the local economy and attract new business and employment to the Tweed.

ROLE: Collaborator

SUMMARY OF REPORT:

At its meeting on 20 July 2017, Council resolved to place the draft Telecommunications Facilities on Council Owned Land Policy on public exhibition. This exhibition period was undertaken through August with no public submissions being received.

This report recommends that the exhibited draft be adopted as a Council policy.

RECOMMENDATION:

That Council adopts the draft Telecommunications Facilities on Council Owned Land (v1.3) as a Council Policy under the Local Government Act.

REPORT:

On 20 July 2017 Council considered the draft Telecommunications Facilities on Council Owned Land Policy. This draft policy outlined certain criteria that would be required from a telecommunications provider prior to providing owner's consent. This policy has been developed to ensure that Council encourages the development of telecommunications facilities on Council controlled land as outlined in Council's Community Strategic Plan Objective 3.1.8 – "Promote improved telecommunications and broadband access". At that meeting Council resolved that:

- "1. The 'Improve Urban Design' objective be enhanced with the words 'Improve urban design, and minimise impact on Council land and infrastructure, residential amenity and cultural and heritage values'.*
- 2. The revised draft Telecommunications Facilities on Council Owned Land Policies Version 1.2 be placed on public exhibition for a period of 28 days with submissions to be received for a period of 42 days."*

The change identified in the resolution was made to the draft policy and it was placed on public exhibition.

Public Submissions

The draft policy was placed on exhibition for 28 days from 2 August 2017 until 30 August 2017. Council accepted submissions from the public for 42 days, which closed on 13 September 2017. During this period no public submissions were received.

Subsequently no changes are recommended to be made to the draft policy.

OPTIONS:

There are two options available to Council:

1. That Council endorse the draft Telecommunications Facilities on Council Owned Land as a Policy under the Local Government Act; OR
2. That Council take no further action is taken on this matter.

CONCLUSION:

This report recommends that Council endorse the draft Telecommunications Facilities on Council Owned Land as a Policy under the Local Government Act.

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.

Telecommunications Facilities on Council Owned Land
Policy (V1.3) (ECM 4813965)

19 [GM-CM] Tweed River Nature Link Project - Update

SUBMITTED BY: Economic Development



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:

On 21 September 2017 Council resolved:

"that Council Officers prepare a report to brief Councillors on the background studies previously undertaken by Tweed Economic Development Corporation, Tweed Tourism and/or Council with respect to the previously proposed Tweed River Walk in Murwillumbah, including scope, costings, opportunities and any barriers to construction."

This report provides a background to the Tweed River Nature Link Project and an update on its implementation by Council.

RECOMMENDATION:

That Council receives and notes the report on Tweed River Nature Link Project - Update.

REPORT:**Background**

The Tweed River Nature Link project (originally the Tweed River Link project) was a project developed by the Tweed Economic Development Corporation. (TEDC). TEDC were an independent organisation contracted by Council to provide economic development services. Council ceased its contract with TEDC in 2010.

This project represented a conceptual construct of numerous public infrastructure projects surrounding the river banks of the Tweed River. These upgrades would allow private business to start up and grow based on their leverage from this infrastructure. In particular this would assist tourism businesses to better focus their leverage of the River.

The proposed project was first presented to Council in 2001 when TEDC established the Tweed River Link Advisory Group. This group included representatives from TEDC, Council staff and Councillors along with industry representation. Council endorsed the project as part of TEDC's Strategic Plan which was presented to Council in 2001. The group jointly reviewed sub-projects, funding proposals, joint initiatives and grant applications.

It was not until 2009 that a formalised plan was submitted to Council, "*Tweed River Nature Link – Draft Concept Plan 2009*" which outlined the proposal.

Draft Concept Plan (2009)

Commendation must be given to TEDC for developing such an insightful document which has assisted Council over the past eight years in prioritising infrastructure projects along the Tweed River that will assist tourism.

"The Tweed River Nature Link involves the need for a host of communities (Tweed Heads, Chinderah, Tumbulgum, Murwillumbah) to focus on the river as a tourism resource and create a holistic Tweed tourism product."

The Plan undertook a review of other river based localities that have invested into infrastructure and facilities surrounding their rivers and documented the assistance this provided the tourism industry. These localities included Ipswich River Heart Project, Clarence River Way, Murray River, Yarra along with several overseas examples. These projects cost from a minimum of \$1 million up.

The Plan identified the following eight broad scale projects:

1. Jack Evans Boat Harbour (Now Completed)
2. Tweed Heads Slipway refurbishment (Now Completed)
3. Southern Boat Harbour Redevelopment Plan
4. Pier II / Ivory Pier (Private Development – Now Completed)
5. Boyd's Bay Marina
6. Condong Regional Boating Facility (Now Completed)
7. Tumbulgum Facility Development
8. Murwillumbah (Details below)

Despite the Plan being based on the Tweed River a majority of the focus was on infrastructure projects in and around Murwillumbah as the southern terminus of the link. The draft report presented five stages to the implantation to the plan. Presented below is an update of works undertaken by Council which meets these identified stages:

Proposed Stage	Council's Action
Stage 1: - Wharf and Tourist Landing Construction	
Ferry wharf and shelter at Nicoll Park (Coolamon Centre (Old Art Gallery)).	This wharf and shelter has been constructed and is in operation as a public access wharf.
Stage 2: - Boardwalk Improvements and Gateway Bridge	
Build a covered pedestrian walkway and viewing platforms on the Murwillumbah Bridge. Develop a walkway between Nicoll Park and Murwillumbah Bridge with interpretative displays taking advantage of the vistas of Mt Warning	<p>Architectural concept plans were drawn up for an upgrade of the walkway along the bridge including a viewing platform and a redevelopment to incorporate a viewing deck onto the flood levee at Newell Park. Estimated cost is around \$3,500,000.</p> <p>Originally an existing wooden board walk went from the old art gallery at Nicoll Park to the Civic Centre. Some years ago this structure was condemned and has since been removed for safety. A road widening of Tumbulgum Road cutting is currently underway which will include an upgraded footpath section.</p>
Stage 3: - Riverside Square	
Upgrade of Remembrance Place and realignment of Tumbulgum Road to allow opening up and access to the River.	<p>Upgrade work has been undertaken in Wharf Park with new public toilets, tables, chairs and street art.</p> <p>This proposal has been reviewed several times and found to propose a significant undertaking. The main issue is the difference in grades between the top of the levee wall and the fall in ground level towards town. Any practical "opening up" of the park to the river would require a filling of the park levels or developing boardwalk sections. Road realignment and a substantial park redevelopment which adequately addresses the flooding is estimated to cost in the vicinity of \$5,000,000.</p>

Proposed Stage	Council's Action
Stage 4: - Budd Park / Alma St and the World Heritage Rainforest Centre (WHRC) (Visitor Info Centre)	
Upgrade of WHRC and Budd Park to allow low key recreation, and education and tourist information.	<p>Over a period of years Budd Park has undergone significant upgrades which have allowed for increased passive usage, re-landscaping of the park levels to encourage better interaction with the River through a pontoon, interpretative features from old wharf piers uncovered as part of the upgrades. The park now demonstrates much greater patronage.</p> <p>Architectural concept plans were drafted for a complete re-build of the WHRC which would open up the building to the River. This would also allow for the Centre to be re-built above flood level. This building re-development is estimated by Council's Architect's to cost \$3,000,000.</p>
Stage 5: - Other Area Improvements	
1. Commercial Road and River Park	Removal of existing toilet block and inclusion of new table and seating in McIlwraith Park.
2. East Bank (South Murwillumbah)	Council continues to work with NSW Government to acquire severely flood prone properties in South Murwillumbah. Since the Cyclone Debbie Floods Council has been working on ways to expedite this process to help save properties and lives into the future. All land acquired through this process continues to grow Council's stock of community park land in the South Murwillumbah area.

Below is a schedule of capital works that have been undertaken to Council parks between the Coolamon Centre, Nicholl Park and Murwillumbah VIC at Budd Park.

Park Upgrade Works between Nicoll Park (Coolamon Centre) and Budd Park (Murwillumbah VIC / WHRC) in the past Eight Years	
Budd Park Upgrades <ul style="list-style-type: none"> • River bank revetment • Park Redevelopment (new plantings and finished levels) • New Pontoon and ramps • New Toilet Block • New BBQ, Picnic Shelter Facilities • Old Wharf Interpretative Plaques and pier preservation 	\$410,000
New Walkway and upgrade Remembrance Place Park	\$35,000

Upgrade of Nicholl Park <ul style="list-style-type: none"> Heritage Wharf installed Upgrade of park New pedestrian walkway Raising of levee bank in Park 	\$190,000
Upgrade of Newell Park	\$60,000
Upgrade of Mcllwraith Park (opposite Services Club) <ul style="list-style-type: none"> Removal of public toilet block Upgrade of park (paths, seats and tables) 	\$55,000
Upgrade of Wharf Park (End of Wharf St Near Levee Wall) <ul style="list-style-type: none"> Toilet Block 	\$160,000
Murwillumbah Bridge Painting	\$12,000
TOTAL	\$922,000
Additional Capital Works with Linkages to Tweed River Link Project	
Tweed Regional Art Gallery (Stages 1 & 2)	\$5,100,000
Tweed Regional Art Gallery Margret - Olley Extension (Stage 3)	\$4,000,000
Upgrade of Murwillumbah Museum	\$2,900,000
TOTAL	\$12,000,000

The outstanding works that have been identified as part of the Tweed River Nature Link above and are summarised below:

Project	Estimated Cost
Entry statement and covered walkway on Murwillumbah Bridge and upgrade and decked viewing platform at Newell Park.	\$3,500,000
Redevelopment of Remembrance Place with re-alignment of Tumbulgum Road, integration with Wharf Park and revised levels to levee wall.	\$5,000,000
Murwillumbah VIC redevelopment and flood proofing	\$3,000,000
TOTAL	\$11,500,000

OPTIONS:

The options available to Council are:

1. That Council receives and notes this report; OR
2. That Council investigates funding options to proceed with the outstanding projects identified in this report.

CONCLUSION:

This report recommends that Council receives and notes this report.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The budget implications of this project are discussed in the body of this report.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Tweed River Link Project 2009 (ECM 4809760)

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.

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

SUBMITTED BY: Development Assessment and Compliance

mhm



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Provider**

SUMMARY OF REPORT:

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

“RESOLVED that:

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

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

RECOMMENDATION:

That:

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

REPORT:

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

“RESOLVED that:

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

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

Details of the Expressions of Interest (Eol) Process

Advertisement of Eol Process

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

The advertised selection criteria for the nominations were:

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

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

Assessment of Eol Nominations

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

Existing Panel Member Re-Nominations

- Ned Wales
- Dr Stephen Phillips
- Robert A Quirk

New Nominations

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

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

OPTIONS:

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

The Council officers recommend Option 1.

CONCLUSION:

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

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

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

These costs are allowed within the operational budget.

c. Legal:

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

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

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

21 [PR-CM] Short-term Holiday Letting - Tweed Council's Submission Reply to the NSW Department of Planning and Environment's Option Paper

SUBMITTED BY: Strategic Planning and Urban Design

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.4 Managing Community Growth
- 1.4.1 Strategic Land-Use Planning - Plan for sustainable development which balances economic environmental and social considerations.
Promote good design in the built environment.

ROLE: **Leader**

SUMMARY OF REPORT:

Updated Summary

Council at its meeting of 5 October 2017 resolved as follows:

"that the report on Short-term Holiday Letting - Tweed Council's Submission Reply to the NSW Department of Planning and Environment's Option Paper be deferred for a workshop."

A Workshop was held on Thursday 12 October 2017. The report is now presented for Council's determination.

Original Summary

The purpose of this report is to provide an analysis and recommendations as the basis for a Council submission in response to the currently exhibited NSW State Government's Options Paper on Short-term Holiday Letting in NSW. The Options Paper is the NSW Government's response to the Parliamentary Inquiry into the regulation of short-term holiday letting.

The report and submission also addresses the following resolution of Council at its meeting of 15 June 2017:

"That Council provides a report on the:

1. *Impact of 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.”*

The response represents Council's approach towards short-term holiday letting, formulated during an earlier attempt to regulate this matter through a Shire-wide amendment to the Tweed Local Environmental Plan 2014 which also included preparation of a draft policy addressing the spontaneous character of this form of commercial use of residential dwellings.

The deadline for submissions to the Options Paper is 31 October 2017.

RECOMMENDATION:

The attached draft submission attached to this report, is endorsed and forwarded to the NSW Government in response to their Options Paper on Short-Term Holiday Letting.

REPORT:**Background**

Tourists holidaying in the Tweed Shire area choose increasingly to stay in short-term holiday letting. The supply side of this market is responding by a rapid growth of properties advertised online for short-term rental. In a wider context, short-term accommodation is an outcome of the growing popularity of the “sharing economy” or “do-it-yourself economy”, facilitated by changing lifestyle preferences and advances in technology, resulting in the growth of self-employment, home based businesses, online platforms for crowdfunding or shared transport, such as Uber.

According to the NSW Government, short-term holiday letting is estimated to be worth \$31.3 billion nationally, providing income for property owners and creating jobs through the establishment of new businesses. It also has the potential to impact on local neighbourhoods if not adequately managed. These impacts include noise, traffic and parking, safety and security, but most of all, the cumulative impact of short-term holiday letting is anticipated to influence housing affordability. In addition, short-term holiday letting does not fit into the regulatory framework and is not adequately recognised and regulated under the planning system in NSW.

The need to regulate short-term holiday letting through specific policies and amendments to local environmental plans has been identified and acted upon by a number of councils in New South Wales, including Tweed Shire Council. In 2015, the Strategic Planning and Urban Design Unit initiated preparation of a planning proposal and associated draft policy, with the intention to develop a regulatory framework for short-term holiday letting in the Tweed Local Government Area (LGA). Tweed’s regulatory policy was intended to facilitate short-term holiday letting of the owner-occupied properties where either part of a property is used for that purpose or the entire property is let during the owners’ absence. At the same time, the proposed policy approach sought to regulate permanent use of properties for short-term holiday letting through development assessment processes. Extensive community consultation was carried out in 2016 and was instructive for gauging the public’s receptiveness to the draft policy framework.

In September 2015, the NSW Government announced a *Parliamentary inquiry into adequacy of the regulation of short-term holiday letting in New South Wales*. Tweed Shire Council has been actively involved in the inquiry process: a detailed submission was sent to the inquiry, describing Council’s approach taken under the draft planning proposal and the draft policy and, as a follow-up to this submission, the NSW Government held a public hearing in Tweed Heads on 7 March 2016 where Council staff discussed the submission with the Environment and Planning Committee, conducting the inquiry.

The Parliamentary Committee’s inquiry was finalised in October 2016, with publication of the Recommendations Report. The Government response to the Committee’s report, released on 20 April 2017, generally supported their findings and recommendations. In the next step, the NSW Government released an Options Paper with the aim of determining a policy framework by engaging with stakeholders, industry and the general public to discuss what level of regulation is required to best meet the needs of the NSW community.

A submission has been prepared by Strategic Planning and Urban Design that supports options that are consistent with the approach proposed under the draft planning proposal

and draft policy prepared by Council in early 2016. It also acknowledges Council's resolution of 21 September to lobby Local Government New South Wales at their annual conference in December 2017 to consider a 'booking tax or tariff' raising additional funds towards local infrastructure that supports and underpins tourism.

The report and submission also addresses the following resolution of Council at its meeting of 15 June 2017:

"That Council provides a report on the:

1. *Impact of 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."*

1. Impact of current and predicted levels of short term holiday letting on available housing in Tweed Shire.

The Tourism Industry is a significant driver of the Tweed Economy. In estimates provided by National Economics (2015/16) tourism in the Tweed employs 942 people and generates \$212 million worth of sales. That same year saw over 3.5 million visitors come to the Tweed with 2.17 million domestic visitor nights. This is the market that will be seeking short term holiday letting (STHL) accommodation. Below is a breakdown of the visitor types.

Visitor nights - Numbers			
Tweed Shire - 2008/09 to 2015/16		Tweed Shire	
Year	International Visitor Nights	Domestic Visitor Nights	Domestic Day trips
2015/16	192,563	2,175,150	1,152,646
2014/15	204,207	1,795,238	1,157,964
2013/14	230,644	1,802,142	1,022,258
2012/13	363,690	2,194,421	838,519
2011/12	188,149	1,475,886	940,495
2010/11	220,322	1,919,184	765,053
2009/10	262,230	1,769,663	905,948
2008/09	578,719	1,759,499	987,804

Source: Tourism Research Australia, Unpublished data from the National Visitor Survey and International Visitor Survey 2016

The impacts of STHL on the industry are not clearly reported as it is currently unregulated in New South Wales. A major online booking company in the STHL sector is Airbnb. A private web site insideairbnb (www.insideairbnb.com) has been developed to privately track certain metrics that are published through Airbnb's web listings. Although not directly published by Airbnb, these are the only available figures which give some indication of the size and scale of Airbnb in the Tweed.

AirBNB Listings @3/8/2017 (www.insideairbnb.com)				
		Tweed	Northern Rivers	Sydney
Total listings at		359	2,350	24,038
Room Type				
Price/night (Average Entire Home)		A\$182	A\$203	A\$206
Entire home/apartments		253 (70.5%)	1,522 (64.8%)	14,605 (60.8%)
Private rooms		105 (29.5%)	813 (34.6%)	9,084 (37.8%)
Shared rooms		1 (0.3%)	15 (0.6%)	349 (1.5%)
Airbnb guests may leave a review after their stay, and these can be used as an indicator of Airbnb activity.	estimated nights/year	65	68	61
The minimum stay, price and number of reviews have been used to estimate the occupancy rate, the number of nights per year and the income per month for each listing.	reviews/listing/month	0.9	1.0	0.8
Reviews		2,866	24,952	225,418
How does the income from Airbnb compare to a long-term lease?	price/night	A\$182	A\$203	A\$206
Do the number of nights booked per year make it impossible for a listing to be used for residential housing?	estimated occupancy	17.7%	18.7%	16.6%
And what is renting to a tourist full-time rather than a resident doing to our neighbourhoods and cities?	estimated income/month	A\$772	A\$871	A\$821

The 2016 Census has seen a very slight down turn in rental accommodation in the Tweed but this is matched in the increase in home ownership (fully owned or mortgaged).

Housing Tenure				
Tweed Shire - Households (Enumerated)	2016		2011	
	Number	%	Number	%
Fully owned	14,809	33.2%	14,011	32.2%
Mortgage	10,046	22.5%	9,484	21.8%
Rented	19,346	43.3%	19,646	45.2%
Other tenure type	467	1.0%	367	0.8%
Total households	44,668	100.0	43,508	100.0

Source: Australian Bureau of Statistics, Census of Population and Housing 2011 and 2016. Compiled and presented by .id, the population experts

Note: that this table does not include the "Not Stated" category which was available at this question in the 2016 Census.

From the figures presented above it is impossible to tell what impact STHL is having on the available housing stock in the Tweed. To reach a conclusion on this question an independent research report would need to be undertaken that reviews the available stock of tourism accommodation as well as total available housing. Given the complexity of this research it would need to be undertaken based on primary research.

The Department of Planning & Environment Options Paper on Short Term Holiday Letting (STHL) July 2017 estimates that STHL is worth \$31.3 billion nationally, of which

approximately 50% is within NSW. The inference being that STHL is a significant new input into the economy. It questioned how much of the \$31.3 billion is a new spend, that is money that if not for STHL would not have been spent. It can be speculated that the majority of this sum is a reallocation away from traditional forms of accommodation into online STHL booking platforms.

Whilst flexibility and competition are desirable, this should not be without consideration of impacts to the broader community.

For example, those businesses in the traditional accommodation sector, such as hotels and motels, need to operate at a certain occupancy level to break even. If an online STHL company takes meaningful market share from these businesses it is likely that employment in this sector will reduce commensurate with lower profitability and/or businesses in this sector may fail.

Council has a responsibility to its community to provide a management framework for STHL.

Below is a list of matters that Council should consider:

1. Licencing all STHL operators including all relevant details of the property,
2. Specifying a maximum number of nights the property can be let each year,
3. Specifying a maximum number of nights the property can be let in any 1 letting,
4. Require the operator to endorse and implement a Code of Conduct,
5. Require the operator to provide details of 24 hour contact numbers and those of the engaged security company to Council and neighbours,
6. Allow no more than 2 occupants per bedroom,
7. Detail arrangements for car parking,
8. Advise whether the operator is in residence during letting or not,
9. Stipulate that if there are X or more validated complaints about the STHL per annum the property can have its licence revoked,

Council should also charge a licence fee to cover the administrative cost, and impose a cost recovery charge in the event regulatory staff have to answer a complaint.

Additional questions arise from Council and State Government's role as the authority to regulate noise, nuisance etc. arising from a STHL.

2. Summary of Council submission to the Options Paper

The submission discusses the following themes:

- 1) Owner-occupied vs permanent STHL.** The submissions calls for regulatory measures in the policy framework for STHL based on a distinction between short-term holiday letting of a principal place of residence and use of an investment property for STHL on a permanent basis. Tweed supports the "San Francisco scenario" provided on page 21 of the Options Paper, where the registration of properties being used for STHL has been introduced predominantly to address the issue of housing affordability. This approach, facilitating STHL of principal residences of the owners, should be based upon a thorough understanding (supported and evidenced by extensive research) of the cumulative impacts of STHL on housing supply and affordability.

- 2) **Self-regulation.** Tweed supports NSW Government's consideration outlined within Section 4 of the Options Paper to develop a mechanism enabling self-regulation of STHL based on a broad membership approach, with the ability to ensure compliance through self-regulatory measures. Self-regulation should be based on a Code of Conduct prepared jointly by the STHL industry members and the NSW Government.
- 3) **The planning system.** Tweed advocates for a consistent definition of STHL across the State. Such definition should be introduced into the planning system through an amendment to the Standard Instrument LEP Template and/or other relevant EPIs (including the Housing Code).
- 4) **Strata schemes.** Tweed supports an option allowing strata schemes to prohibit or restrict STHL in their schemes (Section 5 of the Options Paper). This would further facilitate self-regulation of STHL by enabling owners' corporations to formulate their own by-laws.
- 5) **Flexibility.** Whilst Tweed advocates for a consistent, State-wide approach to the issue, we are of the view that the proposed regulatory framework should be flexible enough to respond to a variety of scenarios brought about by the growth of STHL to metropolitan and regional parts of the state.
- 6) **Matters to be raised with the Local Government New South Wales.** At their meeting of 21 September 2017, Council formulated several themes for consideration at the upcoming 2017 Local Government NSW Annual Conference. One of these themes is a proposal for the LGNSW to lobby the Federal and State/Territory Governments to consider instituting into the appropriate taxation systems a 'Booking Tax or tariff' for online accommodation brokers. Funds raised be distributed by way of formula to Local Government Authorities and National Parks to fund public infrastructure that supports and underpins tourism.
- 7) **Further research needed.** Tweed calls for a further, detailed research into the growth of STHL sector to better understand its contribution to the local economy, employment opportunities and impact on local amenity and housing affordability.

The deadline for submissions to the Options Paper is 31 October 2017.

OPTIONS:

1. Adopt the recommendation to this report and endorse the officers' submission reply to the Options Paper, in form as attached to this Report, or
2. Defer consideration of or amend the officers' submission reply.

Council staff recommend Option 1.

CONCLUSION:

The proposed response to the Options Paper represents Council approach formulated during an earlier attempt to regulate short-term holiday letting through a planning proposal and a draft policy. As the scope of proposed regulation affects the planning system in New

South Wales, the current process of regulating short-term holiday letting by State Government is supported.

COUNCIL IMPLICATIONS:

a. Policy:

Not Applicable.

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.

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Draft Submission on Short-Term Holiday Letting Options
Paper to the NSW Department of Planning and Environment
(ECM 4784570)

22 [PR-CM] Tweed Development Control Plan (DCP) Section A17 - Business, Enterprise Corridor and Industrial Zones - Amendment Border Park Site, Binya Avenue, Tweed Heads

SUBMITTED BY: Strategic Planning and Urban Design

FILE REFERENCE: GT1/LEP2010/DCPA17

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.4 Managing Community Growth
- 1.4.1 Strategic Land-Use Planning - To plan for sustainable development which balances economic environmental and social considerations. Promote good design in the built environment.

ROLE: **Provider**

SUMMARY OF REPORT:

This report seeks the endorsement of Council to place on public exhibition an interim site and development specific amendment to the *Tweed Development Control Plan 2008, Section A17 - Business, Enterprise Corridor and Industrial Zones* (DCP) for the Border Park site, Ourimbah Road, Tweed Heads.

The Border Park site was rezoned in January 2016 largely from RE2 Private Recreation to B7 Business Park, with a concurrent height of building increase from 10m to 40m AHD, with the intention of encouraging a greater utilisation of the land to capitalise on its key strategic locational advantage. The current planning controls; *Tweed Local Environmental Plan 2014* (LEP), Clause 7.13, prohibit consent being granted for development on this site without a development control plan first being prepared.

A key element of the planning framework is to ensure that redevelopment of the site is coordinated and well planned and hence why the requirement for a development control plan was incorporated. However, the downside to that approach is that certain minor site redevelopment, such as demolition or temporary uses or development, which may serve other short-term needs are incapable of approval. This is problematic from a governance perspective as it precludes the ability of Council to consider and consent to development or uses that are deemed permissible or appropriate.

The Landowner has sought an interim development specific development control plan to enable Council to consider a development application for the demolition of existing disused buildings and for the temporary use of the land for a carpark and passenger transport facility

(being a bus transfer interchange), which is intended initially to assist with the public transportation movement network to support the 2018 Commonwealth Games being held on the Gold Coast.

The proposed amendment will comprise the insertion of a new “Part 8.2 - Border Park, Ourimbah Road, Tweed Heads” into Section A17 of the Tweed DCP to address both the legal requirements of the LEP for enlivening the Council’s statutory powers to grant consent to development (if appropriate) of the kind described therein, as well as prescribing the matters to be addressed in a development application.

As representative for the NSW Government’s Premier and Cabinet; *Destination North Coast NSW*, have had initial consultation with Council staff and have expressed a desire for NSW to assist with the delivery of the Commonwealth Games and specifically with public transportation needs. Given the relatively short timeframe to the April 2018 Games there is an overarching desire to progress the DCP amendment through the statutory process as quickly as possible so as to enable adequate time for the development application to be assessed and publicly exhibited.

As detailed in the draft DCP Amendment it is intended to be a temporary measure to meet these identified needs and is not a substitute for the comprehensive structure planning DCP that will be required to guide the long-term redevelopment of the site.

RECOMMENDATION:

That:

- 1. Council endorses the Draft Tweed DCP Section A17 - Business, Enterprise Corridor and Industrial Zones – Amendment Part 8.2 Border Park site, Ourimbah Road, Tweed Heads for public exhibition for the minimum statutory period of 28 days; and**
- 2. Following review of submissions received during public exhibition a further report be submitted for Council’s consideration detailing the submissions and any proposed amendments.**

REPORT:**Background**

Border Park, as identified in Figure 1, is accessed from Binya Avenue Tweed Heads and comprises Lot 21 DP 518902 and Lot 644 DP 755740 with a total land area of 11.28ha. Previously operating as the Border Park Raceway, the site has frontage to the Gold Coast Highway (western boundary) and frontage to Binya Avenue (northern boundary). The site is located on the New South Wales and Queensland border. The only current main point of access and egress to the site is via Binya Avenue, which is located in Queensland within the Gold Coast City Council local government area.

The site is located within a wider light industrial (Ourimbah Road) and residential context (Binya Avenue). Being located within one kilometre of the southern extent of the Gold Coast Airport, the site has strong potential transport linkages to the Pacific Motorway. Based on these strategic locational advantages, in January 2016 the site was rezoned to part B7 Business Park with a maximum building height of 40m AHD and part RE2 Private Recreation.

The Private Recreation zone is applied (in the absence of the ability to use an environmental zone at the time) to address environmentally significant vegetation located in the south western corner of the site, extending along the southern boundary and widening out at the eastern end of the site (extending for the full width of the eastern portion of the site).

The proponent of the 2016 planning proposal for the site subsequently withdrew their interest, the site was sold, and the raceway is no longer operational, closing in December 2016.

The current owners are seeking to demolish the structures and buildings on the site. However, under the Tweed Local Environmental Plan (LEP) *Clause 7.13 Development requiring the preparation of a development control plan*, development consent may not be granted for any works, building or demolition until such time as a development control plan for the site has been prepared.

In addition, Destination North Coast NSW and the site owners are seeking a temporary use of the site during the Gold Coast Commonwealth Games 2017.

Destination NSW is a Public Service Executive Agency governed by a Board of Management and is subject to the control and direction of the Minister for Tourism and Major Events. Established under the *Destination NSW Act 2011* as the lead Government agency for the NSW tourism and major events sector, Destination NSW's charter is to achieve economic and social benefits for the people of NSW through the development of tourism and the securing of major events.

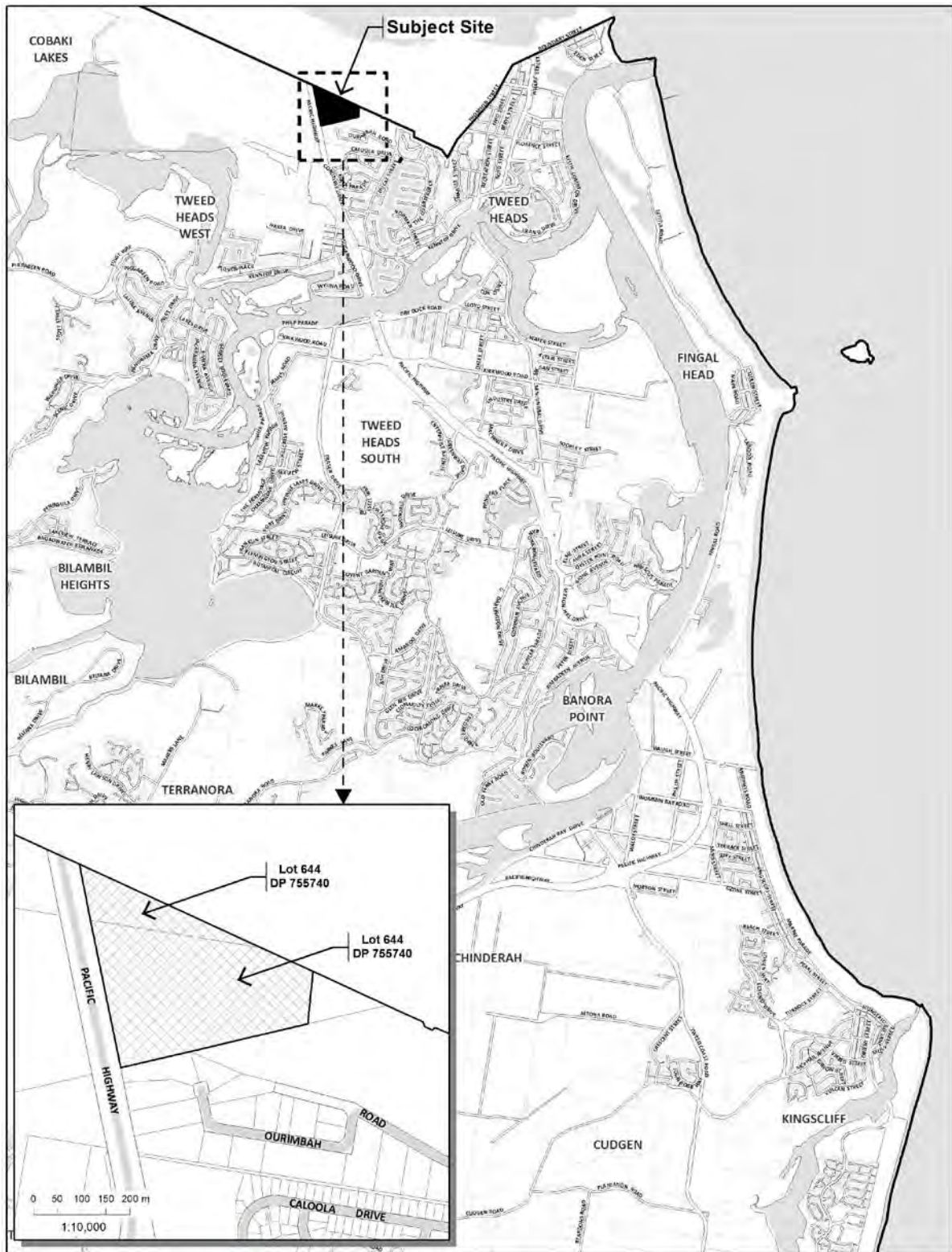
The temporary use of the site for a car park or passenger transport facility (being a bus transfer interchange) is to enable public transport transfer to the sporting venues and events for visitors staying in accommodation in northern NSW and surrounds.

The Landowner's have engaged RPS Gold Coast (Planning Consultants) to prepare a draft DCP for the site, which was submitted to Council in September 2017. At their request this

has been converted into the format and requirements consistent with and for inclusion in the Tweed DCP.

An integrated Commonwealth Games and Para-sport games is to be held from 4-15 April 2018.

Figure 1 - Subject site and locality plan



Locality Plan
Subject Site
Ourimbah Road,
Tweed Heads

Council File | DCPA17
 Revised | 09/10/2017

Cadastre: 09 October, 2017
 © Land and Property Information (LPI) and Tweed Shire Council.
 Boundaries shown should be considered approximate only.

1:50,000 @ A4 Portrait
 0 0.5 1 Km

© GDA
 Map Projection: Universal Transverse Mercator
 Geoidetic Datum of Australia 1994
 Grid: Map Grid of Australia, Zone 56

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Tweed Development Control Plan Section A17 Business, Enterprise Corridor and General Industrial Zones draft amendment Part 8.2 Border Park

A draft Tweed DCP amendment to Section A17, *Part 8.2 Border Park*, has been prepared to facilitate the demolition of the structures on the site and to provide a framework for the assessment of a development application for a car park or passenger transport facility (being a bus transfer interchange) and any ancillary services or development requiring approval.

This is a site specific part within Section A17 Business, Enterprise Corridor and General Industrial Zones. All other parts of Section A17 continue to apply, though to a limited extent given the temporary use. No amendments have been made to the current Section A17 DCP.

The DCP requirements of the LEP Clause 7.13 are specific and require a detailed master planning approach to the future development of the site including staging. It is noted that this draft DCP amendment is an interim DCP only to facilitate the consideration of a development application for the uses described. A further detailed DCP will be required to address the future development of the site and the requirements of Clause 7.13.

It is intended that the proposed DCP amendment will be repealed 12 months from the date of its making, unless superseded by the comprehensive DCP at an earlier time, and will be the subject of further report.

A number of matters were raised with regard to the future development of the site during the earlier planning proposal (rezoning) process, which remain relevant to the proposed temporary use. These include:

Traffic and access

The Border Park Raceway gains access from Binya Avenue, which is a residential street on the Queensland side of the State border. Although the rezoning of the site as B7 Business Park foreshadowed the construction of a future new signalised intersection with the Gold Coast Highway, those intersection works will not be constructed to meet traffic access and egress needs associated with any short-term or temporary development.

Whilst there is an existing traffic capacity volume threshold associated with the original and prior uses of the site it is nonetheless considered essential that the draft DCP requires a traffic assessment and management plan to be prepared and lodged with any development application, to address the specific traffic and access scenarios of the particular proposal in respect of the potential impacts on the surrounding locality.

Environmental considerations

The assessments undertaken as part of the planning proposal for the site identified significant vegetation along the southern, eastern and south western boundaries of the site. This area is zoned RE2 and the approach adopted in the draft DCP amendment is for significant or sensitive environmental areas, either known or perceived, to be avoided.

An environmental assessment of the proposed use will need to be included with any development application.

Environmental effects

The DCP will require a range of considerations in a Statement of Environmental Effects addressing the potential impacts on the surrounding residential area, including from lighting, noise, dust, signage, any earthworks required or the like.

Water

Currently water provision to the site is from the Gold Coast Council and any intensification on demand above that from the previous use of the site will need to be addressed in the development application.

The preparation, exhibition and adoption of the draft DCP A17 *Part 8.2 Border Park* amendment is required within a timely manner to enable the submission and determination of a development application within sufficient time to meet the Commonwealth Games timeframes.

Therefore it is recommended the draft DCP A17 *Part 8.2 Border Park* Amendment be placed on public exhibition.

OPTIONS:

1. Accept the recommendations of this report and publicly exhibit the draft DCP Section A17 *Part 8.2 Border Park* Amendment; or
2. Defer further consideration of the draft DCP Section A17 *Part 8.2 Border Park* amendment and provide an explanation for the deferral to assist staff with their communications with the Landowner and Destination North Coast NSW.

Council officers recommend proceeding with Option 1.

CONCLUSION:

The draft DCP Section A17 *Part 8.2 Border Park* Amendment is a site specific DCP intended to address the legal requirements for Council to consider and if appropriate grant consent to development of a kind specified in the DCP, comprising of demolition, car park or passenger transport facility (being a bus transfer interchange), with the latter being on a temporary basis.

The draft DCP is not a comprehensive DCP for the redevelopment of the site, and for this reason it is expected that a further report will seek the repeal of the proposed amendments 12 months from the date of its making. This will provide the Landowner adequate time to prepare and obtain, where appropriate, development consent for their temporary development and demolition.

A subsequent comprehensive DCP will be required to address the future redevelopment of the site. This may either be instigated by Council or the landowner.

It is recommended that the draft DCP be public exhibited in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*, Clause 18.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

There is minimal budget implications other than the standard advertising and exhibition costs, to be borne by the Applicant under the Council's Current Fees and Charges Schedule.

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.

Tweed DCP Section A17 – Business, Enterprise Corridor
and General Industrial Zones Draft Amendment Part 8.2
Border Park (ECM 4826119)

23 [PR-CM] 82 Marine Parade, Kingscliff - Car Parking and Contribution Requirements for New Development Comprising a Medical Centre and Chemist

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:

Council at its meeting held 21 September 2017 resolved that this item be deferred for a Workshop. The Workshop was held on 28 September 2017 and the report is now presented, with amendments.

The purpose of this report is to seek Council's in-principle consideration of a proposal to allow the payment of a financial contribution under Council's Section 94 Contributions Plan (CP) No. 23 to off-set the total amount of required car parking spaces for a new commercial development at 82 Marine Parade. This proposal forms part of a due diligence process being undertaken by a potential purchaser of the site, and is being reported to Council as the extent of the proposed financial contribution off-set (initial estimates exceed \$800,000) is well beyond that previously supported under CP No. 23.

By way of background, on 6 March 2012 Council granted a deferred commencement approval for DA07/0472 for a new 3 storey, mixed use development, containing six residential and six retail tenancies on the subject site. The deferred commencement required the proponent to firstly gain a right of way access between a basement car park linking the adjoining parcel to the rear off Pearl Street, Lot 20 DP 1130463, however, no such arrangement was secured, and this consent lapsed earlier in 2017.

Council has recently received enquiries from a new potential purchaser and developer of the site. At a Development Assessment Panel meeting held with Council officers on 28 July 2017, a pre-lodgement proposal was put forward to demolish the existing single storey doctors surgery building, and erect a new two storey building, consisting of a shop (chemist) on the ground floor, and medical centre on the first floor. Given the current, land-locked constraints of the subject site, this proposal sought not to provide car parking on site, but to

seek Council's approval to allow the payment of a financial contribution under Council's Section 94 Contributions Plan No. 23 to off-set the total amount of required car parking spaces. The Plan currently allows for Council to consider the financial contribution of \$29,535 in lieu of each required car parking space for developments in the Kingscliff Business Centre. However in order to ensure that developments properly manage traffic and parking demand Development Control Plan Section A2 – Site Access and Parking Code includes the following note: *“contributions eligibility as an alternate to on-site parking provision will not be granted as a right and will be based on the merits of each application, in accordance with the objectives of this Section.”*

Whilst the proposal generally complies with the main statutory zoning, height and floor space ratio controls applying to the site, the officers raised concern regarding the proposed off site car parking contribution:

“The development as proposed would therefore generate approximately \$800,000 in section 94 fees. However given the land uses proposed which in general have a high customer and staff expectation for onsite parking or spaces immediately adjacent means that justification for acceptance for 100% parking contribution is problematic and unlikely to be supported at the officer level. Alternate permissible land uses that may still generate parking demand but be less sensitive to proximity of offsite parking should be considered and this may be more acceptable to consider 100% contribution.”

Further comments were provided by the officers in respect of the proposal:

- a. The Panel made the applicant aware of the Draft Kingscliff Locality Plan and the possibility of changing height limits.
- b. The Panel discussed general support for the redevelopment of this site in some manner however a chemist and medical centre is the highest car dependent use and may not be suitable for 100% contribution
- c. The Panel discussed converting the ground level to carparking and the use of car lifts.
- d. The overall urban design of the building was supported.
- e. The Panel encouraged a less car dependent use such as general office on the upper level however any application would need to be supported by statutory declarations and or restrictions on use to ensure the upper levels were not converted to a higher parking generation without approval.

RECOMMENDATION:

That:

- 1. Council advises the applicant that 100% Section 94 Plan No. 23 Offsite Parking (CP23) contribution offset cannot be supported at the subject site for the proposed chemist and medical centre uses, and that the proponents should consider less parking dependent uses for the site and/or the provision for some onsite parking for staff and customers with a smaller percentage of car parking being offset by CP23 contributions.**

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

REPORT:

The applicant has provided a letter outlining the proposed development and it is included as Confidential Attachment 1.

OFFICER COMMENTARY

The proposal, as described in the above submission and as presented to the Development Assessment Panel at its meeting of 28 July 2017, asks Council to consider “in-principle” a development that makes no provision for on-site parking for staff or customers. The site’s location in the centre of the Kingscliff CBD provides significant commercial opportunities, however it is also constrained by its size, configuration and neighbouring developments. Council’s attitude to this development approach is important as the site is under due diligence phase for potential purchasers.

Council’s planning instruments place requirements on developments to make adequate provisions to manage the traffic and car parking impacts due to increased demand. In the case of shops this is due to new commercial floor space, in the case of a medical centre, it is based on new consulting rooms to service the community.

The Tweed Development Control Plan quantifies parking demand for the development according to the following formulae:

Consolidated DCP

- A2-Site Access and Parking Code**

C33	Shops		1/100m ² GFA, shops over 5,000m ² GFA	2/100m ² GFA up to 100m ² GFA and thereafter at 1/200m ² GFA (3)	1/1500 GFA, min 1, min 2 for supermarkets HRV		1/100 GFA	3.5/100m ² GFA
G4	Medical centres		2/consulting room	Employee: 1/8 practitioners (2). Visitors: 1/4 practitioners (3)	1/10 consulting rooms HRV		1.6/consulting room	3.2/consulting room (GP), 1.6/consulting room (specialists)

DCP A2 – SITE ACCESS AND PARKING CODE

Table 1: Locality Specific Customer Parking Concession Areas

Area	Concession
Tweed Heads, Murwillumbah and Kingscliff CBD's (refer to Maps 1, 2 and 3)	The minimum number of customer car parking spaces required may be reduced by 10% of that shown in Table 2C and 2G
Area 4. Rural Villages (Zone) of Uki (RU5), Burringbar (RU5), Mooball (RU5), Stokers Siding (RU5), Tyalgum (RU5), Chillingham (RU5), Kunghur (R5), Bilambil (RU5) and Kielvale (RU5)	The minimum number of customer car parking spaces required may be reduced by 50% of that shown in Table 2C and 2G

A ground floor chemist with 444 square metres is likely to generate the need for approximately 20 carparking spaces.

An upper level medical centre with an assumed 2 GP consulting rooms and one specialist room (the GFA could accommodate many more) is likely to generate the need for approximately 13 carparking spaces.

The current development plans for the site include no on-site parking spaces for staff, customers or deliveries.

Developer Contribution Plan No. 23 – Offsite Parking (CP23) provides developments located in CBD areas, where there are acknowledged spatial constraints in providing on-site parking facilities and considerable economic benefits in maximising available floor space, with the ability to offset provision of on-site parking spaces with financial contributions:

3.1 The relationship between expected development and the demand for additional public car parking

Development in the areas to which this plan applies is expected to generate a demand in the locality of the development, for the number of off-street car parking space shown in Development Control Plan Section A2. This demand will normally be satisfied by providing these spaces on the development site.

If it is not expedient or there is insufficient land to provide all the car parking spaces on site, there will be a deficit of unsupplied spaces. In such cases Council may offer the alternative of requiring contributions for provision, in the locality, of an equivalent number of public car parking spaces and associated access facilities. Such contributions may be for new parking spaces to be provided as a consequence of the development or that have already been provided in anticipation of the development.

3.7.2 Current contribution rates per unsupplied car parking space

	Base rate	Indexed Version 2.4.5* July 2017 Inc 5% admin
Tweed Heads	\$24,570	\$27,957
Murwillumbah	\$15,907	\$16,988
Kingscliff	\$27,657	\$29,535
Bogangar	\$27,657	\$29,535
Pottsville	\$19,750	\$24,436
Fingal Head	\$2,898	\$3,095

The above areas are described in Figures 1A to 1F.

** Indexed in accordance with Section 2.13 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000. See indexation calculations in Appendix A of this plan.*

Based on assumed parking demands, as well as consideration of all available concessions and credits for removing the existing driveway access on Marine Parade and replacement with additional on-street spaces, the development as proposed would generate approximately \$800,000 in contributions under CP23 fees.

The contribution plan envisages purchase of a site in the Kingscliff CBD and construction of a multi-level public carparking facility (two basement levels plus one ground level). At this time Council has not secured a site, nor has sufficient funds in the plan to do so. The draft

Kingscliff Locality Plan suggests that a partnership arrangement with the Kingscliff Shopping Village may facilitate a public carparking facility co-located with the shopping centre, however this has not been progressed formally. As such, the provision of a new public car parking facility in or around Kingscliff CBD remains a medium to long term prospect. While the parking study completed in 2016 did not suggest that further public parking was required immediately to address shortfalls during regular demand periods, decisions to offset significant parking generating developments such as this will bring forward the need for these facilities.

While CP23 provides a legal mechanism for offsetting on-site parking, DCP Section A2 does not oblige Council to accept this contribution, but rather to consider the merits of the application:

Where the required number of customer car parking spaces cannot be met and Council's Section 94 Contribution Plan No. 23 - Offsite Parking applies to the site, Council may consider accepting a cash contribution in lieu of the unsupplied facilities or spaces. Contributions eligibility as an alternate to on-site parking provision will not be granted as a right and will be based on the merits of each application, in accordance with the objectives of this Section.

The objectives of Section A2 are:

Objectives

1. To achieve integrated car park design with high levels of amenity for users
2. To integrate site landscaping and water sensitive urban design to minimise hardstand areas and address site stormwater flow and pollution
3. Provide public domain, comfort and legibility treatments to support the volume of pedestrian movement in and around sites.
4. To ensure developments support pedestrian, cycling, vehicle and public transport demand through implementing prescriptive parking supply rates or site specific studies.
5. To manage generated traffic volumes and to minimise potential adverse impacts on the local road network.
6. Provide a planning framework for considering alternatives to established parking rates for community and business centres which are supported by integrated transport systems.

Given the land uses proposed (chemist and medical centre) generally have a high customer and staff expectation for onsite parking or spaces immediately adjacent, there are “in-principle” concerns for the development in relation to the first objective (amenity for users). Many existing facilities of a similar nature, such as those on Boyd Street and Bay Street in Tweed Heads, generate significant numbers of complaints to Council relating to people trying to find parking in close proximity and then having to walk significant distances including crossing busy roads. Requests for changes to parking regulations and for additional pedestrian facilities around these developments are common. However in a CBD area over regulation of parking may disadvantage other business owners such as cafes or hairdressers whose clientele require different parking conditions to those of a chemist or

medical centre. Numerous changes in parking regulations within a shopping precinct also cause confusion and frustration for visitors and regulatory staff.

Due to this conflict with amenity provisions in the DCP, justification for “in-principle” acceptance for 100% parking contribution is problematic and is not supported by Council staff. Alternate permissible land uses that may still generate parking demand but be less sensitive to proximity of offsite parking should be considered and this may be more acceptable to consider 100% contribution. Examples such as ground floor retail (e.g. a clothing shop) and first level offices, may be able to more readily demonstrate reliance on foot traffic for their custom and less dependency on adjacent parking for staff and customers.

OPTIONS:

1. Council advises the applicant that 100% Section 94 Plan No. 23 Offsite Parking contribution **cannot** be supported at the subject site and that the applicant should consider less parking dependent uses for the site and/or the provision for some onsite parking for staff and customers with a smaller percentage of car parking being offset by CP23.
2. Council advises the applicant that 100% Section 94 Plan No. 23 Offsite Parking contribution **can** be supported in-principle at the site subject to the normal merit assessment occurring on any future Development Application.

Option 1 is the recommendation of this report.

CONCLUSION:

Council is requested to consider “in-principle” a proposal for a chemist and medical centre development with 100% of car parking provided offsite. Council officers recommend against this extent of contributions in this case, given the concerns regarding customer amenity, and that it will bring forward the need for additional public parking facilities in the Kingscliff CBD. However such a proposal could be reconsidered should the development involve less parking dependent uses.

COUNCIL IMPLICATIONS:

a. Policy:

“In-principle” support for 100% contribution for large parking generating developments in CBD areas sets a precedent in the application of DCP Section A2 and Contribution Plan No. 23.

b. Budget/Long Term Financial Plan:

It is reasonable that if several developments of this nature make significant contributions towards the Offsite Parking Plan in a CBD area that Council’s planning for the provision of the public facilities would need to be brought forward. It is some time since the Contributions Plan has been reviewed and there is a significant risk that the plan will not be able to fully fund new land and a multi-storey parking station. During this “lag” period, carparking demand may overtake supply.

c. Legal:

There is information included in the proponents submission that is commercial in confidence.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Letter from the applicant dated 25 August 2017 (ECM 4764564)

**24 [PR-CM] Unlawful Development and Land Use - Lot 5 DP 631620 No. 656
Upper Crystal Creek Road Upper Crystal Creek**

SUBMITTED BY: Development Assessment & Compliance

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 Compliance Services - To support a safe and healthy built and natural environment through the enforcement of local government rules and regulations.

ROLE: Provider

SUMMARY OF REPORT:

Updated Summary

Council at its meeting of 5 October 2017 resolved as follows:

"that the matter be deferred for a site visit."

A site visit was undertaken on Thursday 12 October 2017 and the report is now presented for Council's determination.

Original Summary

Development Without Consent

Council has received a number of complaints regarding unauthorised building works and subsequent unlawful use of structure for short term holiday accommodation at No. 656 Upper Crystal Creek Road, Upper Crystal Creek.

The property is a multiple-occupancy (MO) with approval for three dwellings via development consent **D93/155** (ECM No. 2816730). The subject illegal development constitutes a fourth dwelling, in contravention of the consent. The structure has never been privately occupied and appears therefore to have been built solely for the purposes of unlawful short term holiday rental.

The unlawful structure also fails to comply with Councils policies and other regulations as follows:

1. No consent was ever sought or obtained prior to constructing the building. Consequently the building is non-compliant with the Environmental Planning & Assessment Act (EP&A) 1979 as well as Councils Development Control Plan (DCP) and Local Environmental Plan (LEP) 2014. Accordingly the building is considered to be non-compliant with the National Construction Codes (NCC);
2. The building was not constructed to engineering specifications and consequently its structural integrity is unknown;
3. No on-site sewerage management (OSSM). Raw human waste and grey water generated by guests is simply piped into an unlined pit a short distance from the building and the pristine Upper Crystal Creek that is used as a water source by neighbouring properties;
4. Non-compliance with Australian Standard 3959 (Construction of buildings in bushfire prone areas 2009). The surrounding topography is steep and heavily forested therefore rendering the building susceptible to unmanageable Bushfire Attack Levels (BAL). Moreover the construction methods and materials used afford potential occupants minimal if any protection in the event of a bushfire; and
5. The unlawful building was used without consent for short term holiday accommodation via Air BnB.

<https://www.airbnb.com.au/rooms/14751210?location=Upper%20Crystal%20Creek%20C%20New%20South%20Wales&s=2SYgYQR5#reviews>

On the basis of this illegal activity, it is recommended that action be taken to require the demolition of the dwelling and that Penalty Infringement Notices be issued.

RECOMMENDATION:

That in relation to the unlawful construction at No. 656 Upper Crystal Creek Road, Upper Crystal Creek:

1. **Council endorse the issuing an Order (Order No.2) for *demolition* via Section 121B of the Environmental Planning and Assessment Act 1979 No 203;**
2. **Council endorse the issue of a Penalty Infringement Notice for *Development Without Development Consent* via Section 76A(1)(A) of the Environmental Planning and Assessment Act 1979 No 203 for the unlawful *construction* of the building without consent; and**
3. **Council endorse the issue of a Penalty Infringement Notice for *Development Without Development Consent* via Section 76A(1)(A) of the Environmental Planning and Assessment Act 1979 No 203 for the unlawful *use* of the building without consent.**

REPORT:

Council received a number of complaints regarding illegal building development and subsequent use of the unlawful structure at the subject property. Most recently complaints were received regarding potential contamination of the water supply due to an almost complete lack of on-site sewage management.

Inspections were carried out by Council officers accompanied by the property owner on the 11 May and 15 June 2017.

The existing consent D93/155 allows for three habitable dwellings on the multiple occupancy property with the illegal structure constituting a fourth.

No On Site Sewage Management System has been constructed/commissioned and raw sewage and grey water generated by guests is simply piped to an unlined pit a short distance from the building and the Upper Crystal Creek watercourse.

Additionally, during an initial inspection on 11 May 2017 the property owner was found to be renovating a pre-existing shed on the property presumably again for via short term holiday accommodation. A verbal Stop Work Notice was issued via Section 121B (1) of the Environmental Planning and Assessment Act 1979.

OPTIONS:

Option 1

1. Council endorse the issuing an Order (Order No.2) for *demolition* via Section 121B of the Environmental Planning and Assessment Act 1979 No 203;
2. Council endorse the issue of a Penalty Infringement Notice for *Development Without Development Consent* via Section 76A(1)(A) of the Environmental Planning and Assessment Act 1979 No 203 for the unlawful *construction* of the building without consent; and
3. Council endorse the issue of a Penalty Infringement Notice for *Development Without Development Consent* via Section 76A(1)(A) of the Environmental Planning and Assessment Act 1979 No 203 for the unlawful *use* of the building without consent.

Option 2

Decommission the building so that it cannot be used for human habitation.

Option 1 is recommended as the structure is grossly non-compliant with multiple Statutes as well as Council and other policies. Most importantly the potential for future habitation exists as long as the structure remains in-situ as does the unacceptable level of risk from bushfire.

CONCLUSION:

Council has received a number of complaints regarding unauthorised building works and subsequent unlawful use of structure for short term holiday accommodation at No. 656 Upper Crystal Creek Roadm Upper Crystal Creek.

Whilst the recommendations may appear severe, the level and nature of the non-compliance is extreme and wilful. Additionally the associated risk to guests, neighbouring property owners and the environment is unacceptable.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Legal expenses may be incurred as the property owners have the right to appeal the Order.

c. Legal:

Enforcement action is recommended under relevant sections of the Environmental Planning and Assessment Act 1979.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Images of unlawful structure (ECM 4768938)

25 [PR-CM] Draft Compliance Policy**SUBMITTED BY: Development Assessment & Compliance**

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	Compliance Services - To support a safe and healthy built and natural environment through the enforcement of local government rules and regulations.

ROLE: Provider**SUMMARY OF REPORT:**

In accordance with Council's resolution of 15 June 2017, the draft Compliance Policy was placed on public exhibition from 1 August to 30 August 2017 inclusive. During the exhibition period 3 formal submissions were received from:

- Fingal Head Coastcare Inc
- Fingal Head Community Association Inc
- Peter Bennett

In general the issues raised in the submissions received during the exhibition period are as follows:

- Timely feedback to complainants being provided
- Dealing with anonymous complaints
- Confidentiality
- Establishment of evidence
- Review of structural, resourcing and administrative arrangements for Council's Compliance Unit
- Clarification of definitions in the draft document

The issues raised have been addressed via minor modifications the draft policy document and or will be addressed during the drafting of procedures for the implementation of the policy.

It is therefore recommended that Council adopt the Draft Compliance Policy as amended.

RECOMMENDATION:

That Council adopt the Draft Compliance Policy, as amended, and as provided in an attachment to this report.

REPORT:

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

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

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

The draft Compliance Policy has been developed to ensure Council:

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

During the exhibition period 3 formal submissions were received:

SUBMITTER/ISSUE	RESPONSE	ACTION
<i>Fingal Head Coastcare Inc</i>		
Section 7 Application - 'tree preservation' should read 'tree and vegetation preservation' as this corresponds to the TSC Tree and Vegetation Code and also 'tree' specifies only one aspect of vegetation.	Agree, amend <i>tree preservation</i> to <i>preservation of trees and vegetation</i> in Section 7.	Update wording to preservation of <i>trees and vegetation</i> in Section 7.
Section 11 Investigating Alleged Unlawful Activity -Breaches of tree preservation order' should more accurately read 'breaches of the Tree and Vegetation Code'. This also should be elevated from the high risk category into critical risk category as the destruction of significant vegetation threatened or not should be dealt immediately and as an urgent response, as in 24 hours or much less the vegetation can be completely destroyed. In the past the Rangers	As stated in Section 11, "large scale clearing of vegetation containing threatened species" is listed as a critical risk and mass tree and vegetation removal would be captured under this "Report Type/Issue". Agreed that the wording be amended to include trees and vegetation. It should also be noted that, in addition to Council's current DCP A16, Council is currently reviewing the implications of the new State	Update wording to preservation of trees and vegetation in Section 7. The risk category for non-large scale trees and vegetation to remain as High.

SUBMITTER/ISSUE	RESPONSE	ACTION
<p>have responded to such requests very promptly and this should remain the case.</p>	<p>Biodiversity Conservation Reform legislation, which most likely will require a further review of this Policy, as well as other planning policy documents.</p>	
<p>Section 10 Anonymous reports - We have serious concern about investigating anonymous complaints as these often prove to be vindictive and inaccurate. We suggest that anonymous complaints are not considered.</p>	<p>All anonymous complaints are managed in accordance <i>Procedure for anonymous complaints</i> of Council's Complaints Handling Procedure.</p>	<p>No further action.</p>
<p>General - reporting back to the person who has made the report is extremely important and appreciated by the public and the specification of this in Section 8 and 9 is very valuable.</p>	<p>Agree, all complaints are managed in accordance with Council's Complaints Handling Procedure, such requires officers to keep the complainant informed of the progress of the investigation in a timely and reasonable manner.</p>	<p>Staff to be provided with a copy of Council's Complaints Handling Procedure and regular training be provided to guide staff.</p>
<p>General - 'Encouraging reports about possible unlawful activity by acting reasonably in response to the circumstances and facts of each matter' as in Section 8 is important as members of the public often consider they will be viewed as nuisances by TSC staff if they report incidences.</p>	<p>Noted and agreed.</p>	<p>Staff to deal with all complaints in accordance with Council's Complaints Handling Procedure.</p>
<p>General - 'Confidentiality of people who report allegations of unlawful activity Council will maintain strict confidentiality where possible of the identity of those who report unlawful activity in recognition of the sensitivities that may arise in community relations' is extremely important as this has not been adhered to in some cases in the past and this has caused neighbourhood problems.</p>	<p>The draft Compliance Policy and complaints handling review procedures of Council's Complaints Handling Procedure include provisions addressing breaches of confidentiality. It should be noted that in some instances the offenders are able to discern who the complainant is due to the circumstances.</p>	<p>Staff to act in a manner that ensures they maintain confidentiality of the complainant's personal details. Staff to be provided with a copy of Council's Complaints Handling Procedure and regular training on procedures to guide staff.</p>
<p>General - We are concerned about 16 Role of Council Where There is a Private Certifier but understand you have no control over this.</p>	<p>Noted, this is out of scope for this policy.</p>	<p>No further action.</p>

SUBMITTER/ISSUE	RESPONSE	ACTION
<i>Fingal Head Community Association Inc</i>		
<p>Frustration often expressed at the lack of information that compliance is being pursued following the reports of breaches from the community.</p>	<p>Agree, all complaints are managed in accordance with Council's Complaints Handling Procedure, such requires officers to keep the complainant informed of the progress of the investigation in a timely and reasonable manner.</p>	<p>Staff to be provided with a copy of Council's Complaints Handling Procedure and regular training be provided to guide staff.</p>
<p>Page 10 "Not all reports will need to be investigated. A preliminary assessment of all matters will be made to determine the priority for a response, and whether investigation or other action is required." In such cases it is necessary to ensure that the informant is made aware that this has been the decision that has been made to avoid ongoing concern or confidence in Council's compliance activities.</p>	<p>In accordance with Council's Complaints Handling Procedure officers are required to inform the complainant whether investigation or other action is required in a timely and reasonable manner.</p>	<p>Staff to be provided with a copy of Council's Complaints Handling Procedure and regular training be provided to guide staff.</p>
<p>FHCA suggests that where Council by –laws are lacking or deficient that responsibility be allocation to examine the possibility of creating additional consistent approaches throughout the Shire. Relevant policy from other Councils should be able to be accessed to inform further approaches in the Tweed.</p>	<p>This policy addresses current issues and ensures procedures are applied consistently. Furthermore, regular reviews will be undertaken to capture immerging issues and facilitating best practice.</p>	<p>Recommendation to be actioned in the implementation of the new Policy.</p>
<p>The Draft Policy also refers to the need for evidence and the 'required standard of proof'. It is suggested that the draft policy would be enhanced by the inclusion of examples of what is expected by compliance in the establishment of evidence and required standards of proof. This will assist the informant in deciding whether to report the matter in the first instance.</p>	<p>Agreed. As part of the drafting of procedures for the policy, fact sheets will be prepared outlining what's required in the establishment of evidence and standards of proof. It should be noted that a standard template may require modification given there are variations to complexity of the matter being investigated.</p>	<p>Prepare fact sheet and template outlining what's required in the establishment of evidence and standards of proof.</p>

SUBMITTER/ISSUE	RESPONSE	ACTION
Peter Bennett		
<p>The prepared policy document be adopted ONLY as an interim policy pending a review of the structural and administrative arrangements of the enforcement, compliance, integrity and related functions of Council.</p>	<p>Council conducted an organisational review in 2014 and as part of that review compliance services were rationalised. The Compliance Section includes building, land use planning, rangers, parking and animal pounding activities. The new section has been effectively dealing with a wide range of issue, ranging from:</p> <ul style="list-style-type: none"> • development and building controls overgrown lots • development approvals • control over animals • essential services breaches • preservation of trees and vegetation • parking control • road related matters/parking controls • impounding (vehicles, belongings) • illegal camping <p>At this point it is considered that there is insufficient justification to conduct a further review of the current compliance structure.</p>	<p>No further action.</p>
<p>Council consider a broader proactive, preventive approach to Compliance. This would involve structural and administrative development including utilising existing strategic staff in a compliance ancillary function</p>	<p>See above.</p>	<p>See above.</p>
<p>Council create a Regulatory Unit - incorporating all enforcement, compliance and integrity functions – with the integrity functions being responsible for organisational oversight and whistleblowing disclosures.</p>	<p>See above.</p>	<p>See above.</p>

SUBMITTER/ISSUE	RESPONSE	ACTION
<p>In Definitions (Page 6)</p> <p>Regulation – is a confused Term. Regulation with a capital "R" relates to legislation whereas in the Definitions, the term applies to "regulating" by means of tools and strategies.</p>	<p>The use of an uppercase 'R' is consistent with the Ombudsman New South Wales - Model Compliance and Enforcement Model Policy document.</p>	<p>No further action.</p>
<p>The term "alleging" under - Report alleging unlawful activity – may be overstating the report, particularly if the reporter is not certain whether their concerns involved unlawful activities. Perhaps "Report suspicious or unlawful activities" may be a better catchall. The same point applies to other instances in the Policy in which the term "alleging" is used.</p>	<p>The use of the word 'alleging' is consistent with the Ombudsman New South Wales - Model Compliance and Enforcement Model Policy document.</p>	<p>No further action.</p>
<p>Though the scope of responsibilities notes that the list is not limited, there are a multitude of antisocial behaviours which are not listed but which are of significant concern to the community.</p>	<p>Noted, Council officers have limited powers to deal with "anti-social behaviours". The majority of boarder anti-social behaviours are enforced by state and federal agencies.</p>	<p>No further action.</p>
<p>Confidentiality of people who report allegations of unlawful activity (Page 9).</p> <p>It is not appropriate to disclose the identity of person who makes a report if that person has a genuine and reasonable belief that they may suffer recriminations as a result of making that report. To disclose an identity and expose a person to harm or injury would be reckless, irresponsible, culpably negligent and legally actionable. It may have far more grave consequences.</p> <p>This section of the policy should be reviewed and revised even before the policy is put up for public consideration.</p>	<p>The draft Compliance Policy and complaints handling review procedures of Council's Complaints Handling Procedure include provisions addressing breaches of confidentiality. It should be noted that in some instances the offenders are able to discern who the complainant is due to the circumstances.</p>	<p>Staff to act in a manner that ensures they maintain confidentiality of the complainant's personal details. Staff to be provided with a copy of Council's Complaints Handling Procedure and regular training on procedures to guide staff.</p>

SUBMITTER/ISSUE	RESPONSE	ACTION
<p>The Draft Compliance Policy is unfortunately constrained, limited in scope and reactive. With the exception of the need to change the policy relating to reporter identification and confidentiality it will generally serve the intended purpose.</p> <p>However what is needed, both by the Council and the community is a proactive, promotional, integrated, publicly active, inclusive, interactional and forward looking policy based on a revised assessment of Council resources and community expectations.</p>	<p>The recommendation is noted, however, a revised assessment of Council resources and community expectations is out of scope for the purpose of this policy development.</p>	<p>No further action.</p>

OPTIONS:

1. Council adopts the Draft Compliance Policy as amended.
2. Council not adopt the Draft Compliance Policy and seek a further report addressing issues identified.

Option 1 is recommended.

CONCLUSION:

In accordance with Council’s resolution of 15 June 2017, the draft Compliance Policy was placed on public exhibition from 1 August up to and including 30 August 2017. During the exhibition period 3 formal submissions were received. In general the issues raised in the submissions can be addressed via minor modifications the draft policy document or during the draft of procedures for the implementation of the policy.

It is therefore recommended that Council adopt the Draft Compliance Policy as amended.

COUNCIL IMPLICATIONS:

a. Policy:

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

b. Budget/Long Term Financial Plan:

Not Applicable

c. Legal:

Not Applicable

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Draft Compliance Policy Version 1.0 (as amended) (ECM 4824603)

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

26 [CNR-CM] Renewable Energy Action Plan

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
1.1.4	Environmental Sustainability - To support Council, businesses and the community to achieve the best possible combination of environmental, social and economic outcomes.

ROLE: **Leader**

SUMMARY OF REPORT:

Council engaged energy consultants, 100% Renewables, to investigate how Council could reduce energy use and become self-sufficient in renewable energy.

From the consultants' report, Council has prepared a Renewable Energy Action Plan (REAP) for electricity use in Council facilities. The REAP outlines how Council may in a staged approach become more self-sufficient in renewable energy:

The stages include:

Phase One (2017 - 2022):

- implement twenty energy efficiency and rooftop solar projects to reach a target of 25% of Council's electricity (baseline 2016/2017) being self-generated from solar by 2022.

Phase Two (2022 - 2025):

- once industry predictions of a 40% decrease in solar storage costs take shape, report back to Council on the cost-effectiveness of increasing solar and adding batteries to reach a target of 50% of Council's electricity self-generated from solar, by 2025

Phase Three:

- keep a watching brief and revisit the REAP after Phase One and Two have been completed to reassess the business case for meeting the remainder of Council's electricity needs through possible self-generation or purchase of renewable energy options.

Taking a strategic approach to delivery of REAP projects and embedding energy management practices across Council is recommended, including the appointment of a part-time Energy Projects Manager.

RECOMMENDATION:

That Council:

- 1. Adopts the Renewable Energy Action Plan including:**
 - Staged renewable electricity targets for Council:**
 - **25% of Council's electricity use self-generated from solar by 2022, compared to 2016/2017 use;**
 - **50% of Council's electricity use self-generated from solar, incorporating storage, by 2025, compared to 2016/2017 use,**noting that the target deliverables are subject to funding and cost reduction foreshadowed.
- 2. Submits funding requests in the 2017/2018 September Budget Review and the 2017/2027 Long Term Financial Plan for \$2.2 million which includes \$1M for water and sewer facilities, \$1.2M for general fund facilities, and/or seek grant funding where possible, to complete the Phase One energy efficiency and solar projects in the REAP which will include \$937,506 to be expenditure in 2017/2018, \$883,137 in 2018/2019 and \$413,721 in 2019/2020.**
- 3. Submits funding requests as part of the 2018/2019 budget cycle to amend the 2017/2027 Long Term Financial Plan to include \$3 million for street lighting upgrade in 2020/21, subject to a further detailed business case.**
- 4. Requests a report to be brought forward to Council on the cost-effectiveness of increasing solar and adding batteries to reach the 2025 target of 50% of Council's electricity self-generated from solar, once industry predictions of a 40% decrease in solar storage costs compared to 2016/2017 take shape.**
- 5. Endorses the use of \$50,000 per annum from the existing Climate Change Funds for a part time Energy Projects Officer on a fixed term basis to implement the Phase One REAP projects and help Council implement strategic energy management systems and practices.**
- 6. Notes that savings generated from these projects will all be used to pay back the initial capital investment, with the ongoing savings to be allocated to renewable energy assets.**

REPORT:

Background

A Renewable Energy Action Plan (REAP) has been prepared to describe renewable electricity targets and projects at Council facilities. The plan describes how Council can:

- reduce greenhouse gas emissions from Council's energy use by 50%
- reduce electricity use
- become self-sufficient in renewable energy, based on a staged approach
- consider the scale and feasibility of large-scale renewable energy generation once less risky, more reliable options are pursued first.

Preparation

Energy consultants, *100% Renewables*, were engaged to analyse options to reduce electricity use and use more renewable energy.

Their methodology involved:

1. A review of Council's current electricity use and projected consumption
2. Stakeholder consultation involving site visits to Council facilities, a Council workshop involving community renewable energy advocates Tweed Climate Action Now (Tweed CAN), and discussions with facility and finance managers
3. Identification and analysis of energy efficiency and renewable energy options including draft business cases
4. Financing and delivery options and timeframes.

Council has reviewed the technical analysis and advice provided in the *100% Renewables Renewable Energy Study*, October 2017, and compiled the REAP in response.

REAP overview

1. Current electricity profile: *100% Renewables'* review of Council's recent pattern of electricity use highlighted Council's achievement in maintaining a stable energy use profile despite increasing population and service demands. Solar installations at five of Council's facilities generates almost 1% of Council's electricity use currently.
2. Strategic directions: the REAP seeks to deliver on key areas of importance for Council:
 - Stakeholder input: Key messages from stakeholder groups have been taken into account in the development the plan, including the need to describe tangible, achievable projects that Council can reasonably deliver within available budgets and staff resources.
 - Reducing greenhouse gas emissions from Council's energy use
 - Reducing electricity use (improving energy efficiency)
 - Pursuing Council's aspirational goal of becoming self-sufficient in renewable energy
 - Considering investment in large scale solar energy systems
3. Clarifying Tweed Shire Council's renewable energy target: a staged approach to pursuing Council's aspirations to be self-sufficient in renewable energy is recommended, based on achievable and affordable renewable energy targets for electricity
4. Phase One efficiency and renewable projects to 2022: A full list of costs and savings are included in the REAP for 20 energy efficiency and renewable energy projects, costing \$5.2 million based on current industry pricing, and offering a payback of 5.2

years. The projects would reduce Council's consumption of electricity from the grid by an estimated 5,000 MWh per year, or 25% of Council's electricity use compared to 2016/2017.

5. Phase Two solar and storage projects to 2025: 10 additional projects are highlighted as technically possible and bring Council's self-generation of renewable energy to 50%. Reduced costs for storage technology of around 40% compared to 2016/2017 pricing are expected in the next two years. At this point, or when a positive return on investment can be demonstrated, the economic feasibility of these projects should be reviewed. Currently, the estimated cost of \$5.3 million for these projects and estimated \$530,000/year savings suggests these initiatives are currently only marginally cost effective.
6. Phase Three: The scale of potential grid-connected self-generation at Council sites, and the potential to purchase renewable energy directly from other generators or retailers is considered but not recommended at this time due to the significant changes that are predicted in policy and the energy sector over the next two to five years.
7. Energy management practices: Embarking on an organisation-wide uptake of renewable electricity projects and assets will also require:
 - Appointment of an Energy Manager
 - Development of an Energy Policy
 - Embedding energy considerations into equipment purchases and building designs
 - Funding from a variety of sources
 - Regular review of the REAP.

OPTIONS:

1. Adopt the REAP.
2. Do not adopt the REAP and seek further information.

CONCLUSION:

The Renewable Energy Action Plan establishes a staged plan for Council to achieve interim targets for self-sufficiency in renewable energy, by implementing energy efficiency and renewable electricity generation projects at Council facilities that offer a good economic return from investment, and reasonable certainty that the technology we use will deliver what is promised.

The plan enables Council to:

- seek and assign funds to progress priority efficiency and renewable energy projects at Council facilities
- set achievable targets for renewable electricity generation, electricity use and associated greenhouse gas emissions reductions
- progress towards becoming self-sufficient in renewable energy by producing 50% of our total electricity use using renewable energy by 2025

- understand the scale of future renewable energy system investments needed to become self-sufficient in renewable energy, and potential lines of inquiry to pursue
- embed strategic organisational energy management practices into Council's equipment and facility design, purchasing, projects, facilities, asset maintenance, monitoring and reporting processes.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Policy v1.6 will apply to purchasing processes.

b. Budget/Long Term Financial Plan:

- Notes funding requests for the 2017/2018 September Budget Review and the 2017/2027 Long Term Financial Plan for \$2.2 million which includes \$1M for water and sewer facilities, \$1.2M for general fund facilities, and/or seek grant funding where possible, to complete the Phase One energy efficiency and solar projects in the REAP which will include \$937,506 to be expenditure in 2017/2018, \$883,137 in 2018/2019 and \$413,721 in 2019/2020.
- Notes funding requests for the 2018/2019 budget cycle to amend the 2017/2027 Long Term Financial Plan to include \$3 million for street lighting upgrade in 2020/21, subject to a further detailed business case.
- Allocates \$50,000 per annum from the existing Climate Change Funds for a part time Energy Projects Officer on a fixed term basis to implement the Phase One REAP projects and help Council implement strategic energy management systems and practices.
- Notes that savings generated from these projects will all be used to pay back the initial capital investment, with the ongoing savings to be allocated to renewable energy assets.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

Input to the development of the plan was sought from Tweed Climate Action Network (CAN) as a community advocacy group with a strong interest and technical capacity to contribute to the plan. As the plan contributes to the Community Strategic Plan objective of decreasing the carbon footprint of the Tweed community and progressing towards 100 per cent self-sufficiency in renewable energy, with a focus on Council's own footprint, wide community input has not been sought at this stage.

As the REAP relates to cost-effective approaches for how Council manages its own electricity costs, public consultation has not been sought. Following a review of the REAP after the implementation of Phase 2, should Council decide to pursue the large scale generation of renewable energy, extensive community engagement would be essential.

UNDER SEPARATE COVER/FURTHER INFORMATION:

- Attachment 1. Renewable Energy Action Plan - Electricity in Council Facilities (ECM 4826728)
- Attachment 2. Renewable Energy Study (*100% Renewables*, October 2017) (ECM 4826986)
-

27 [CNR-CM] Silver Sponsorship at the 12th Mosquito Control Association of Australia Conference

SUBMITTED BY: Natural Resource Management

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

ROLE: Collaborator

SUMMARY OF REPORT:

The 12th Mosquito Control Association of Australia (MCAA) Conference will be held on the Tweed Coast in September 2018. The organising committee has extended an invitation for Tweed Shire Council to participate as a Silver Level Sponsor of this event. Additionally, it has been requested that the Mayor of Tweed Shire open the conference.

The cost of Silver Level sponsorship is \$7,000 (GST inclusive) and includes the following benefits:

- conference registration for two people;
- conference banquet for two people;
- company logo on conference satchel;
- company flyers inside conference satchel;
- company logo in abstract book;
- naming rights for one selected session.

RECOMMENDATION:

That:

- 1. Council commits to be a Silver Sponsor of the 12th Mosquito Control Association of Australia Conference to be held on the Tweed Coast in September 2018 with the funds to be jointly provided through existing budgets of the Natural Resource Management Unit and the Environmental Health Unit.**

- 2. The Mayor officially opens the 12th Mosquito Control Association of Australia Conference.**

REPORT:

Mosquitoes and mosquito-borne disease continue to threaten communities in Australia and public health risks associated with mosquitoes are likely to increase in the future.

This conference is of high relevance to a number of staff in both the Pest Management Program Area and the Environment Health Unit.

The organising committee of the 12th MCAA Conference, to be held at Kingscliff in September 2018, extended an invitation to Tweed Shire Council to participate as a sponsor of this event. Only held every two years, this conference provides a unique opportunity to highlight the services provided by government and non-government organisations working in the field of public health and pest control. This is the first time that the MCAA conference has been held in Tweed Shire.

The scientific program will present the latest developments in mosquito control and surveillance technologies, and provides a forum for the exchange of ideas and expertise on monitoring and controlling pest mosquito populations; undertaking research into mosquito biology and ecology; and developing policies to better prepare for and respond to emerging mosquito-borne disease threats.

The program will commence on Sunday evening, 2 September 2018, with registration and a welcome reception with the scientific program running over three days.

OPTIONS:

1. That the application for Tweed Shire Council to be a Silver Sponsor for the MCAA conference be approved, and that the Mayor of Tweed Shire Council opens the MCAA conference.
2. That the application for Tweed Shire Council to be a Silver Sponsor of the MCAA be declined and this report is received and noted.

CONCLUSION:

Sponsorship of the conference will give heightened visibility to Tweed Shire Council at this event. Tweed Shire is one of the few regional NSW Local Government Areas that is actively involved in management of mosquitoes. The sponsorship provides for two Council officers to attend the conference and assist with developing the conference program. . The sponsorship also provides a number of promotional opportunities including use of Council's logo on materials and promotion of activities by Council. The conference program will be circulated when available.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

\$3,500 from Pest Management Program Area and \$3,500 from Environmental Health will be allocated from existing budgets for this one-off sponsorship opportunity.

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.

28 [CNR-CM] Easter Events in Kingscliff

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
- 3.1 People
- 3.1.7 Events - To develop, attract and support events that showcase the Tweed's unique characteristics and identity.

ROLE: Collaborator

SUMMARY OF REPORT:

Council has received a community event application for a 'Good Friday Family Fair' in Lions Park, Kingscliff on 30 March 2018, being Easter Friday. The event proposes around 50 market stalls, food stalls, children's entertainment and music.

In recent years issues have arisen in Kingscliff regarding community events held in the foreshore parks of the central business district (CBD), particularly Lions Park. Council has received feedback that vehicle congestion during events in Kingscliff is excessive and business suffers accordingly, particularly in busy periods including Easter. It has been suggested that holding events outside the busiest times of year would ease this problem.

RECOMMENDATION:

That Council considers the options presented in the report.

REPORT:

Council has received a community event application for a 'Good Friday Family Fair' in Lions Park, Kingscliff on 30 March 2018, being Easter Friday. The event proposes around 50 market stalls, food stalls, children's entertainment and music.

In recent years issues have arisen in Kingscliff regarding community events held in the foreshore parks of the central business district (CBD), particularly Lions Park. Such events are believed to provide communities with economic as well as social benefits. However, the Kingscliff Matters Forum in March 2015 highlighted concerns in Kingscliff including:

- Market stalls and coffee/food stalls competing with established CBD shops.
- Parking and traffic congestion in the CBD when large events are on.
- These events cause the most problems at busy times of year.

The Good Friday Family Fair was previously held in Kingscliff in Easter 2014 and 2017, while the regular Friday Night Market replaced the event in 2015. In 2016 it was not approved as the site had already been booked for another event.



Figure 1: Lions Park Kingscliff

The application states the event provides “Children’s entertainment and petting zoo with live music, food and market stalls in a family friendly alcohol free environment.” It also states “There will be basic fast and fun food stalls suitable for families that are different from other operators in town. We will not provide any coffee or conflicting foods. Being Good Friday many businesses are not obliged to open. Some opt not to trade, some do”.

The event will operate between 8am and 8pm with between 1,000 and 1,300 people expected at any one time. Around 50 market stalls are indicated however there is no information on what the stalls will sell.

In considering an approval for this event, there are two matters to note:

1. Community events often include some market stalls, while occasionally some events may be dominated by market stalls with other entertainment provided. This appears to be the case with the Good Friday Family Fair. A written complaint was received from a business in the CBD regarding the events held in 2014 and 2017. Of particular concern was the practice of allowing market stalls to sell items in competition with nearby established shops. Other events in Kingscliff in recent years have drawn the same concern.
2. Parking and traffic congestion in the Kingscliff CBD when the event is on. In addition to the Kingscliff Matters Forum, Council was forwarded a business survey conducted by one business owner, which included 15 business owner signatories; and received several emails and phone calls saying vehicle congestion during events in Kingscliff is excessive and business suffers accordingly. This includes a recent meeting with a representation of Kingscliff business owners, Cr Cooper and Council staff where a number of concerns related to events in Kingscliff was raised, specifically highlighting the impact of this event over the already busy Easter period. It has been suggested that holding events outside the busiest times of year would ease this problem.

Opinions vary on the above issues, with some stating such events bring many additional visitors and economic benefit to the whole community. Others argue that the market stall operators gain the benefit, while local shops miss out as locals and other visitors stay out of the CBD due to parking and traffic congestion.

The desire to avoid busy times of year can also difficult to interpret. Such times include Easter but also Christmas, January school holidays and possibly other public holidays. Not allowing community events at those times of year could be seen by some as a negative move by Council.

OPTIONS:

1. Excludes events on Council managed land in the Kingscliff central business district over the Easter public holiday period.
2. Approves the 'Good Friday Family Fair' with a condition requiring the event organiser to ensure no market stall will sell goods in competition with the existing CBD Shops
3. Does not excludes events on Council managed land in the Kingscliff central business district at any time of year.
4. Considers another option.

CONCLUSION:

There are varying opinions of the impact of events in Kingscliff. The impacts intensify over busy times of the year, and Easter appears to be the most concentrated in terms of visitation and subsequent impacts.

Some business owners argue that Easter is a busy period and therefore additional events are not required to encourage visitation, conversely events may have a negative impact on businesses.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

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.

29 [CNR-CM] Cultural Plan 2017-2021

SUBMITTED BY: Community and Cultural Services

mhm



People, places and moving around

Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Collaborator

SUMMARY OF REPORT:

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

RECOMMENDATION:

That Council formally:

1. **Adopts the Tweed Shire Council Cultural Plan 2017-2021 Version 1.1 as a framework to guide Council's engagement with cultural activities across the Shire over the next four years.**
2. **Revokes the existing Cultural Policy adopted on 13 November 2007, and replaces it with the Tweed Shire Council Cultural Plan 2017-2021.**

REPORT:

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

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

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

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

From 2015 Council's Community Development Officer - Cultural Planning led the cultural policy review, with assistance from Council's Cultural Plan Internal Working Group. The result of this review is the Tweed Shire Council Cultural Plan 2017-2021 which establishes a new vision, goals and strategies to direct the actions of Council toward initiating or supporting cultural programs/activity or cultural asset development. It is envisioned that the monitoring and evaluation of significant projects and programs identified in the Draft Cultural Plan 2017-2021 will be the basis of the implementation plan that is created once the plan is adopted. It is therefore recommended that it replaces the existing Cultural Policy, 2007.

OPTIONS:

1. That Council formally adopts the Tweed Shire Council Cultural Plan 2017-2021 a framework to guide Council's engagement with cultural activities across the shire over the next four years.
2. That Council revokes the existing Cultural Policy Version 1.1 of 13 November 2007.

OR

3. That Council requests additional information regarding the Cultural Plan 2017-2021.

CONCLUSION:

The Cultural Plan 2017-2021 was placed on public exhibition for a period of 28 days from 4 July to 31 July, with submissions being invited until 14 August 2017. Responses from the community were positive with the majority of respondents indicating their support for the Cultural Plan. Minor issues were raised regarding the inclusion of particular Council projects or policies in the Cultural Plan. An account of how the feedback has been addressed and incorporated into the Cultural Plan can be found in Attachment 3 - Table Summarising Submissions. A recommendation has been put forward that Council adopts the Tweed Shire Council Cultural Plan 2017-2021 as the framework to guide Council's engagement with cultural activities across the shire over the next four years.

COUNCIL IMPLICATIONS:

a. Policy:

Cultural Policy v1.1.

b. Budget/Long Term Financial Plan:

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

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

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

This report provides an update regarding the recommendation to adopt the Cultural Plan 2017-2021. The Cultural Plan 2017-2017 is the product of significant community consultation undertaken across Tweed Shire in 2016. Hundreds of people contributed to the plan through focus groups, planning discussions and by completing a community survey. The consultation has informed the definition of culture and the themes adopted for the plan.

The draft plan was then promoted during the period of exhibition (July and August 2017) in electronic and hard copy formats. This includes advertising in the TweedLink, updating Council's website and the distribution of hard copies of the Cultural Plan at key sites such as at Council's Murwillumbah and Tweed Heads offices, as well as at the Tweed Regional

Museum, the Tweed Regional Gallery and the Libraries. The Draft Cultural Plan 2017-2021 was also sent to a range of stakeholders, inviting comments from committees, community organisations, and individuals. An account of how the feedback has been addressed and incorporated into the Cultural Plan can be found in Attachment 3 - Table Summarising Submissions.

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.	Tweed Shire Council Cultural Plan 2017-2017 (ECM 4811884)
Attachment 2.	Tweed Shire Council Cultural Policy adopted on 13 November 2007 (ECM 4811912)
Attachment 3.	Table Summarising Submissions (ECM 4811839)
Attachment 4.	List of Stakeholders invited to Comment (ECM 4824251)

30 [CNR-CM] Nullum House - Flood Mitigated Reinstatement

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 Provider Advocate Leader

SUMMARY OF REPORT:

Prior to the flood on 31 March 2017, Nullum House (located next to Murwillumbah Community Centre in Knox Park) provided various services to people in Murwillumbah and surrounds who are homeless or at risk of becoming homeless.

Nullum House, which sits on Crown Land, is built 700mm lower than the Murwillumbah Community Centre. Inundation leading to closure has occurred twice in the last ten years. This report details the costs to Council incurred during these events and explores options for mitigating possible losses in the future.

In order to minimise costs to both Council and community, and the length of time the building is off line due to the impact of future floods and storms, it is proposed that the building be reconfigured and reinstated to a design suitable for its location and susceptibility to flood.

Once reconfiguration and reinstatement has occurred Council can consider formalising a lease and agreement with Murwillumbah Community Centre Inc. (MCC Inc.) for ongoing use of the building.

RECOMMENDATION:

That:

- 1. Nullum House be reinstated to the agreed design (Attachment 1) to reduce risk of loss during future flood and storm events.**

- 2. Council enters into negotiations with Murwillumbah Community Centre Inc regarding a lease for Nullum House.**

REPORT:

This report is to provide the assessment of damage to Nullum House from the March 2017 and January 2013 flood and storm events and to propose reinstatement of Nullum House based on mitigating the potential risk of losses due to future storm and flood events.

Costs associated with previous flood and storm events

28 January 2013

On 28 January 2013, Nullum House was inundated during a storm event and damage to both building and contents was sustained. Carpets were removed by MCC Inc. workers and volunteers immediately after the storm and, subsequently, the building was assessed by Council staff.

A claim of \$21,000 was submitted to Council's Insurers to cover the following:

- Vinyl (plus balance of carpet remnants to be removed)
- Soup kitchen cupboards / doors all damaged
- Bathroom vanity damaged
- Assess walls / Skirting once dried
- External door, some external doors damaged
- Cupboard doors / plinths in main storage area bowed / splitting

The insurers assessed the claim at \$18,761 however, as this was a storm event, Council was advised that the claim was not covered by insurance.

As the claim was not covered, the works that followed were costed to multiple cost centres and included 'betterment' costs so actual costs cannot be accurately determined. MCC Inc.'s contents loss was assessed as \$37,000 and was covered by their insurance company. In addition, Council paid for a demountable to be hired and a storage container to be delivered to site at a cost of \$1572.

Using these insurance assessed figures, the loss from the 2013 flood was \$18,761 plus the cost of demountable and storage at \$1572 totalling \$20,333 (uninsured) for Council and \$37,000 (insured) for MCC Inc. the total identified cost was therefore \$57,333 for both building and contents. This estimate of loss does not include provision for Council officer's or the community's time to manage the coordination or administration of these works or insurance claims and excesses.

March 2017

In March 2017, Nullum House was inundated by flood and damage to both building and contents was sustained. The building was closed to the public due to public safety risks associated with electrical concerns and MCC Inc. were able to remove some contents from the pantry and office areas in the following days once the building was deemed safe. The claim for building rectification works is approximately \$88,000 and the claim is being considered by Council's insurers. MCC Inc. assessed their contents loss at approximately \$85,000 of which \$60,000 is insured.

Using these estimates, the total cost of the 2017 flood for Nullum House is \$88,000 (insured) for Council and \$85,000 (\$60,000 insured plus \$25,000 uninsured) for MCC Inc. totalling \$173,000 for building and contents. No provision in this calculation has been made for Council officer's or the community's time to manage the coordination or administration of these works or insurance claims and excesses.

Future planning for Nullum House

To mitigate any future community and Council financial and service losses it is proposed that Nullum House be reconfigured and reinstated to a design which caters for the likely future water inundation and minimising subsequent damage.

Community Consultation

Following a Council and community workshop held on Thursday 31 August 2017, an onsite meeting was convened between Council staff and the Management of MCC Inc. at Nullum House on Monday 4 September 2017.

At the onsite meeting Nullum House configuration, fixtures and fittings were assessed in relation to their risk of future damage. All external walls are concrete block with a mix of both concrete block and cement sheeting for internal walls.

The extent of damage to cement sheeting walls from water inundation is much greater than concrete block walls. It was therefore decided the majority of cement sheeting walls would be removed. The exceptions were kept to a minimum and in those cases the cement sheeting will be removed and replaced with brick to provide one meeting room, one laundry and two toilet facilities (one with a shower). This reconfiguration will also reduce the number of internal doors which are prone to water damage as per Attachment 1.

At a project meeting with staff and Board members from MCC Inc. on 28 September 2017 the plans were finalised and the list of detailed works as per Attachment 2 was agreed to by MCC Inc. and Council staff.

Future Use and fit out

Although the reconfiguration and reinstatement could reduce losses regarding the building this will not mitigate against losses to non-fixed contents and MCC Inc. has agreed to take on the responsibility for managing this risk.

OPTIONS:

1. Reinstatement Nullum House as per Attachment 1 and enter into negotiations with Murwillumbah Community Centre Inc. to establish a lease arrangement for future use.
2. Request further information.

CONCLUSION:

Prior to the flood on 31 March 2017, Nullum House (located next to Murwillumbah Community Centre in Knox Park) provided various services to people in Murwillumbah and surrounds who are homeless or at risk of becoming homeless.

Nullum House, which sits on Crown Land, is built 700mm lower than the Murwillumbah Community Centre. Inundation leading to closure has occurred at least twice in the last ten years. This report details the costs incurred during these two events and explores options for mitigating losses in the future.

In order to minimise costs to both Council and community, and the length of time the building is off line due to the impact of future floods and storms, it is proposed that the

building be reconfigured and reinstated to a design suitable for its location and susceptibility to flooding.

The reconfiguration is proposed to remove the majority of internal walls, replace flooring with tiles for easy cleaning after a storm or flooding event, move essential electrical sockets and items to above predicted flood levels and replace one kitchen to a flood mitigated design. Detailed works are included in Attachment 1.

Once reconfiguration and reinstatement has occurred Council can consider formalising the lease agreement with MCC Inc. for the use of Nullum House.

COUNCIL IMPLICATIONS:

a. Policy:

Nil.

b. Budget/Long Term Financial Plan:

Insurance - Nullum House is currently insured at \$391,609. The reinstatement costs of the claim are estimated at \$88,000.

Nullum House currently has an annual budget allocation of \$4,200 for operational costs.

c. Legal:

Nil.

d. Communication/Engagement:

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

During the emergency response phase Council staff from Community Development liaised and worked with MCC Inc. sending advice regarding safety and next steps once the water receded.

The Manager Community and Cultural Services and the Community Asset Maintenance Officer visited the site on the Sunday immediately after the waters receded to a safe level. Additionally, Council officers including Community Development staff, electricians, construction and maintenance staff visited the site on multiple occasions during the first week after the flood to assist with removing contents from the building and assessing safety issues.

During the recovery phase the Coordinator Community Development visited Murwillumbah Community Centre and Nullum House regularly whilst the recovery centre was in operation to identify and address emerging service gaps.

A meeting was held on Thursday 18 May 2017 with the Director Community and Natural Resources, the Manager Community and Cultural Services and staff and Board members of MCC Inc. to discuss the consequences and implications for the services provided through Murwillumbah Community Centre as a result of the recent flooding of Nullum House.

A project team was established with representatives from Council: Director Community and Natural Resources; Manager Community and Cultural Services; and Coordinator Community Development and members of the MCC Inc. board and staff from MCC Inc.

The project team has met on three occasions on 5 July 2017, 19 July 2017 and 28 September 2017 to discuss the options contained in this report.

Ongoing meetings are scheduled with the project team and interim correspondence is through email to all members of the project team.

A Council workshop was held on Thursday 31 August 2017 and an onsite meeting was convened between Council and the Manager of MCC Inc. on site at Nullum House on Monday 4 September 2017.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Proposed Plan of Nullum House Reconfiguration (ECM 4822968)

Attachment 2. List of proposed works as agreed with Nullum House Project Team (ECM 4813553)

31 [CNR-CM] Developer Contributions and Developer Charges for Community Organisations

SUBMITTED BY: Community and Cultural Services

mhm



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

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Provider**

SUMMARY OF REPORT:

At its meeting on 19 June 2014, Council resolved to adopt the Policy *Developer Charges for Community Organisations*. This policy provided the option of allowing eligible organisations to enter into a long-term deferred payment plan with annual repayments. The policy is designed to reduce the burden of up front capital costs related to Section 94 Developer Contributions and Section 64 Developer Charges for Community Organisations.

Subsequently to the Developer Charges for Community Organisations Policy being developed, Council introduced the High Consumption Charge for Water Supply and Sewerage Usage for Non Residential properties. In the revised Policy the deferred payment options remain the same and the High Consumption Charge for Water and Wastewater option is also provided to eligible community organisations as an alternative option to the upfront payment of Section 64 Developer Charges.

The name of the Policy has been modified to *Developer Contributions and Developer Charges for Community Organisations* to reflect the names of the charges.

Section 160 of the Local Government Act requires any proposed Policy to be placed on public exhibition for a period of not less than 28 days and that Council receives submissions for a period of not less than 42 days after the draft policy has been placed on exhibition.

RECOMMENDATION:

That Council places on public exhibition the draft Developer Contributions and Developer Charges for Community Organisations Policy v2.0 and advertises the draft policy for 28 days allowing 42 days for submissions.

REPORT:

Section 94 Developer Contributions are payments made by developers to enable Council to provide public amenities and services required for new residents and businesses. Section 94 of the Environmental Planning and Assessment Act 1979 is the principal legislation enabling Councils to levy contributions for public amenities and services. Section 94 Contributions are imposed by way of a condition of development consent or complying development.

Section 64 Developer Charges are levied to assist in funding water and sewer infrastructure capital works required for growth. These capital works include water treatment plants, water reservoirs, pumping stations sewer treatment plants etc. Water Supply and Sewerage Section 64 Developer Charges are applied in accordance with Section 64 of the Local Government Act 1993 and Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000.

At its meeting on 19 June 2014 Council resolved to adopt the Policy *Developer Charges for Community Organisations*. This policy provided the option of allowing eligible organisations to enter into a long-term deferred payment plan with annual repayments. The policy is designed to reduce the burden of up front capital costs related to Section 94 Developer Contributions and Section 64 Developer Charges for Community Organisations.

The policy outlines that an eligible Community Organisation is a registered not-for-profit organisation with an annual turnover of less than \$500,000. The organisation must also:

- be registered for GST;
- have an active ABN;
- not have a permanent alcohol license over the area; and
- not have a gaming licence over the area.

Subsequently to the Developer Charges for Community Organisations Policy being developed Council introduced the High Consumption Charge for Water Supply and Sewerage Usage for Non Residential properties. In the revised Policy the deferred payment options remain the same and the High Consumption Charge for Water and Wastewater option is also provided to eligible community organisations as an alternative option to the upfront payment of Section 64 Developer Charges.

An eligible Community Organisation may maintain the existing Equivalent Tenements (ET) entitlement for the property and pay for any additional water consumption and sewerage usage above the ET entitlement on an ongoing basis via their Water Notice.

Water consumption up to the equivalent of the existing ET entitlement will be charged at the consumption charge and consumption greater than the existing entitlement will be charged at the high consumption charge for non-residential properties. Sewerage usage up to the equivalent of the existing ET entitlement will be charged at the sewerage usage charge and usage in excess of the existing entitlement will be charged at the high sewerage usage charge for non-residential properties.

No additional ET entitlement will accrue to the property through the payment of the high consumption and high sewerage usage charges.

The high consumption option is available for Community Organisations proposing a single development on a single lot that is metered separately. Development on a site with multiple uses would need to be assessed on a case by case basis by Council.

The name of the Policy has been modified to *Developer Contributions and Developer Charges for Community Organisations* to reflect the names of the charges.

Section 160 of the Local Government Act requires any proposed Policy is to be placed on public exhibition for a period of not less than 28 days and that Council receives submissions for a period of not less than 42 days after the draft policy has been placed on exhibition.

OPTIONS:

1. That Council places on public exhibition the draft Developer Contributions and Developer Charges for Community Organisations Policy v2.0 and advertises the draft policy for 28 days allowing 42 days for submissions.
2. That Council does not place the draft Developer Contributions and Developer Charges for Community Organisations Policy v2.0 on public exhibition and requests additional information.

CONCLUSION:

At its meeting on 19 June 2014 Council resolved to adopt the Policy *Developer Charges for Community Organisations*. This policy provided the option of allowing eligible organisations to enter into a long-term deferred payment plan with annual repayments. The policy is designed to reduce the burden of up front capital costs related to Section 94 Developer Contributions and Section 64 Developer Charges for Community Organisations.

Subsequently to the Developer Charges for Community Organisations Policy being developed, Council introduced the High Consumption Charge for Water Supply and Sewerage Usage for Non Residential properties. In the revised Policy the deferred payment options remain the same and the High Consumption Charge for Water and Wastewater option is also provided to eligible community organisations as an alternative option to the upfront payment of Section 64 Developer Charges.

The name of the Policy has been modified to *Developer Contributions and Developer Charges for Community Organisations* to reflect the names of the charges.

Section 160 of the Local Government Act requires any proposed Policy is to be placed on public exhibition for a period of not less than 28 days and that Council receive submissions for a period of not less than 42 days after the draft policy has been placed on exhibition.

COUNCIL IMPLICATIONS:

a. Policy:

Developer Contributions - Community Organisations v1.0.

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.

Draft Developer Contributions and Developer Charges for
Community Organisations Policy (ECM 4816635)

32 [CNR-CM] RFO2017125 Detailed Design, Construction, Installation and Commissioning of a Chiller and Associated Equipment for the Tweed Regional Gallery

SUBMITTED BY: Community and Cultural Services

Valid



Behind the scenes
Providing support to make it happen

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

SUMMARY OF REPORT:

Request for Offer RFO2017125 Detailed Design, Construction, Installation and Commissioning of a Chiller and Associated Equipment for the Tweed Regional Gallery was called to engage a suitably qualified and experienced organisation to decommission, demolish and dispose of existing equipment as necessary and design, supply, install, test and commission a new chiller and associated equipment for the Tweed Regional Gallery 2 Mistral Road, South Murwillumbah.

At the time of closing 8 individual Offers in total were received from two independent organisations.

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 RFO2017125 Detailed Design, Construction, Installation and Commissioning of a Chiller and Associated Equipment for the Tweed Regional Gallery:

- 1. Council awards the contract to Carseldine Air Conditioning Pty Ltd (ABN- 26 082 563 193, ACN- 082 563 193) for the amount of \$283,306.36 (exclusive of GST).**

2. **The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.**

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

REPORT:**Offer Background**

Offer RFO2017125 Detailed Design, Construction, Installation and Commissioning of a Chiller and Associated Equipment for the Tweed Regional Gallery was called to engage a suitably qualified and experienced organisation to decommission, demolish and dispose of existing equipment as necessary and design, supply, install, test and commission a new chiller and associated equipment for the Tweed Regional Gallery 2 Mistral Rd, South Murwillumbah.

Request for Offer Advertising

Offers were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. The Request for Offers was officially advertised on Tuesday 5 September 2017 in the Sydney Morning Herald and also on 2 September in the Gold Coast Bulletin and on Council's website.

Offer submissions closed at 4.00pm (local time) on 27 September 2017 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah.

Offer Addendums

There was one (1) Notice to Bidders issued before close of Offer. Addendum No. 1 was issued to advise Bidders of the following:

- Details regarding the supply and installation of a new Mechanical Switchboard for the chiller enclosure.
- Details regarding the provision for supply and installation of a new expansion tank to serve new chiller.
- Specification details for an alternative price for a high efficiency chiller.
- Updated Schedule 3 - Quantities and Prices to cater for the items included in Notice to Bidders No.1

Offer Submissions

At the closing time for Offer Submissions, the Tender Box was opened and 8 Offers were received. Offers were recorded as below:

Bidder	ABN
Carseldine Air Conditioning (York- Specified)	26 082 563 193
Carseldine Air Conditioning (Clint- Alternative)	26 082 563 193
Carseldine Air Conditioning (Powerpax- Specified)	26 082 563 193
Carseldine Air Conditioning (Climaveneta- Specified)	26 082 563 193
Carseldine Air Conditioning (Daikin- Specified)	26 082 563 193
Carseldine Air Conditioning (Carrier- Specified)	26 082 563 193
ENGIE Mechanical Services (QLD) Pty Ltd (Climaveneta- Specified)	16 160 366 067
ENGIE Mechanical Services (QLD) Pty Ltd (Climaveneta- Alternative)	16 160 366 067

Offer Evaluation

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

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

Position
Project Manager- Contracts
Coordinator Recreation and Building Assets

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

Criterion	Document Reference	Weighting (%)
Assessed Offer Price (as adjusted and including NPV Operating Costs over 20 years)	Schedules 3 & 6.	60
Relevant Experience and Capability	Schedules 11, 12 & 15.	10
Management Systems (WH&S, Quality and Environmental)	Schedule 14.	5
Program and Methodology	Schedule 13.	5
Past Performance and Suitability of Nominated Equipment	Schedule 6, 7, 8, 9, 10, 16.	10
Local Content	Schedule 19.	10
	Total	100

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

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

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

OPTIONS:

That Council:

1. Awards the contract to Carseldine Air Conditioning Pty Ltd (ABN- 26 082 563 193, ACN- 082 563 193) for the amount of \$283,306.36 (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:

Council awards the Contract RFO2017125 to Carseldine Air Conditioning Pty Ltd (ABN- 26 082 563 193, ACN- 082 563 193) for \$283,306.36 (Exclusive of GST) as detailed in the Offer Evaluation Report Confidential Attachment 1 for the Detailed Design, Construction, Installation and Commissioning of a Chiller and Associated Equipment for the Tweed Regional Gallery.

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.

b. Budget/Long Term Financial Plan:

Provision for the RFO2017125 Detailed Design, Construction, Installation and Commissioning of a Chiller and Associated Equipment for the Tweed Regional Gallery 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. Offer Evaluation Report (ECM 4818575)

(Confidential) Attachment 2. Offer Evaluation Score Sheet (ECM 4819609)

REPORTS FROM THE DIRECTOR ENGINEERING

33 [E-CM] RFO2017086 Provision of Materials and Services to Operate and Maintain a Galaxy Master Key System and a Salto Electronic Security System

SUBMITTED BY: Infrastructure Delivery

Valid



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Provider**

SUMMARY OF REPORT:

Request for Offer 2017086 Provision of a Galaxy master key system and Salto Electronic Security System was called to engage a suitably qualified and experienced contractor (Provider) to provide materials and services to operate and maintain a Galaxy Master Key System and a Salto Electronic Security System in order to secure and protect Tweed Shire Councils built assets and facilities.

Recommendations have been formulated based on the Selection Criteria and post Offer negotiations with the successful Bidder, details of which are contained in the Offer Evaluation Report included in **CONFIDENTIAL ATTACHMENT 1**.

RECOMMENDATION:

That in respect to Contract RFO2017086 Provision of a Galaxy Master Key System and a Salto Electronic Security System:

1. Council awards the contract to Border Locksmiths and Electronic Security (ABN 21065668664, ACN 065668644) for both Separable Portion A (Galaxy Master Key System) and Separable Portion B (Salto Electronic Security System) for the rates attached in **CONFIDENTIAL ATTACHMENT 2** and for a contract period of 24 months with two 12 month extension options.

2. **The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.**

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

REPORT:

Offer Background

Offer Request for Offer 2017086 Provision of a Galaxy master key system and Salto Electronic Security System was called to engage a suitably qualified and experienced contractor (Provider) to provide materials and services to operate and maintain a Galaxy Master Key System and a Salto Electronic Security System in order to secure and protect Tweed Shire Councils built assets and facilities.

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 Offer was officially advertised on Saturday 5 August in the Gold Coast Bulletin, in the Tweed Link on Monday 7 August 2017 and on the Tuesday 8 August 2017 in the Sydney Morning Herald.

Offer submissions closed at 4.00pm (local time) on Wednesday 30 August 2017 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

Offer Addendums

There were no (Notice to Bidders) issued before close of Offer.

Offer Submissions

At the closing time for Offer Submissions, the Tender Box was opened and two (2) offers were receive. These offers were recorded as below:

Bidder	ABN	ACN
FRANK Secure	85082287296	163287429
Border Locksmiths and Electronic Security	21065668664	065668644

Offer Evaluation

Council's Offer Evaluation Panel conducted the Offer evaluation and post Offer negotiations with the Bidders. The Offer Evaluation Panel consisted of the following:

Position
Acting Project Manager – Contracts
System Administration Officer

A copy of the Offer Evaluation Report and Offer Evaluation Worksheet are included as ATTACHMENTS 1 and 2 respectively which are CONFIDENTIAL in accordance with Section 10A:

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

The information identifies the Bidder in relation to the Offer price and the evaluation of the products offered by the Bidder. If disclosed, the information would be likely to prejudice the commercial position of the Bidder in terms of market competitiveness by giving their

competitors an advantage. Accordingly, disclosure of the information is not in the public interest. Recommendations appear below for the Offer.

OPTIONS:

That Council:

1. Accepts the Offer for RFO2017086 from Border Locksmiths and Electronic Security (ABN 21065668664, ACN 065668644) for Separable Portion A – Galaxy Master Key System and Separable Portion B – Salto Electronic Security System for the rates attached in CONFIDENTIAL ATTACHMENT 2.
2. Declines to accept any of the Offers, including reasons for this course of action.

CONCLUSION:

Council awards the Contract RFO2017086 to Border Locksmiths and Electronic Security (ABN 21065668664, ACN 065668644) for Separable Portion A – Galaxy Master Key System and Separable Portion B – Salto Electronic Security System for the rates attached in CONFIDENTIAL ATTACHMENT 2.

COUNCIL IMPLICATIONS:

a. Policy:

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

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

In accordance with Local Government (General) Regulations 2005.

b. Budget/Long Term Financial Plan:

Provision for the proposed 2017086 Provision of a Galaxy Master Key system and Salto Electronic Security System 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. RFO2017086 Provision of a Galaxy master key system and Salto Electronic Security System - Offer Evaluation Report (ECM4802810).

(Confidential) Attachment 2. RFO2017086 Provision of a Galaxy master key system and Salto Electronic Security System - Offer Evaluation Worksheet (ECM4806953).

34 [E-CM] RFO2017104 Supply of Fixed Term Full Time Hire of Vacuum Excavation Combination Truck

SUBMITTED BY: Water and Wastewater

Valid



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Provider

SUMMARY OF REPORT:

Offers were invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Offer submissions closed at 4.00pm (local time) on 27 September 2017 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

At the time of closing seven Offers were received.

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

RECOMMENDATION:

That in respect to Contract RFO2017104 Supply of Fixed Term Full Time Hire of Vacuum Excavation Combination Truck:

- 1. Council awards the contract to Tox Free Solutions Pty Ltd (ABN 31127853561 ACN 127853561) for the amount of \$422,547.84 (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**

Offer 2017104 was called to engage a suitably qualified and experienced company (Provider) to wet hire a Combination Vacuum Truck with an operator for a two year period, with the option for a further twelve (12) month extension period at Council's discretion.

Request for Offer Advertising

Offers were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. The Request for Offers was advertised on Tuesday 29 August 2017 in The Sydney Morning Herald and in the Brisbane Courier Mail and the Gold Coast Bulletin on the 26 August 2017.

Offer submissions closed at 4.00pm (local time) on Wednesday 27 September 2017 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

Offer Addendums

There were no (Notice to Bidders) issued before close of Offer.

Offer Submissions

At the closing time for Offer Submissions, the Tender Box was opened and seven (7) Offers were received. These offers were recorded as below:

Bidder	ABN
Cleanaway Industrial Solutions Pty Ltd	57099813546
Dynamic Hydro Excavations Pty Ltd	55131100840
JJ Richards and Sons Pty Ltd	40000805425
Lippway Pty Ltd	99010877737
Solo Resource Recovery	62398515816
Supervax Pty Ltd	54138342711
Tox Free Solutions Pty Ltd	31127853561

The Offer Evaluation Panel consisting of an Acting Senior Engineer – Water and Wastewater Operations Engineering, Operations Coordinator – Water Reticulation, Water and Wastewater, Operations Coordinator – Water Reticulation, Water and Wastewater Assets and Acting Project Manager - Contracts conducted the Offer evaluation and post Offer negotiations with the Bidders.

A copy of the Offer Evaluation Report and Offer Evaluation Worksheet are included as ATTACHMENTS 1 and 2 respectively which are CONFIDENTIAL in accordance with Section 10A:

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

The information identifies the Bidder in relation to the Offer price and the evaluation of the products offered by the Bidder. If disclosed, the information would be likely to prejudice the commercial position of the Bidder in terms of market competitiveness by giving their

competitors an advantage. Accordingly, disclosure of the information is not in the public interest. Recommendations appear below for the Offer.

OPTIONS:

That Council:

1. Accepts the Offer RFO2017104 from Tox Free Solutions Pty Ltd (ABN 31127853561 ACN 127853561) for the amount of \$422,547.84 (exclusive of GST).
2. Declines to accept any of the Offers, including reasons for this course of action.

CONCLUSION:

Council awards the Contract RFO2017104 to Tox Free Solutions Pty Ltd (ABN 31127853561 ACN 127853561) for the amount of \$422,547.84 (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:

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

b. Budget/Long Term Financial Plan:

Provision for the RFO2017104 Supply of Fixed Term Hire of Vacuum Excavation Combination Truck 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. RFO2017104 – Supply of Fixed Term Full Time Hire of Vacuum Excavation Combination Truck - Offer Evaluation Report (ECM 4821151).

(Confidential) Attachment 2. RFO RFO2017104 – Supply of Fixed Term Full Time Hire of Vacuum Excavation Combination Truck - Offer Evaluation Worksheet (ECM 4820246).

35 [E-CM] Policy - Provision of Wholesale Water Supply and Wastewater Services

SUBMITTED BY: Water and Wastewater

mhm



Behind the scenes
Providing support to make it happen

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:

To enable the provision of wholesale water supply and wastewater services for the Cobaki development to Northern Water Solutions (NWS) and other like proposals, it has been recommended by algal count that Council prepare and adopt a policy for the provision of wholesale water supply and wastewater services.

A Draft Policy has been prepared and requires the consideration of Council and exhibition prior to any adoption of the policy by Council.

Council approval for the exhibition of the Draft Policy, in accordance with s160 of the Local Government Act 1993, is sought.

RECOMMENDATION:

That the Draft Policy - Provision of Wholesale Water Supply and Wastewater Services be placed on public exhibition for a period of 28 days and invites submissions for a period of 42 days.

REPORT:

Council has been approached to provide wholesale water supply and wastewater services to Northern Water Solutions (NWS), who in turn intend to operate and provide retail water supply and wastewater services for the Cobaki development under a licence issued by the Independent Pricing and Regulatory Tribunal (IPART).

In response to a request from NWS, on 25 July 2016 Council advised NWS that it is technically feasible for Council to provide bulk water and receive bulk treated wastewater from NWS for the Cobaki development subject to:

- Determining the impact on Council's infrastructure;
- Developing an agreement which ensures Council is not disadvantaged; and
- A further resolution of Council approving the negotiated agreement.

Further on 29 July 2016 Council advised NWS that in respect to any agreement with NWS Council needs to consider:

- The provision of infrastructure by Council required to service the maximum daily demands of NWS;
- The maintenance of that infrastructure; and
- The operation of that infrastructure

Council advised NWS that Council's costs would be recovered through a combination of charges levied under s305/6/7 of the Water Management Act. Access charges, trade waste charges and usage charges.

In determining its fees to be levied Council considered the recommendations of IPART in their consideration of Wholesale Pricing for Sydney Water and Hunter Water (although Council is not regulated by IPART) and in general followed a similar approach in determining proposed wholesale fees for NWS.

On 5 December 2016 NWS were provided email advice of an estimate of the quantum of fees. The estimate was determined by considering the capacity of Council's infrastructure that would be used providing services to NWS, the maintenance of the services and the operation of the services as outlined above.

On 7 December 2016 NWS responded stating:

"In relation to comments on the methodology behind applying access charges being based on the draft methodology being developed by IPART for Prices for Wholesale Water and Sewerage Services (Which will be introduced in 2017) has been developed to maintain competitive pricing for new licensees coming into the market in the Sydney Water Corporation and Hunter Water Corporation areas which are covered by post stamped pricing. I believe the charges Council is suggesting below are not applicable in the Tweed Shire Council area. The suggested Access Charges would make NWS non-competitive and would create a flow on effect to the end customer. I believe IPART would not support this proposal."

NWS sought legal advice on the matter primarily on whether Council can levy access fees. Council subsequently sought advice on firstly whether Council can levy access fees and secondly the mechanisms under which Council can enter into an agreement with NWS and levy the fees indicated above.

Legal advice provided to Council is summarised as:

1. Council would need to develop and adopt a policy for the Provision of Wholesale Water Supply and wastewater Services under Part 3 of Chapter 7 of the Local Government Act to formalise the matters Council would be required to take this policy into consideration when determining an application for approval under s68 of the Local Government Act. This policy is to be developed for consideration by Council.
2. An entity seeking Wholesale Water Supply and/or Wastewater Services would be required to make application to Council in the form of an application under s68 of the Local Government Act.
3. On receipt of an application Council would consider the application and may give conditional approval of the application. The conditions would include, but not be exclusive to the applicant and Council entering into an agreement for the Provision of Wholesale Water Supply and Wastewater Services.
4. The agreement would contain terms including but not exclusive to:
 - a. Duration of the agreement,
 - b. The fees to be charged,
 - c. The fees to be charged to be updated each year, and
 - d. Relevant operational matters.

It is anticipated that the duration of the agreement referred to above would be four (4) years with the option for renewal at the end of each four (4) year period. This period would align with Council's Delivery Program planning cycle.

Consistent with the legal advice received by Council, a Draft Policy for the Wholesale Supply of Water Supply and Wastewater Services has been drafted. The Draft Policy is attached.

OPTIONS:

1. Place the Draft Policy on Exhibition.
2. Not place the Draft Policy on Exhibition.

CONCLUSION:

To provide NWS wholesale water supply and wastewater services it has been recommended that Council prepare and adopt a policy for the wholesale water supply and wastewater services.

A Draft Policy has been prepared. The policy requires the consideration of Council and the exhibition of a Draft Policy prior to any adoption of a policy by Council.

Council approval for the exhibition of the Draft Policy, in accordance with s160 of the Local Government Act 1993, is sought.

COUNCIL IMPLICATIONS:

a. Policy:

This report proposes the creation of a new Policy on Wholesale Water Supply and Wastewater Services.

b. Budget/Long Term Financial Plan:

This Policy provides the framework for the provision of Water Supply and Wastewater Services to 3rd parties and therefore the basis for raising the relevant charges.

c. Legal:

Legal advice has been received in respect to the mechanism by which fees can be charged for the wholesale supply of water supply and wastewater services to NWS. A Draft Policy has been prepared to reflect this advice.

d. Communication/Engagement:

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Draft Policy - Provision of Wholesale Water Supply and Wastewater Services V1.0 (ECM 4827495).

36 [E-CM] Independent Review of Tweed District Water Supply and Demand Management

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
- 1.3.4 Water Supply -- To provide secure, high quality and reliable drinking water which meets health and environmental requirements.

ROLE: **Provider**

SUMMARY OF REPORT:

This item was deferred from 17 August 2017 Council meeting and was further deferred from 21 September 2017 Council meeting.

There are a series of Council resolutions relating to the augmentation of the Tweed District Water Supply, Demand Management and Water Efficiency and Drought Management. The resolutions that remain "on foot" create some ambiguity. The ambiguity needs to be resolved so that Council has a clear direction to move forward in these matters.

Resources required to implement the actions in this report need to be balanced and prioritised against other resolutions of Council including those items in the Delivery Program. It is the view of the officers that undertaking all work concurrently is not achievable and it is therefore proposed to undertake the Bray Park Weir Tidal Protection Project first..

Following this it is proposed that Council undertake a Comprehensive Review of Tweed District Water Supply, Demand Management and Drought Management as resolved by Council on 16 March 2017 and on completion of that review recommence the Review Council's Demand Management and Water Efficiency in accordance with previous resolutions.

RECOMMENDATION:

That Council:

- 1. Prioritises the completion of work required by the resolution of Council from its meeting held 5 October 2017 relating to the Bray Park Weir Tidal Protection Project.**
- 2. Endorses the process and budget required as outlined within this report, to accord with its resolution of 16 March 2017 to undertake a Comprehensive Review of Tweed District Water Supply, Demand Management and Drought Management and on completion of that review to recommence the Review of Council's Demand Management and Water Efficiency Strategies and that this work be undertaken sequentially following completion of Item 1.**

REPORT:

There are a series on resolutions of Council addressing Demand Management and Water Efficiency and a review of demand management, drought security and supply options.

In considering all Council's resolutions that remain "on foot" some ambiguity may exist specifically in relation to the Community Reference Group referred to in the resolution of 17 March 2017 (including Terms of Reference) and 17 February 2017 and the resolution of Council on 16 March 2017 which refers to the reconvening of the Community Working Group that had previously considered options for the augmentation of the water supply.

Further there appears to be overlap between the intent of the reformed Community Working Group and the Terms of Reference of the Community Reference Group.

Notably two former members of the original Community Working Group nominated for the Community Reference Group. It is unlikely that all previous members of the original Community Working Group would be willing or available to participate in the reformed original Community Working Group or the new Community Reference Group.

The report by Hydrosphere Consulting already addresses a full review of the water efficiency and demand management measures implemented by Council. The resolution of Council of 16 March 2017 would duplicate this piece of work.

Clarification on how the matters are to be progressed is required.

Understanding of Intent of Council

It is understood that Council is seeking to have a consultant engaged to undertake a comprehensive independent review of Council's Tweed District Water Supply, Demand Management and Drought Management to determine if the recommendations of the reports are still relevant as per Council's resolution of 16 March 2017.

Separately it is understood that Council wishes to progress an independent review of Council's Demand Management and Water Efficiency and the development of a revised or new Demand Management and/or Water Efficiency Strategy as a path forward in this area.

In both activities Council requires the establishment of a working group.

In essence one is a review of previous work to confirm or otherwise Council's position which is effectively a high level broad review. The other is a review of what Council has done, determining what has worked and what has not, identifying new initiatives and making a recommendation to Council on initiatives to be implemented which is a detailed review with a specific (and narrow) focus.

Although the two are related they are two tranches of work which normally would be done sequentially, not in parallel. Typically the higher level review would precede any detailed review and development of a new strategy.

The independent review of Council's Demand Management and Water Efficiency work has commenced. The progress of this work was reported to Council on 16 February 2017 with the presentation of the report by Hydrosphere. That means the detailed review and

development of new strategy for Demand Management and Water Efficiency is presently preceding the high level broad overview sought by Council.

It was reported to Council in March 2017 that the 2010 process of undertaking the review of the Water Supply Augmentation Strategy and engagement using the Community Working Group cost in the order of \$700,000 (2010 dollars). These cost included preparing the relevant studies and undertaking the various engagement activities. More recent work, including economic modelling and development of further options, has been undertaken by Council. This additional work, which has led to the determination of an option to augment the Tweed District Water Supply, has incurred further costs of approximately \$100,000.

The proposed review of Council's Tweed District Water Supply, Demand Management and Drought Management, will in part, review that work.

Proposed Way Forward

To address the present issue, it is proposed to sequence the studies in the normally accepted sequence of high level to low level review/analysis.

This would be undertaken by the deferral of the project to review Council's Demand Management and Water Efficiency and the development of a revised or new Demand Management and/or Water Efficiency Strategy until after the high level review of Council's Tweed District Water Supply, Demand Management and Drought Management to determine if the recommendations of the reports are still relevant as per Council's resolution of the 16 March 2017 is undertaken.

Further the work which has been completed to date on Demand Management and Water Efficiency could be used in the high level review and the high level review may better inform the Demand Management and Water Efficiency project.

To progress forward the following steps are proposed.

Comprehensive Review of Tweed District Water Supply, Demand Management and Drought Management

- Engagement of a Project Manager for the review project.
- Determining Terms of Reference for a re-established Project Reference Group.
- Formation of the Project Reference Group through:
 - invitation to previous members of the Community Working Group,
 - Invitation to persons who registered interest in the Demand Management Community Reference Group, and
 - Public advertisement.
- Preparation, by Council, of a Draft Brief for the review of Council's Tweed District Water Supply augmentation, Demand Management and Drought Management reports. The Draft Brief would be in the terms similar to a peer review.
- Engagement of a facilitator to manage the Project Reference Group and facilitate meetings.
- Providing the Project Reference Group with all background material and developing within the Group an understanding of all aspects of the material. This will include more recent work such as demand projections and the Review of Efficacy of Demand Management Strategy and Implementation Plan.

- The Project Reference Group confirming the Terms of Reference or scope for the review.
- The Project Reference Group developing for recommendation to Council selection criteria and weightings for the selection of a preferred consultant.
- Council calling tenders and with the informed input of the Project Reference Group select and engage a consultant.
- A consultant undertaking the review.
- The review of the consultant's work by the Project Reference Group.
- Finalisation of a report by the consultant.
- Preparation of a report from the Project Reference Group with recommendations to Council.

The Consultant will be directed to draw on the work completed in the Demand Management and Water Efficiency project.

On completion of this work the Demand Management and Water Efficiency project may be re-scoped consistent with Council's resolutions of 21 January 2016, 17 March 2016 and 16 February 2017.

The cost of the Comprehensive Review of Tweed District Water Supply, Demand Management and Drought Management would be made up of:

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| • Completion of the first stages of the Demand Management and Water Efficiency project to inform the Community Working Group and the consultant | (\$60,000). |
| • The engagement of a Project Manager to prepare Terms of Reference, formation of Project Reference Group, consultant engagement, project management etc. | (\$50,000). |
| • The engagement of a Facilitator | (\$10,000). |
| • Secretariat activities | (\$5,000). |
| • Advertisement for Project Reference Group Members | (\$2,000). |
| • Logistics for the Project Reference Group, location hire, refreshments, stationary etc. | (\$3,000). |
| • Engagement of consultant to undertake review | (\$200,000). |

The estimated total cost is \$330,000 although depending on the scope of work agreed with the Project Reference Group this could be exceeded. It is proposed the budget for the project have an upper limit of \$400,000 incl GST to both ensure any contingencies can be addressed but constrain expenditure.

It would be approximately three (3) months before this could be commenced due to the requirement to engage a Project Manager and form a new Project Reference Group.

Thereafter it is estimated the project will take a further 9 months being made up of development by the Project Reference Group of the scope of work for the consultant, agreement by Council to the scope of works, the engagement of the consultant, the

completion of the scope of works by the consultant, the review by the Project Reference Group and the preparation of the final report.

With the completion of the review Council could be confident on a way forward for the augmentation of the water supply, water efficiency, demand management and drought management in a holistic manner.

Review Council's Demand Management and Water Efficiency

On completion of the Comprehensive Review of Tweed District Water Supply, Demand Management and Drought Management the review of Council's Demand Management and Water Efficiency would be re-scoped and continue in accordance with Council resolutions of 21 January 2016, 17 March 2016 and 16 February 2017.

SUMMARY OF PREVIOUS COUNCIL RESOLUTIONS

On 10 Dec 2015 Council resolved that:

- "1. Based on the information currently available, Council adopts the raising of the wall of the Clarrie Hall Dam as the preferred option for future water security and proceeds with the planning approval and land acquisitions phase for the project.*
- 2. Concurrently a comprehensive independent review of Council's Water Supply-Demand options is undertaken as a matter of priority, to ascertain further consideration of the most ecologically sustainable, climate change resilient, cost effective and socially acceptable long term water management and augmentation options available. Such a review should include, but not be limited to, a full range of demand management, drought security, and supply options.*
- 3. The community working group that was previously established to consider the water augmentation options be reconvened (with the exception for new Councillor representatives, and any vacancies to be advertised), to recommend the terms of reference for the review, recommend the selection criteria and weightings for selecting a preferred consultant for the review, and as a project reference group for the review."*

On 21 January 2016 Council resolved that the resolution from the meeting held on 10 December 2015 at Minute No 661 Item No a3 titled [MM-CM] Mayoral Minute - Water Augmentation and Review being:

"that:

- 2. Concurrently a comprehensive independent review of Council's Water Supply-Demand options is undertaken as a matter of priority, to ascertain further consideration of the most ecologically sustainable, climate change resilient, cost effective and socially acceptable long term water management and augmentation options available. Such a review should include, but not be limited to, a full range of demand management, drought security, and supply options.*
- 3. The community working group that was previously established to consider the water augmentation options be reconvened (with the exception for new Councillor*

representatives, and any vacancies to be advertised), to recommend the terms of reference for the review, recommend the selection criteria and weightings for selecting a preferred consultant for the review, and as a project reference group for the review."

be rescinded.

Further on that day Council resolved:

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

In response to this resolution Council staff prepared a report and provided it to the Council meeting of 17 March 2016 with recommendations for the establishment of the Community Reference Group.

On 17 March 2016 Council resolved that:

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

To progress this project Council staff engaged Hydrosphere Consulting to undertake a review of the efficacy of Council's demand management and water efficiency measures implemented to date. The report was received and provided to Councillors on **16 February 2017** when Council resolved that:

"Council receives and notes the report prepared by Hydrosphere Consulting Pty Ltd regarding the efficacy of Council's Demand Management Strategy and Implementation Plan to date."

Council staff had also sought nominations to the Community Reference Group consistent with Council's resolution of 17 March 2016. Due to the limited response from the community

the time for nomination to the Group were extended and some potential individuals contacted. Five (5) people nominated for the Community Reference Group.

This was reported to Council on **16 February 2017** and Council resolved that:

"Council defers the decision on the membership of the Demand Management Community Reference Group and:

- 1. Undertakes a project review and brings forward a report on how Council could undertake an improved level of engagement.*
- 2. Considers the five community nominations in its future deliberations."*

16 March 2017 Council resolved that:

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

On 5 October 2017 in relation to the Bray Park Weir Tidal Protection Project it was resolved that Council:

- "1. Proceeds with the community engagement and the development and assessment of options as proposed in this report.*
- 2. Makes application for a strategic project under the NSW Government Safe and Secure Water Program.*
- 3. Votes the expenditure of \$400,000 in the September 2017 Quarterly budget review."*

CONCLUSION:

There is a series of Council resolutions relating to the augmentation of the Tweed District Water Supply, Demand Management and Water Efficiency and the Drought Management. The resolutions that remain "on foot" create some ambiguity. The ambiguity needs to be resolved so that Council has a clear direction to move forward in these matters.

All of the work resolved by Council and referenced in this report will need to be undertaken sequentially as there are insufficient internal resources to manage and undertake concurrently.

It is the officer's recommendation, given the urgency of the situation at Bray Park Weir, for the resolution of 5 October 2017, Bray Park Weir Tidal Protection Project be undertaken first followed by the comprehensive review of Tweed District Water Supply, Demand Management and Drought and on completion of that review to recommence the review of Council's Demand Management and Water Efficiency Strategy.

COUNCIL IMPLICATIONS:

a. Policy:

Drought Water Restrictions v3.0.

b. Budget/Long Term Financial Plan:

The implementation of the preferred option is estimated to cost approximately \$330,000 although depending on the scope of work agreed with the Project Reference Group this could be exceeded.

The budget should have an upper limit of \$400,000 which translates to approximately 5 cents per kilolitre of water used over a twelve month budget period or alternatively will result in an increase in Section 64 contributions.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

Previous extensive engagement has occurred in the development Council's Drought Management, Demand Management and Water Supply Augmentation Strategies. For the latter a Community Reference Group was formed and operated in 2009 to provide Council with guidance in its decision making process on a preferred future water supply.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

37 [E-CM] Disposal of Assets on Land Purchased for Clarrie Hall Dam

SUBMITTED BY: Water and Wastewater

mhm



Behind the scenes
Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Provider**

SUMMARY OF REPORT:

Council has been purchasing properties at Doon Doon for the Clarrie Hall Dam project since the resolution of 19 November 2015 to adopt the raising of the dam wall.

One of the earliest purchases was from a mortgagee exercising power of sale. The occupying landowner, who has resided at the property since settlement of the purchase in November 2016, is seeking Council's permission to recover / remove structures and / or infrastructure on the property sold to Council. Due to the complexities of the purchasing arrangements, this was not dealt with at the time of sale.

RECOMMENDATION:

That Council:

- 1. Approves the removal of the structures and infrastructure from Lot 6 DP 261570 now owned by Council.**
- 2. Enters into an agreement with the former landowner and occupier of Lot 6 DP 261570 for an amount up to \$5,000 for the clean-up of the site.**

REPORT:

Council purchased Lot 6 DP 261570 at Doon Doon for the purposes of raising Clarrie Hall Dam in November 2016. The purchase was from the mortgagee, not from the landowners. In undertaking the transaction there was no opportunity to negotiate with the landowners regarding the removal or recovery of items on what was previously their property.

In the purchase of other properties for the raising of Clarrie Hall Dam, some property owners have sought to take some of the structures and / or infrastructure on the property sold to Council. Typically it has involved the removal / recovery of polyethylene tanks, pumps, sheds, green houses, house improvements and the like. Given that Council intends to demolish structures and remove infrastructure from the purchased land and that these items are of minimal value to Council (and in some cases their removal may be at Council's expense), provision has been made in the contract of sale for the removals / recoveries to occur.

In the case of the subject property there was no provision in the contract for sale to address this matter. What has been sought by the occupying previous owner is for Council to give him permission to remove from the land what was installed by him: a green house, sheds, solar panels and like items. He would also like to disassemble the house and remove it. Council would like the structures and infrastructure removed and the site cleaned up.

Section 55 of the Local Government Act 1993 requires Council to invite tenders before entering into a contract for the disposal of assets. Section 55 also provides for exemptions being:

- Where because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a Council decides by resolution that a satisfactory result would not be achieved by inviting tenders.
- Where the contract is in the amount of less than \$150,000.

Both provisions apply in this case. There are extenuating circumstances in that others have been provided the opportunity to remove/recover structures and/or infrastructure from their land where the subject landowner has not. Further, the site is remote and difficult to get to and hence it is considered that competitive tenders would not be obtained.

The current occupier and previous landowner is the sole owner of the structures and infrastructure within the land, so is the only person entitled in this instance to remove same.

OPTIONS:

1. Council grants permission for the occupying previous owner to remove from the site, along with other minor items, his green house, solar panels, pumps, sheds and the house, conditional upon entering into an agreement with Council to clean up the site for a maximum amount of \$5,000.
2. Council enter into a contract to remove the structures and infrastructure through a tender process. Similar contracts entered into by Council have cost in the order of \$30,000.

CONCLUSION:

As the land was purchased from the mortgagee, and not the affected landowners, no opportunity was able to be given to them to recover or remove structures and infrastructure from the land. In the purchase of other lands this opportunity has been provided.

Council would like the structures and infrastructure removed from the land and the site cleaned up.

The preferred option is:

To provide permission for the previous owner and occupier of the land to remove / recover structures and infrastructure from the land conditional upon him entering into an agreement to clean up the site at a maximum cost of \$5,000, to be paid on satisfactory completion of the removal and clean-up of the site.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy not applicable.

b. Budget/Long Term Financial Plan:

Included in the Clarrie Hall Dam adopted project Budget for 2017/2018. The preferred option is estimated to cost \$5,000.

c. Legal:

Not applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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

SUBMITTED BY: Roads and Stormwater

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

SUMMARY OF REPORT:

At the 20 July 2017 meeting, Council resolved the following in response to a Notice of Motion:

RESOLVED 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.

This report is provided to respond to these six items.

As detailed in this report, management of the Western Drainage Scheme remains complex. It is proposed to expand the floating reed bed treatment system, following the apparent success of the trial. An addendum to the existing Operational Management Plan is proposed to provide greater flexibility to conduct maintenance activities in areas free of comb-crested jacana and their key lily habitat. While revegetation of sections of the Western Drainage Scheme and surrounding linear parkland may increase amenity of the area and provide some shading benefits, it is unlikely to have any impact on overall water quality in the system. Similarly, measures to increase community awareness and involvement in the Western Drainage Scheme can be beneficial, but cannot address the fundamental design limitations of the system, existing legal frameworks around the tenure and management of the system, or the high levels of nutrient that is entrained in bottom sediments. There are options available to utilise new and existing funding sources to increase levels of service for the Western Drainage Scheme if that is desired, such as introducing an Annual Stormwater Management Services Charge (Stormwater Levy), or expenditure of remaining Developer Contributions.

RECOMMENDATION:

That Council:

- 1. Approves in principle the expansion of the floating reed bed system in the drainage channel upstream of Fraser Drive as a measure to improve water quality in the Western Drainage Scheme.**
- 2. Authorises expenditure of the balance of s94 Developer Contribution Plan No.2 - Banora Point West Drainage Scheme (CP02) on the expansion of the reed bed system, with the remainder to be used for the development and implementation of a landscaping / revegetation plan focusing on providing shading and amenity to the section of drain between the Club Banora Golf Club and Leisure Drive.**
- 3. Considers additional recurrent funding of \$80,000 in the 2017/2018 September Quarterly Budget Review process towards increased periodic maintenance including weed harvesting of the Western Drainage Scheme.**
- 4. Holds a workshop on the Annual Stormwater Management Services Charge (Stormwater Levy), so that it can be properly considered in budget deliberations for the 2018/2019 financial year.**
- 5. Considers a one-off reallocation of funding of \$35,000 at the 2017/2018 September Quarterly Budget Review plus additional recurrent funding of \$20,000 for 3 years in the 2018/2019 Budget process towards the establishment and support of a local community group to target land-based works around the Western Drainage Scheme, and for a water quality monitoring program with community involvement with the possibility of funding from a portion of a development Bond from the Banora Point Waste Water Treatment Plant upgrade.**
- 6. Considers a one-off reallocation of funding of up to \$150,000 at the December Quarterly Budget Review towards sediment removal in high priority sections of the Western Drainage Scheme.**

- 7. Adopts the addendum to the Western Drainage Scheme Operational Management Plan, to provide greater flexibility to conduct drainage maintenance without impacting on threatened species (comb-crested jacana).**
- 8. Holds a workshop between Council officers, representatives of the Banora Point and District Residents Association, interested community members and Conservation Volunteers Australia to explore options to raise awareness about the Western Drainage Scheme for community involvement in managing the land adjacent, and the opportunity to introduce a Stormwater Management Services Charge.**

REPORT:

At the 20 July 2017 meeting Council resolved the following in response to a Notice of Motion:

RESOLVED 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.*

This report responds to these six items as follows:

1. Current Management Plans and Actions

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

Proposed maintenance activities for 2017/18 and their allocated costs are provided in the Budget/Long Term Financial Plan section of this report. The main maintenance activities are mechanical weed harvesting of aquatic weed (targeting noxious weed species) and vegetation management (mowing, weed spraying etc.) around the perimeter of the drainage system.

Maintenance of the drainage scheme occurs under approval 0666/2001DA, originally issued in August 2001. This was subsequently amended in October 2003 to incorporate the Western Drainage Scheme Operational Management Plan (OMP).

At the 17 March 2016 meeting Council resolved the following in response to a Notice of Motion regarding the Western Drainage Scheme:

RESOLVED that Council

1. *Notes the difficulty in managing the water body within the Western Drainage Scheme particularly in regards to managing the various weed species.*
2. *Officers review the existing management plans for the Western Drainage Scheme and provide a brief report back to Council for consideration.*

A subsequent report was provided to Council's 21 July 2016 meeting in response to Part 2 of the resolution, detailing the history of the scheme and management issues including weeds, threatened species, water quality, fish kills, and land tenure and related legal agreements. A copy of that report is provided as an attachment for the information of new Councillors.

From that report Council:

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.*

Refer to Section 2b. of this report for the response to this action item.

2a. Floating Reed Bed Trial

The previous report noted a trial of floating reed beds in a section of drain upstream of Fraser Drive adjacent to Ron Wilkinson sports field. The reed beds are small floating pontoons that support a range of native wetland plants that take up nutrients from the water in the channel, without affecting flood height or duration. By removing nutrients, it is hoped that this will stifle aquatic weed growth in downstream drains. This technology has been effectively used on man-made stormwater storage and treatment lakes and sewage treatment ponds in South East Queensland (Toowoomba, Sunshine Coast).

An important additional aim of the floating reed bed system is to reduce the impact of nutrient discharge from the Western Drainage Scheme into the natural wetland habitat of Trutes Bay in Terranora Broadwater. This is an area of very high ecological significance and sensitivity, which is poorly flushed by the tide, and currently receives a steady load of high nutrient runoff from the urbanised area of Banora Point.

The reed beds were installed in late 2015 and over their life have been free of vandalism, and have been subject to significant water level rises during flood periods (notably June 2016 and March 2017) without incident. The reed bed provider undertook regular maintenance until December 2016, consisting largely of weed control and replacement of some plant species that were less successful. From that point they have been handed over to Council's Roads and Stormwater Unit to maintain.

While the trial period has proven the suitability of the system as an asset, there is no quantifiable data to confirm its impact on water quality, other than that the majority of plant species (particularly *Carex*) have grown vigorously throughout the seasons and in doing so would have removed nutrients from the water column. There is no visible sign that weed control has improved downstream of the facility, however the trial reed beds are very small relative to the surface area of the entire drainage system. Only a larger scale installation would be likely to provide measurable benefits to water quality in the drains, and this would

only be realised in the area downstream of Fraser Drive. The proposed site for the full scale retro-fitted facility has been chosen as the 'best available' site within the constraints of the existing scheme, as opposed to a new facility designed for a specific greenfield development, based on the size of the catchment, and predicted pollutant loads.

A combination of mechanical aquatic weed harvesting and full scale floating reed beds is considered to be the best method currently available for removing nutrients from the system, and improving water quality in Vintage Lakes and Terranora Broadwater.

It is therefore intended to pursue a roll out of additional reed beds. A large scale facility would cost in the order of \$300,000 to install. Options include provision of a pumping system to recirculate water within the drain, given it is normally a still water system, to maximise the effectiveness of the nutrient removal process provided by the plant biomass.

Potential sources of funding for the larger installation are from the remaining funds held by the Banora Point West Drainage Scheme Section 94 Plan (CP02), or from a development Bond (offsets paid by the Water and Wastewater Unit for the Banora Point Wastewater Treatment Plant upgrade) as detailed in the Budget/Long Term Financial Plan section of this report.

If endorsed in principle by Council, the procurement for this project, and confirmation of budget would be subject to a separate report.



Floating Reed Beds, March 2016



Floating Reed Beds, October 2017

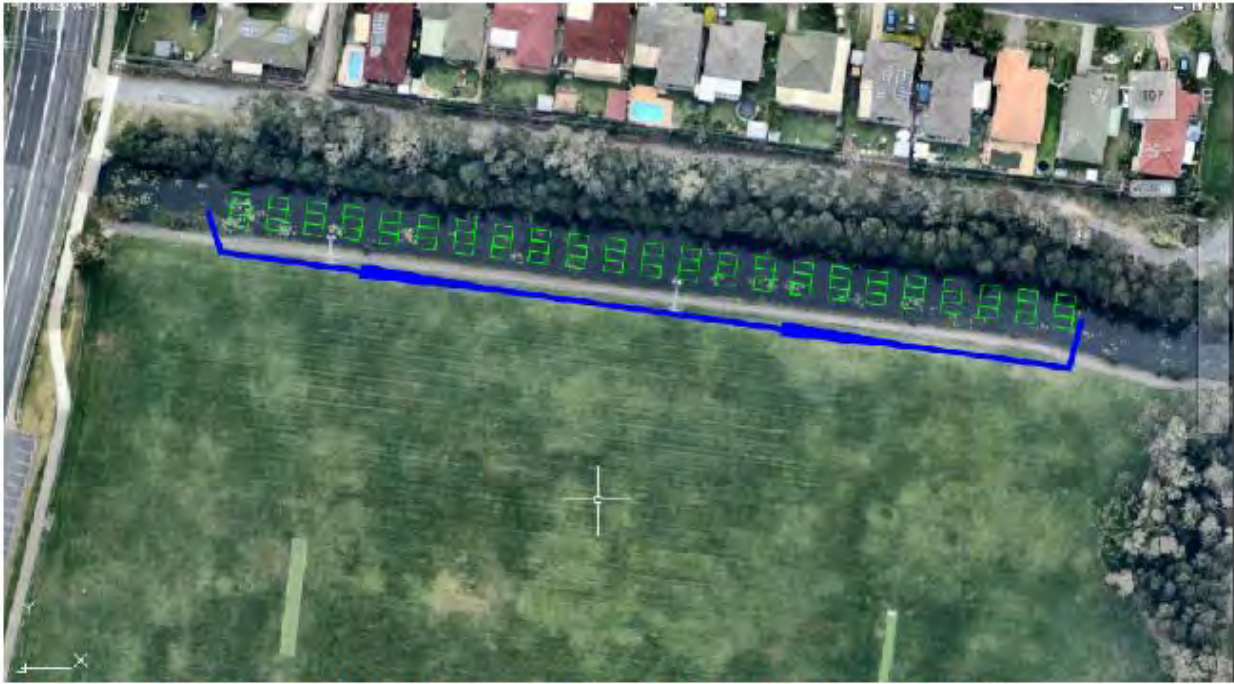


Figure 2. Concept 1 for SPEL Floating Treatment Wetlands at Banora Point.

Potential Full Scale Floating Reed Bed System

2b. Comb-crested Jacana Investigations

As detailed in the July 2016 Council report, management of threatened species in the Western Drainage Scheme, specifically the comb-crested jacana, is a significant constraint within the Operational Management Plan (OMP).

At present, the OMP states that significant drainage maintenance is only permissible under the following situations:

1. *Aquatic plants found in these canals are not considered to be weeds unless; they have been declared noxious under the Noxious Weeds Act 1993 or the plants form a blockage constituting 20-50% of the cross-sectional area of the drain way.*
2. *Weed removal is only permitted between August and October, and*
3. *Prior to weed removal, Councils Environmental Scientist must ensure that there are no jacanas breeding on the weeds and that fledglings are capable of flying to another section of the drains. During removal of any aquatic vegetation, lilies must be retained as much as possible to provide jacana habitat.*
4. *Works related to a drain blockage caused by sediment should only occur during August - October.*

Given a lack of contemporary data, the July 2016 report recommended that the OMP be reviewed following an updated survey of the comb-crested jacana and their habitat within the Western Drainage Scheme. Jacana counts allow Council to assess habitat utilisation and their dependence on the drainage system. This knowledge in turn allows Council to undertake weed and sediment clearing activities in the drains without negatively affecting the Shire's jacana population.

Jacana counts within the Western Drainage Scheme have occurred in 2000, 2001 and 2003. The numbers of jacanas counted during these surveys were 16, 17 and 5, respectively. The latest survey took place on 13th April 2017. Similar surveys at Clarrie Hall Dam in March 2017 detected both chicks and juveniles, indicating that April would be a suitable time to survey the Western Drainage Scheme for jacana.

Three single adult jacanas and one immature jacana were sighted during the survey. Sightings were restricted to the Club Banora golf course and Vintage Lakes (refer figure below). The immature bird was sighted on the golf course lake.



Past surveys have recorded greater numbers of jacana using the Western Drainage Scheme, especially those conducted during 2000 and 2001. There could be various reasons for the change in the numbers of jacana counted. It could be that jacana abundance within the region has decreased. This is difficult to support because region-wide counts do not exist. However, counts from nearby Clarrie Hall Dam, where numbers of jacana are much greater, show that numbers have substantially fluctuated between 17-51 during the short time period of December 2011 – February 2014 (17 counts).

Considering it has been 14 years since the last jacana count in the Western Drainage Scheme, it is unknown if the region's jacana population is undergoing a real decline. It is possible that the numbers within the Western Drainage Scheme fluctuate without a change in the region's abundance.

A change in habitat may also lead to a change in abundance within the drainage system. The Tweed Valley experienced flooding 10 days prior to the survey. While the effect of this event on the drains within the Western Drainage Scheme was minor and it was noted that water levels had dropped in canals by at least 20 cm since the flood, water could have still dispersed the lilies somewhat, thereby reducing habitat quality. Lily occurrence and density within the canal is much lower than the current density at Clarrie Hall Dam. In March 2017, 59 jacanas were counted at Clarrie Hall Dam; a much higher number than has occurred within the Western Drainage Scheme. While much more lily habitat occurs at Clarrie Hall Dam, the lower density of lilies within the Western Drainage Scheme likely plays a major role. The densest and most extensive cover of lilies within the Western Drainage Scheme is

precisely where jacanas were sighted during the latest count: the Club Banora golf course lake and moat and the north-east corner of Vintage Lakes. Elsewhere the coverage of lilies was mostly unsuitable for jacanas.

The coverage of lilies within the drainage system seems to fluctuate, and this is likely a major contributor to changing jacana abundance. Seasonal variations are also likely to occur with a higher number of birds likely to occur in summer and autumn. This count took place at an optimal time and all previous Western Drainage Scheme jacana counts have taken place in May.

The jacana is a threatened species in NSW and although numbers within the Western Drainage Scheme are currently low, drainage management within the OMP regarding jacana should be followed. This is because the number of jacana living in the drainage system is likely to change. As explained in the OMP, the retention of lilies and removal of other competitive aquatic vegetation is necessary to maintain optimal habitat for the jacana.

A revised focus of the OMP could adopt a habitat management approach whereby weed and silt management could occur at any time of the year subject to satisfying points 1 and 3:

1. *Aquatic plants found in these canals are not considered to be weeds unless; they have been declared noxious under the Noxious Weeds Act 1993 or the plants form a blockage constituting 20-50% of the cross-sectional area of the drain way.*
3. *Prior to weed removal, Councils Environmental Scientist must ensure that there are no jacanas breeding on the weeds and that fledglings are capable of flying to another section of the drains. During removal of any aquatic vegetation, lilies must be retained as much as possible to provide jacana habitat.*

This approach would be consistent with the objectives in the OMP including improving jacana habitat, water quality, and functioning of the drains. Although the likelihood of encountering a nesting bird or chicks is low outside August – October, birds at Clarrie Hall Dam have nested and raised chicks during this period. Consequently, a jacana survey in areas to be cleared prior to works commencing regardless of time of year is warranted. In addition, annual monitoring of jacana in autumn is recommended to understand the effects of a habitat management approach and would include habitat mapping using aerial photos in addition to counts of birds.

A proposed addendum to the Operational Management Plan to address the above recommendations coming from the jacana survey is provided as an attachment to this report.

3. Vegetation Regeneration Options

The overwhelming source of nutrient load in the Western Drainage Scheme comes from point sources, specifically urban stormwater outlets into the open drain network. This has created a system with nutrient rich sediments which continue to feed the water column. As such, the planting of land adjacent to the drains would have little impact on nutrient loads entering the drainage system, or treating the entrained nutrients within the drainage system. Planting of trees on the northern side of east-west oriented sections of drain, such as north of Avondale Drive or Birkdale Court (behind the RSL Aged Care facility), may have some

benefit by creating shade which will help lower water temperature, improve dissolved oxygen, and may discourage some weed and algae species.

Many sections of the system, including Vintage Lakes, the drain fronting Ron Wilkinson fields and Riversdale Boulevard are already tree lined. Unfortunately these drainage sections remain prone to weed infestation, including noxious weed species.

Any decision to revegetate areas of public land around the drainage system would require additional funding sources, and would need to be designed to preserve access for maintenance equipment and other infrastructure assets. Education of adjoining residents and maintenance teams would be required to ensure longevity of any plantings.

4. Stormwater Levy

Legislation

Section 496A of the *Local Government Act 1993* and clauses 125A and 125AA of the *Local Government (General) Regulation 2005* permit council to levy annual charges for stormwater management services.

The charge is independent of rate pegging and Ministerial approval is not required to implement the charge.

The income from the charge can be spent on both capital projects and recurrent expenditure relating to new or additional stormwater management services to eligible land such as:

- planning, construction and maintenance of drainage systems, including pipes, channels, retarding basins and waterways receiving urban stormwater;
- planning, construction and maintenance of stormwater treatment measures, including gross pollutant traps and constructed wetlands;
- planning, construction and maintenance of stormwater harvesting and reuse projects;
- planning and undertaking of community and industry stormwater pollution education campaigns;
- inspection of commercial and industrial premises for stormwater pollution prevention;
- cleaning up of stormwater pollution incidents (charge can fund a proportion);
- water quality and aquatic ecosystem health monitoring of waterways, to assess the effectiveness of stormwater pollution controls (charge can fund a proportion); and monitoring of flows in drains and creeks, to assess the effectiveness for flow management (flooding) controls (charge can fund a proportion); and
- non-permanent staff specifically appointed to work on stormwater management project(s).

Councils should aim to reasonably demonstrate that properties are levied a charge according to the additional stormwater management services provided to them. In practice it is difficult to directly link all stormwater management services back to the individual properties levied. To overcome this problem councils may choose to take a 'global' approach in estimating the costs of providing additional stormwater management services across their local government area rather than on a catchment-by-catchment basis, and attributing these costs to each parcel of chargeable land. However, in doing so, councils still need to ensure a reasonably equitable distribution of stormwater management services over time.

A levy for stormwater management services may only be applied to urban land that is categorised for rating purposes as residential or business.

Council cannot levy an annual charge for the provision of stormwater management services in respect of a parcel of land if:

- (a) the parcel of land is vacant land, or
- (b) the parcel of land is subject to a special rate or charge that has been made for or towards meeting the cost of any works, services, facilities or activities the primary purpose of which is the provision of stormwater management services.

An annual charge for the provision of stormwater management services for a parcel of land is restricted by a cap that is set at \$25 for the majority of the land that would be subject to the charge.

It is currently estimated that the maximum amount that would be able to be raised by the introduction of a stormwater levy for the Banora Point catchment is \$200,000 per annum. It should be noted that this is a “rough” estimate and in order to more accurately calculate this amount the property data would need to be broken down further by strata units and land areas.

Existing drainage charge, stormwater special rate or special variation

The Office of Local Government’s “Stormwater Management Service Charge Guidelines” include the following statements”

*A council cannot raise the stormwater management service charge if the council has in place a special variation approval **primarily** for stormwater management activities that would apply for the period when the service charge is proposed. Regardless of the method employed to raise additional income for stormwater management activities, the use of this income combined with revenue raised from levying the charge for stormwater management purposes would be considered to be ‘double-charging’.*

If a council has received a special variation that includes a stormwater component, the council will be required to determine whether the stormwater component was incidental or primary to the overall purpose of the application.

If the council determines that stormwater was only an incidental component, it would be able to retain the income derived from the special variation and implement the new stormwater management service charge.

If the council determines that the application was primarily for stormwater related activity, it cannot continue to collect the special variation revenue and also levy the new stormwater management service charge. If the council wanted to implement the new stormwater charge it would be required to discontinue collecting the revenue being raised from the special variation before levying the new charge. In these circumstances, council would still be expected to fund the works previously done from the special variation out of a funding source other than the new stormwater management service charge. This would create a catch-up in general income which would be forfeited after 2 years.

If the council determines that stormwater is only an incidental component of a special variation approval, it may wish to determine the exact proportion of the special variation that relates to stormwater and adjust its rating structure accordingly to ensure there is no perception of 'doublecharging'. However, this is not a requirement under these Guidelines.

In circumstances where a council has not received Ministerial approval to raise its general income limit to include income from a special rate or drainage charge, councils would still need to discontinue any special rate or drainage charge raised primarily for the purposes of stormwater management before implementing the stormwater management service charge. The requirement for allocation of funding from general income to be equivalent to that previously allocated to stormwater management still applies.

In summary, a council may only levy the stormwater management service charge after discontinuing any stormwater special rates or charges that are raised either within its general income limit or via a special variation to its general income level. This is to prevent the perception of 'double-charging'.

In 2004, The Minister for Local Government approved an increase to Council's general income for seven years commencing in 2004/2005. The special variation included funding (\$100,000 out of a total of \$932,124 for the first year) for drainage asset management.

However, this approval was granted on the condition that Council subsequently reduced its general income for the 2011/2012 rating year by the amount of the special variation granted in 2004/2005 plus the equivalent cumulative proportion of this increase from any general variation increases or special variation increases approved for the 2005/2006 to 2010/2011 rate years inclusive. Accordingly, this special variation will not have any effect on Council's ability to apply a Stormwater Levy.

In 2006 and in 2008, The Minister for Local Government approved increases to Council's general rate income from 2006/2007 through to 2012/2013 to fund a 7 Year Infrastructure and Services Plan. The variation was for a permanent increase to council's general rate income as the type of works and responsibilities that the increase was for would be ongoing.

The 7 Year Infrastructure and Services Plan included \$5 million in stormwater drainage works (an average of \$714,000 per year) which is considered incidental in terms of the overall increase to council's general rates income.

Whilst the Office of Local Government Guidelines seem to indicate that an adjustment would need to be made for the stormwater component of the 7 Year Infrastructure and Services Plan prior to (or in conjunction with) the implementation of a stormwater levy, this is not considered consistent with the prevailing legislation and it could be argued that the instrument authorising the increase for the 7 Year Infrastructure and Services Plan is no longer current.

5. Community Involvement

Increased community understanding of the operation of the Western Drainage Scheme, and ownership of the drains and their surrounds would be beneficial for the overall management

of the system. The drains are adjacent to many homes, they provide popular open space for activities such as walking, and influence the aesthetics of the Banora Point suburb.

Community led projects such as Landcare/Bushcare groups may have aesthetic and amenity benefits for the Western Drainage Scheme and increase potential fauna habitat, but for the reasons highlighted in Section 4 of this report will be unlikely to lead to any overall improvement in water quality or aquatic weed growth within the drains.

There are not-for-profit groups, such as Conservation Volunteers Australia, who could assist Council in facilitating the formation of and training for community based volunteer groups to undertake planting and land-based maintenance around the drains. Council already utilises offenders under community service programs to assist with weed and grass management around the Western Drainage System. Establishment and support for volunteer groups will still incur costs to Council (refer to the Budget/Long Term Financial Plan section of this report).

Volunteer groups would have to be formally recognised and inducted under Council's Volunteers policy and procedures, to limit risk of Work Health Safety incidents and liability claims.

While land-based activities will not directly improve water quality in the system, greater community awareness through these activities can still raise understanding of the problems facing the drainage system, and the ways in which the community can assist. Complementary campaigns with key messages that discourage nutrient sources in the drainage system (e.g. discourage feeding water birds, wash cars on the grass, the drain is just for rain, pick up after your dog, no dumping of green waste, safe disposal of aquarium species), or school/university based water quality monitoring projects in conjunction with the Tweed Laboratory could readily be pursued with relatively modest additional funding. Greater community understanding of the challenges facing the drainage system may also reduce the number of amenity complaints received each year by Council.

A key step would be discussion with the Banora Point and District Residents Association, to gain their views on how community involvement in managing the scheme could be mutually beneficial, and help identify local "champions" who can help coordinate activities around the Western Drainage Scheme. It will, however, be crucial to establish realistic expectations within the community around the degree of change that these social interactions around the drainage scheme can actually achieve, given the inherent problems that Council experiences in controlling weeds and water quality using engineering means, and the susceptibility of the system to unfavourable weather conditions.

6. Legal Agreements with Twin Towns Club Banora

During the development of Banora Point and the associated drainage scheme, an open drain was constructed around the perimeter of the Club Banora golf course. This protected the golf course from runoff from the surrounding hillsides, and provided a discharge point for the surrounding urban development. The drain in this area has always been a fresh water body not subject to tidal flows. It is physically separated by permanent tidal barriers (bunds) at both its eastern and western sides to protect its fresh water storage for irrigation purposes by the golf course.

In 2004 a Deed of Agreement was signed by Council and Twin Towns Services Club to resolve tenure and management responsibilities for the “Club Banora Moat”. The Deed of Agreement and covering Council report is provided as an attachment to this report.

In summary, the Deed resulted in an easement being created over the moat benefitting Council, and Council accepting maintenance responsibility for the moat. The easement enables the legal discharge of public stormwater from surrounding developments onto the Club Banora land. The Deed allows Club Banora to extract water from the moat to irrigate their land. As such, a Section 88B instrument for the easement states that Council must not do anything that results in the intrusion of salt water into the moat, including removing or altering the tidal bunds.

Twin Towns is permitted to periodically remove sediment from the moat to the extent necessary to maintain a water depth of 1.5m. In practice, the Club only does so around their irrigation pump intake. Given part of the golf course has been decommissioned their need to maintain other sections of the drain is reduced. So it falls to Council to maintain the moat as per the Deed.

Accordingly, there are no options under the current Deed to allow “restoration of free flow of tidal waters” to the moat. While ever the Club requires irrigation water for their land, it is extremely unlikely that they will entertain renegotiation of the Deed.

If this ever becomes feasible, the environmental impact of doing so will need to be assessed, as the ecosystem in the Western Drainage Scheme is fresh water dependant, and as discussed above includes habitat for threatened species. Extensive consultation with Government Agencies would be necessary.

OPTIONS:

This report makes various recommendations regarding potential options to improve management of the Banora Point Western Drainage Scheme, in response to a previous request of Council. Council's options are:

1. Adopt the report's recommendations.
2. Amend the report's recommendations.

CONCLUSION:

Management of the Banora Point Western Drainage Scheme has previously been acknowledged by Council as being difficult, particularly for weed control. Many of these management limitations relate to design of the system within a highly urbanised catchment, however there are other constraints such as legal agreements with Club Banora, and the presence of threatened species that limit options for alternate management approaches. This report recommends a number of actions that, if supported in principle by Council, could be explored in more detail and incorporated in future Delivery Programs and budget processes.

COUNCIL IMPLICATIONS:

a. Policy:

This report relates to the following policies and management plans of Council:

- Volunteers Policy
- Western Drainage Scheme Operational Management Plan
- Deed of Agreement with Twin Towns Services Club – Drainage Easement at Club Banora
- CP02 Banora Point West Drainage Scheme

b. Budget/Long Term Financial Plan:

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

In 2016/17 the budget for the Western Drainage Scheme was overspent by \$36,000 (Budget = \$109,442, Actual = \$145,531). This was due mainly to an additional weed harvesting run. This level of spending has been typical of previous years, meaning that the budget allocation is effectively \$40,000 per annum below what is necessary to maintain the current level of service.

Any additional activities that aim to increase the level of service in the Western Drainage Scheme for additional weed harvesting, water or fauna monitoring, revegetation works, community engagement / education etc., will need to be funded from other sources.

The most frequent maintenance request from the community is for additional aquatic weed removal / harvesting. To increase this level of service requires additional recurrent funding of \$40,000 per annum. This has both aesthetic and water quality benefits as weed harvesting is also the most effective method of nutrient removal from the drainage system.

The current budget allocation provides little scope for sediment removal from the drainage system. While sediment levels in the drains are not considered to pose a problem in the hydraulic operation of the drainage system at this time, shallow sections of the drains are more susceptible to aquatic weed growth and reduced dissolved oxygen levels during hot weather. A one-off allocation of \$150,000 towards sediment removal and disposal in high priority sections of the drainage system would be beneficial if able to be sourced from other budget areas.

Section 94 Developer Contribution Plan No.2 – Banora Point West Drainage Scheme (CP02) was formulated in the 1990s to facilitate construction of the various components of the drainage system for the Banora Point urban release area under DCP Section B3. While the majority of capital works have been completed, there remains a balance of approximately \$640,000. Once this balance is spent, it would be appropriate to close the plan as was intended.

Appendix B of CP02 contains a Schedule of Works and Costings. The majority of line items have been completed or are no longer relevant to the ongoing operation of the system. However there are two line items (in 1998 dollars) that are consistent with the options discussed in this report, and taking into account indexation, could be readily applied to spend the balance of the plan:

13. Restoration / replanting of waterway	\$200,000
14. Fraser Drive Gross Pollutant Trap	\$225,000

Item 13 refers to the section of drain between the golf course and Leisure Drive. This funding could be used for the design and implementation for a landscaping scheme for this section of drain behind the RSL Aged Care, as discussed in Section 3 of this report.

Item 14 could be reallocated from a GPT (which is ineffective against nutrient pollutants) to fund the expansion of the floating reed bed trial. Both are water treatment facilities, albeit with different target pollutants, and it would be reasonable to expend these funds without amendment to CP02.

Another potential funding source is a development Bond following the planning approval for the Banora Wastewater Treatment Plant Upgrade (2010) the Wastewater Fund agreed to make a payment of \$300,000 to the General Fund to support catchment improvement works in the Terranora and Cobaki Broadwater.

The following condition was imposed:



This money was transferred in 2012 as a one off payment. Given the nexus between the proposed works in the Western Drainage Scheme and water quality in the Terranora Broadwater, these funds could be applied.

Another option for the expenditure of part of this contribution is to audit and undertake works on end of pipe treatment devices (i.e. wetlands, gross pollutant traps) that feed into the Western Drainage Scheme. If these are operating effectively, significant point sources of pollutants to the drainage system, and Terranora Broadwater beyond, are able to be better managed.

Council's proposal to involve community members in land-based activities around the drainage system and water quality monitoring (as discussed in Section 5 of this report) will incur costs, despite involving volunteers. An upfront allocation of \$35,000 would allow Council to engage a third party organisation such as Conservation Volunteers Australia to assist in the management of volunteers for this work, as well as setting up a water quality monitoring program with Tweed Laboratory. Once established recurrent funding of \$20,000 to maintain these programs would be required for between 3 and 5 years.

This report recommends consideration of these various additional allocations through either the 2017/18 quarterly budget review process or the 2018/19 annual budget process. At this stage no existing budget groups have been identified to source the necessary additional funding. The dilemma in increasing the level of service for the Western Drainage Scheme is

that other service areas may suffer financially and impact on their ongoing service delivery, unless a new income stream, such as an Annual Stormwater Management Services Charge (Stormwater Levy) is adopted (refer Section 4 of this report).

c. Legal:

Refer to Section 6 of this report, relating to legal agreements with Twin Towns Club Banora.

d. Communication/Engagement:

Inform - We will keep you informed.

The Western Drainage Scheme has over time been a contentious issue for the surrounding community in Banora Point, and is the source of many complaints. This report recommends work with the community to increase their level of understanding of the drainage system and how it works, as well as to explore options for community involvement in improving its management.

The Banora Point and District Residents Association is a key stakeholder in this area, and will be important in the consultation effort. Subject to funding, the engagement of a not-for-profit organisation such as Conservation Volunteers Australia would assist Council's ability to attract, train, and supervise community members willing to assist in management of the Western Drainage Scheme.

UNDER SEPARATE COVER/FURTHER INFORMATION:

- | | |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------|
| Attachment 1. | Council Report dated 21 July 2016: "Response to Notice of Motion – Western Drainage Scheme" (ECM 4821869). |
| Attachment 2. | Addendum to the Western Drainage Scheme Operational Management Plan, July 2017. (ECM 4808038). |
| Attachment 3. | Council Report dated 19 May 2004: "Deed of Agreement with Twin Towns Services Club – Drainage Easement at Club Banora". (ECM 4821566). |
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39 [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:**

At its meeting held on 20 July 2017, Council resolved to write to an individual who lodged a caveat over Council land at Kingscliff, known as Jack Julius Park, to procure a withdrawal of that caveat.

The individual was given 60 days to respond, however, no response has been received, and it is recommended that Council proceed with the lodgement of an Application for Lapsing Caveat to be lodged with the Registrar General to initiate the removal of the caveat from the title for the land.

It should be noted that the Aboriginal Advisory Committee was previously consulted and supports this recommended action.

RECOMMENDATION:**That Council:**

- 1. Approves the lodgement of an Application for the Preparation of a Lapsing Caveat over Lot 66 DP 858466, known as Jack Julius Park at Kingscliff; and**
- 2. Executes all documentation under the Common Seal of Council.**

REPORT:

At its meeting held on 20 July 2017, Council considered a report relating to the lodgement of a caveat over Council owned community land located at Kingscliff, known as Jack Julius Park/Cudgen Foreshore Park. For reference, the report and resolution are attachments to this report.

Council resolved to write to the individual who lodged the caveat to procure a withdrawal of that caveat, and a letter to this effect was sent on 8 August 2017.

The individual was given 60 days to respond, however, no response has been received, and it is recommended that Council now proceed with the lodgement of an Application for Lapsing Caveat to initiate the removal of the caveat from the title for the land.

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:

In light of the lack of response from the caveator, and Council's obligation to hold the land for the public benefit, the recommended option is to lodge the Application for the Preparation of a Lapsing Caveat as a lack of action on Council's part can be viewed as a public implication that Council accepts the claim of ownership of public land.

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 and registration of documents to remove the caveat.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

There is no necessity for public engagement regarding this issue, as it relates to Council's obligations to protect and maintain Council community land for the public benefit.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Council report dated 20 July 2017 (ECM 4820867).

Attachment 2. Council resolution dated 20 July 2017 (ECM 4820880).

40 [E-CM] Food Vans

SUBMITTED BY: Roads and Stormwater

mhm



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

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Collaborator

SUMMARY OF REPORT:

At its meeting on 18 May 2017 Council considered a Notice of Motion regarding food vans, and resolved the following:

"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."

This report is provided in response to this resolution.

There is a current adopted Council policy, *Vending of Food on Public Reserves*, which provides controls on Food Vans and limits their use to events or markets. Sites considered for Food Van placement need to be reviewed for traffic and pedestrian safety and impact on adjacent residences and businesses. Allowing Food Van placement at the existing Farmer's Market site at Tumbulgum would increase pedestrian and traffic movements which is not desirable without intersection upgrades and site modification. Allowing Food Van placement at the Bullamakanka Rest Stop would require a revision of Council's Policy, resident

consultation, a site management plan, and consultation with potentially affected existing businesses.

Generally, mobile food vending is classified as Exempt and Complying Development. However, approval is required if the activity is on Council controlled land including road reserves.

RECOMMENDATION:

That Council:

- 1. Continues with the current Policy limiting Food Vans to approved events and market sites on Council land and notes the current number of active Food Van approvals.**
- 2. Encourages and guides proponents of Food Vans to operate from private land utilising the mechanisms contained within the Exempt and Complying Development (SEPP).**

REPORT:

Council at its 18 May 2017 meeting:

“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.”

Food Vans are gaining in popularity throughout Australia and overseas. There are comparatively fewer barriers to entry financially than the traditional brick-and-mortar location. Their mobility allows operators to be responsive to customer demand rather than the traditional fixed site restaurant.

Policy and Planning

There has been a minor amendment to the Vending of Food on Public Reserves Policy, which was adopted by Council on 17 August 2017 to reflect the existing Section 68 approvals in the Shire. The Policy now states:

"Policy Objective

To control the vending of food on public reserves, streets and roads to maintain the highest levels of public health, safety and convenience of persons using public reserves, streets and roads and to cause minimum financial impact to nearby retail outlets".

Approval will not be given for the vending of food on Public Reserves, Streets and Roads within the Tweed Council area except in the following circumstances:

- 1. Where a specific one-off event has been approved by Council, that includes the sale of food.*
- 2. Where Council approval has been granted for the conducting of a market or similar on a regular basis on a reserve, only "home made" or "home grown" produce may be sold, provided "home made" products are correctly pre-packaged and labelled, unless otherwise specified in Section 68 Approval to Operate.*
- 3. Where Council approval has been granted for the conducting of market or similar on a regular basis on a reserve, then approval may be given for the sale of drinks provided there are no nearby retail outlets that may be affected, unless otherwise specified in a Section 68 Approval to Operate.*

Approvals

The planning requirements are clear in terms of the Exempt and Complying Development SEPP (SEPP). The SEPP provides for an exemption for “mobile food and drink outlets”, subject to the criteria below. They would require prior Council approval and owner’s consent for operating on Council managed land.

The standards specified in STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008 - REG 2.54B Development standards 2.54B Development standards are that the development must:

- (a) have the consent of the owner of the land on which the development is carried out or, if a council or public authority has the control and management of the land, the consent, in writing, of the council or public authority, and
- (b) not restrict any vehicular or pedestrian access to or from the land or entry to any building on the land, and
- (c) not obstruct the operation of, or access to, any utility services on the land or on adjacent land, and
- (d) not be located within the canopy of, or result in damage to, any tree growing on the land or on adjacent land, and
- (e) not result in any damage to public property on the land or on adjacent land, and
- (f) if carried out on land within or immediately adjacent to a residential zone-only be carried out between 7.00 am and 7.00 pm on any day, and
- (g) if located on a public place-have any approval required under section 68 of the Local Government Act 1993 , and
- (h) if located on private land-be limited to 1 development on that land and not contravene any conditions of a development consent for any other use carried out on the land.

Note: A registrable vehicle within the meaning of the Road Transport (Vehicle Registration) Regulation 2007, or a cart, bicycle cart or the like must operate in accordance with the Guidelines for mobile food vending vehicles (NSW/FA/F1055/1302) published by the NSW Food Authority in February 2013, and any requirements of the Food Act 2003.

General Considerations

Consideration needs to be given to the impacts of the surrounding areas and other approvals. Traditionally there have been restrictions over the sale of food at markets held on public land to reduce unfair competition with established food businesses. Council approval has also restricted the number of food vans or food businesses which sell 'conventional food and drink' (coffee, ice cream and refreshments), however, the market operator determines which individual food vans they allow to trade.

Since the Council meeting 18 May 2017 when the Notice of Motion was resolved, there have been a number of new markets available to food van operators including:

- Knox Park (monthly) with 10 food vans and produce
- SALT Park (monthly) with 10 food vans and produce
- Jack Evans Boat Harbour (bi-monthly) with 15 food vans and produce
- Possible new farmers market at South Tweed with food vans and produce

This has provided increased opportunity for food vans trading in Murwillumbah and across the Shire generally which may negate the need for additional food vans within the locations

proposed. Council must consider whether additional food van locations may potentially oversaturate the Shire and lead to impacts on the viability of approved markets, one day events and permanent local businesses.

Level Playing Field

Business owners in established commercial areas pay contributions towards the provision and upgrading of road assets as well as rents and fees such as for outdoor dining within the road reserve. There is an argument that the approval of food vans on public land, which do not attract the same establishment costs, does not provide a level playing field for existing small businesses.

When considering approving areas within a road reserve for the purposes of allowing food vans, Council should consider proximity to nearby approved commercial business that are providing a similar product from a fixed premise.

Advertising signs

Given their mobile nature and irregular appearances, motorists, who are the target market for food vans, may not have adequate warning that the van is in situ. This generally results in the van operator placing signs on the approaches within the road reserve leading to compliance issues as DCP A4 requires all signage in the road reserve to require approval. Sites approved for Food Van trading should include an assessment of whether signage erected would be a hazard (distraction) to motorists, and for its installation by the Van operator.

Costs

The administration and regulation of food vans could potentially require significant resources. These costs would need to be reflected in the permit fees.

There may be other impacts from vans such as taking up carparks or park area and it is expected that van operators would require access to public toilets which, on average, cost \$12,000 per annum to maintain, and waste disposal.

What can vans sell?

There have been concerns expressed from business owners about markets and stalls at events that directly compete with their business by selling the same goods or products. Council's Event Strategy emphasizes the paddock to plate concept, which raises the question of whether food vans should be authentic to our region or at minimum consistent with the Vending of Food on Public Reserves Policy, or open to sell anything.

Permit system

A number of issues would require consideration of developing a permits system:

- Would there be specific areas included and/or excluded from operating based on potential impact on businesses, residents or park users?
- Would there be a limit on how many vendors could operate at any particular time, who gets priority and how is this regulated?
- If not allowing unlimited permits, some form of tender process would be required for the issuing of permits.
- What are reasonable times of operation?

The items within the Council resolution are discussed in numbered order below:

1.1 Tumbulgum Farmers Market site

The site is 700m (direct measured distance) from Tumbulgum cafes and Post Office. Consultation would be required specifically with those business operators.

The site is adjacent to a 100km/h speed limited road carrying approximately 13,000 vehicles per day. Sections of Tweed Valley Way in this vicinity are considered blackspot crash locations under Federal Government Grant criteria.

There are potential conflicts with northbound motorists entering the site from Tweed Valley Way with vehicles turning left from Riverside Drive using the acceleration lane. There is anecdotal evidence that vehicles are entering the site directly from Tweed Valley Way southbound contrary to posted signage. Increasing potential traffic conflicts in this vicinity without remedial roadworks has associated risks.

Allowing food vans within the road reserve at the Farmers' Market area at Tumbulgum would be permissible under item 3 in the *Vending of Food on Public Reserves Policy*. However, there may be conflict with the existing site Development Approval that may require amendment to allow food to be sold that is not locally produced.

There is a toilet that is regularly serviced on site associated with the Farmers Markets. Advertising signage associated with the Farmers Markets is currently installed along the road shoulder. When symbolism is used, for example strawberry imagery, signage does not present a significant hazard to motorists. The act of placing signs adjacent to a high volume high speed road places the market operator at risk. Signage expected for a food van operator may need to include words rather than symbolism and this may be a hazard for motorists as it increases distraction time. Increasing exposure to pedestrians along this stretch of road is also undesirable.

1.2 Bullamakanka Rest Stop Park

The site conflicts with the current *Vending of Food on Public Reserves Policy*.

It is adjacent to residential properties and increased vehicle movements into and out of the site may impact residents' amenity. Consultation would be required with property owners in the vicinity.

The adjacent road's (Tweed Valley Way) speed zoning is 60km/h. Access to the site is from two driveways which are in degraded condition. Visibility of the Food Vans from the passing traffic would be limited and signage would be expected to be installed on the approaches. However, there are wide verges and parking lanes that limit risk for installation and the posted speed zone allows time for recognition and decision making by the motorist.

There are currently no toilet facilities on site.

A café is located approximately 700m to the south near Quarry Road and 700m to the north is a food take away shop. These business operators may have legitimate concerns with Food Van approval in this area.

Food Van operation on Roads and Stormwater reserves and public reserves generally

Council's current *Vending of Food on Public Reserves Policy* prohibits these activities unless associated with markets or limited duration events. Should Council wish to modify the Policy then the activities would be considered exempt and complying development in the majority of circumstances with an approval required under s68 of the Local Government Act.

The use of road reserve areas for any form of commercial use, including food vans and roadside stalls, requires an assessment of road safety and traffic impact. Such uses should be discouraged on roads that carry high volumes of traffic, have high posted speed limits, interfere with the operation of an intersection, or may distract drivers.

Without prior Council approval or owners consent, a DA would be required for the use of public land, including roads, parking and open space areas. Council has previously not favoured such use of public spaces, unless it was for a specific, limited duration event.

Food Van operation on private property

The planning requirements are clear in terms of the Exempt and Complying Development SEPP (Codes SEPP). The Codes SEPP provides for an exemption for “mobile food and drink outlets”.

A number of Food Vans are currently operating in the Tweed on private property.

Food Van operation on road reserves and public reserves at approved events

Usually, conditions associated with approvals for temporary events include the following:

“No food shall be sold unless such food vendors comply with the Food Authority's Food Handling Guidelines for Temporary Events, and the Food Act (2003). All such vendors should be registered with Council. If not they must contact Council's Building and Environmental Health Unit on (02)6670 2440.”

Any approval of Food Van use for a specific event needs to be assessed individually in consideration of adjacent business' impact.

OPTIONS:

1. Council requests a review of its *Vending of Food on Public Reserves Policy* to enable these activities approval at certain sites.
2. Council proceeds with a Section 96 modification to the existing consent for the Farmers Market site at Tumbulgum to allow Food Vending and funds remedial works to address potential road safety hazards.
3. Council continues with the current Policy limiting Food Vans to approved events and market sites and notes the current number of active approvals.
4. Council guide proponents of Food Vans to operate from private land utilising the approved mechanisms contained within the E & CD (SEPP).

Option 3 above is the preferred option.

CONCLUSION:

Allowing Food Vans on Council controlled land without an associated event or market may not result in the best use of that land in consideration of a level playing field, road safety, resident amenity and existing business operators.

COUNCIL IMPLICATIONS:

a. Policy:

Vending of Food on Public Reserves v1.1.

b. Budget/Long Term Financial Plan:

Whilst licences are issued for the Tumbulgum Farmers Markets there are no associated fees charged and the site does not generate income. Average expenditure for the site is \$4,500 for maintenance of toilet facilities. Any future expenditure on Council road reserve should be undertaken as a cost neutral profit making basis which would mean an increase in the site licence fees currently charged.

The costs of administering and regulating a permit system that would be required if allowing food vans is dependent upon the system adopted, but potentially could be significant.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Consult-We will listen to you, consider your ideas and concerns and keep you informed. Any community engagement will require a budget allocation of between \$15,000 and \$20,000 depending on the scope and extent of consultation. The cost of remedial work at Tumbulgum Markets is estimated at \$5,000.

Council's Community Engagement Strategy articulates our commitment to keep the community informed, consulted and engaged on projects regardless of whether the impact is shire-wide high impact or locality-based low impact. While this issue may appear to be locality based low-impact, it is assessed as shire-wide high impact as it will set a precedent for the entire shire.

Consequently any communications and engagement plan would need to target a broad representation of Shire stakeholders, including citizens, ratepayers, businesses, progress association and ratepayer groups, community groups, interest groups and individuals and not just those residents and few businesses near the proposed food-van vending sites.

Council would need to use a full suite of engagement tools, including online technologies. Council would need to work with stakeholders on an ongoing basis to ensure their ideas, concerns and aspirations are considered and feedback provided.

Given the safety issues posed by food vans operating near high-speed traffic environments, a communications and engagement budget would need to be committed to understand these issues and then educate the community prior to asking for feedback.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

41 [E-CM] Classification of Land as Operational - 127 Commissioners Creek Road, Doon Doon

SUBMITTED BY: Design

mhm



Behind the scenes
Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

SUMMARY OF REPORT:

Council at its meeting of 15 June 2017 resolved to purchase Lot 2 DP 261582, 127 Commissioners Creek Road, Commissioners Creek due to the impact on the property by the raising of Clarrie Hall Dam.

Settlement of the purchase occurred on 27 July 2017. Pursuant to Section 31 of the Local Government Act 1993, Council is required to classify all land held by it.

Prior to resolving to classify the land, Council was required to publish a notice of its intention to classify the land in a locally circulated publication. Such notice advertising the proposed classification of "Operational Land" to 127 Commissioners Creek Road, Commissioners Creek, was published in the Tweed Link on 1 August 2017 and no submissions were received.

It is recommended that Council approve the classification of the subject land as Operational in pursuance of its obligations under the Local Government Act, 1993.

RECOMMENDATION:

That:

- 1. Council, in accordance with Section 31 of the Local Government Act, 1993, classifies Lot 2 in DP 261582 known as 127 Commissioners Creek Road, Commissioners Creek as "Operational Land".**

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

REPORT:

Council at its meeting of 15 June 2017 resolved to purchase Lot 2 DP 261582, 127 Commissioners Creek Road, Commissioners Creek due to the impact on the property by the raising of Clarrie Hall Dam. Diagram 1 shows the location of the property.

Diagram 1 – 127 Commissioners Creek Road, Commissioners Creek.



Settlement of the purchase occurred on 27 July 2017. Pursuant to Section 31 of the *Local Government Act, 1993*, Council is required to classify all land held by it within three (3) months of the date of transfer to Council. Failure to classify land intended to have an Operational classification will result in the land being automatically classified as Community Land and will limit the use of the land pursuant to Section 35 of the *Local Government Act, 1993*.

It is intended to classify 127 Commissioners Creek Road, Commissioners Creek as Operational Land to reflect the operational nature of the land and its improvements and enable its use for operational purposes associated with the raising of Clarrie Hall Dam.

Prior to resolving to classify the land, Council was required to publish a notice of its intention to classify the land in a locally circulated publication. Such notice advertising the proposed classification of “Operational Land” to 127 Commissioners Creek Road, Commissioners Creek was published in the Tweed Link on 1 August 2017 and expired on 29 August 2017. No submissions were received.

OPTIONS:

As the classification of land is a statutory obligation under Section 31 of the *Local Government Act, 1993*, there are no alternative options available regarding this matter. The property is to be utilised for operational purposes associated with the raising of Clarrie Hall Dam and as such, is required to be classified as Operational Land.

CONCLUSION:

Council is required to classify all land held by it pursuant to Section 31 of the *Local Government Act*, 1993 and the purpose of this report is to fulfil that statutory obligation.

It is recommended that Council approve the classification of the subject land as Operational in pursuance of its obligations under the *Local Government Act*, 1993.

COUNCIL IMPLICATIONS:

a. Policy:

Classification of Land pursuant to Section 31 of the *Local Government Act*, 1993.

b. Budget/Long Term Financial Plan:

No future budget implications.

c. Legal:

In accordance with Section 31 of the *Local Government Act*, 1993, Council is required to classify all land acquired by it after July 1993.

d. Communication/Engagement:

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

Advertised in the Tweed Link on 1 August 2017 seeking written submissions from the public.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(*Confidential*) Attachment 1. Council Report and Resolution from meeting held 15 June 2017 (ECM 4808763).

REPORTS FROM THE DIRECTOR CORPORATE SERVICES

42 [CS-CM] Audit, Risk and Improvement Committee Charter

SUBMITTED BY: Internal Auditor

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 the organisation to operate within its legal framework.
4	Behind the scenes
4.1	Assurance
4.1.2	Internal Audit - To provide oversight of Council's business activities, identify improvements and support compliance with legislation.

ROLE: Collaborator

SUMMARY OF REPORT:

The Audit Committee Charter has been reviewed to align with the responsibilities set out in section 428A(2) of the Local Government Amendment (Governance and Planning) Act 2016.

These changes are relatively minor. Therefore the public exhibition requirements of s160 of the Local Government Act do not apply.

RECOMMENDATION:

That the Audit, Risk and Improvement Committee Charter Policy Version 1.8 be adopted.

REPORT:

The Local Government Amendment (Governance and Planning) Act 2016 (“the amending act”) was assented on the 30 August 2016. Some of the amendments have come into force on assent while the others will come into force on a day to be appointed by proclamation.

The revised Part 4A of the Local Government Act will:

- Require Councils to appoint an Audit, Risk and Improvement Committee,
- Set out aspects of the Council's operations that the Committee must keep under review, and
- Require the committee to provide information to the council for the purpose of improving the council's performance of its functions.

The current Audit Committee Charter v1.7 does not cover all the aspects of the new Part 4A.

At the Audit, Risk and Improvement Committee meeting held 27 June 2017 the Committee approved the following proposed changes to the Charter:

Section	Action	Comment
Objective	Revised	To align with the requirements of section 428A(2) of Local Government Amendment (Governance and Planning) Act 2016
Roles and Responsibilities	Revised	To align with the requirements of section 428A(2) of Local Government Amendment (Governance and Planning) Act 2016.
Local Government Amendment (Governance and Planning) Act 2016	Addition	To acknowledge compliance with the legislation and note that once the supporting regulations are released, additional detail will be added to the Charter in relation to the purpose and scope of the Committee review responsibilities.
Assessment Arrangements	Revised	Minor change to the timing of reviews to better align with the Committee's appointment.

It is noted that the Office of Local Government (OLG) has indicated that Regulations to support these provisions are scheduled to be released in the near future. These regulations are expected to provide further guidance in relation to the purpose and scope of the Committees review responsibilities. The Charter will be reviewed upon the release of these Regulations.

OPTIONS:

That Council:

1. Adopt the revised Audit Committee Charter, Version 1.8.
2. Does not adopt the revised Audit Committee Charter, Version 1.8.

CONCLUSION:

The proposed amendments to the Audit Committee Charter have been tabled for Council consideration

COUNCIL IMPLICATIONS:

a. Policy:

If adopted by Council, Audit, Risk and Improvement Committee Charter Version 1.8 will supplant Audit Committee Charter Version 1.7.

b. Budget/Long Term Financial Plan:

Not Applicable

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

The revision of the Charter was performed in consultation with the Audit, Risk and Improvement Committee.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Audit, Risk and Improvement Committee Charter Version
1.8 (ECM 4580750)

43 [CS-CM] 2016/2017 Draft Statutory Financial Reports**SUBMITTED BY: Financial Services**

mhm



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Provider**SUMMARY OF REPORT:**

Council's Statutory General Purpose Financial Reports in accordance with Section 413 of the Local Government Act, 1993 and the Special Purpose Financial Reports in accordance with the Local Government Code of Accounting Practice and Financial Reporting for the financial year ended 30 June 2017 have been completed.

Section 413 (2) – A council's financial reports must include:

- (a) a general purpose financial report;
- (b) any other matter prescribed by the regulations; and
- (c) a statement in the approved form by the council as to its opinion on the general purpose financial report.

This report recommends that the statement as to Council's opinion on the General Purpose Financial Reports as required by Section 413 (2) (c) of the Local Government Act and the Special Purpose Financial Reports as required by the Local Government Code of Accounting Practice and Financial Reporting be executed.

RECOMMENDATION:**That:**

1. **In accordance with Section 413(1) of the Local Government Act 1993, Council refers the General Purpose Financial and Special Purpose Financial Reports for audit.**

2. **The statement as to Council's opinion on the General Purpose Financial Reports as required by Section 413(2)(c) of the Local Government Act 1993 and the Special Purpose Financial Reports as required by the Local Government Code of Accounting Practice and Financial Reporting for the financial period 2016/2017, be executed.**

REPORT:

Council's Statutory General Purpose Financial Reports in accordance with Section 413 of the Local Government Act 1993 for the financial year ended 30 June 2017 has been completed.

Legislation Requirements

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

1. Section 413 (1) – A council must prepare financial reports for each year, and must refer them for audit as soon as practicable after the end of that year.
2. Section 413 (2) – A council's financial reports must include:
 - (a) a general purpose financial report;
 - (b) any other matter prescribed by the regulations; and
 - (c) a statement in the approved form by the council as to its opinion on the general purpose financial report.
3. Section 413 (3) – The general purpose financial report must be prepared in accordance with the Act and the regulations and the requirements of:
 - (a) the publications issued by the Australian Accounting Standards Board, as in force for the time being, subject to regulations; and
 - (b) such other standards as may be prescribed by the regulations.
4. Section 416 (1) – A council's financial reports for a year must be prepared and audited within the period of 4 months after the end of that year.
5. Section 418 – Upon receiving the Auditor's Report, the Act requires the Council to give at least 7 days public notice of the meeting at which it proposes to present its audited financial reports, together with the Auditor's Report, to the public.
6. Section 420 – Any person may make a submission to the Council with respect to the Council's audited financial reports or with respect to the Auditor's Report. A submission must be in writing and must be lodged with the council within 7 days after the date on which those reports are presented to the public.
7. Clause 215 of the Local Government (General) Regulation, 2005 requires that the Statement under Section 413 (2) (c) on the annual financial report must be made by resolution of the Council and signed by the Mayor, at least one (1) other member of Council, the General Manager and the Responsible Accounting Officer.
8. The *Local Government Code of Accounting Practice and Financial Reporting* requires Council to lodge a complete set of financial statements with the Office of Local Government by no later than the close of business on 31 October following the financial year end.

The *Local Government Code of Accounting Practice and Financial Reporting* require that:

- Council's Special Purpose Financial Statements for a year must be prepared and audited within the period of four months after the end of that financial year.
- As soon as practicable after receiving the Auditor's Report on the Special Purpose Financial Statements, the council must send a copy of the Auditor's Report on the Council's Special Purpose Financial Statements, together with a copy of the council's audited Special Financial Report, to the Chief Executive, Local Government.

Council's Statutory General Purpose Financial Reports and Special Purpose Financial Reports for the financial year ended 30 June 2017 have been completed. It is proposed to present the audited financial reports to the public at the November 2017 Council meeting.

The General Purpose Financial Reports, Special Purpose Financial Reports and Special Schedules for the financial year ended 30 June 2017 are being tabled after endorsement from the Audit Committee at its meeting of 17 October 2017.

OPTIONS:

Not Applicable.

CONCLUSION:

That the statement as to Council's opinion on the General Purpose Financial Reports as required by Section 413 (2) (c) of the Local Government Act and the Special Purpose Financial Reports as required by the Local Government Code of Accounting Practice and Financial Reporting be executed.

COUNCIL IMPLICATIONS:

a. 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:

The following Attachments will be provided following the meeting of the Audit, Risk and Improvement Committee to be held 17 October 2017

Attachment 1. Statement by Councillors and Management.

Attachment 2. Draft General Purpose Financial Statements; Special Purpose Financial Statements; Special Schedules (ECM 4830273).

44 [CS-CM] Carry Over Works from 2016/2017 to 2017/2018 Budget

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:

This report provides details of the funds to be carried forward from 2016/2017 to the 2017/2018 budget.

The carried forward works represent those projects/services that could not be completed in 2016/2017 for a variety of reasons. It is important to note that these carry over works have been previously committed to specific projects/services and in some cases the projects may have already be completed in 2017/2018.

The funding of these works fall into the following categories:

- Unexpended Loans
- Reserves Funds
- Grants
- Section 94
- Other

RECOMMENDATION:

That Council adopts the Carry Over Works 2016/2017 and the expenditure and income, as detailed within the report, be applied to the 2017/2018 Budget.

REPORT:

This report provides details of the funds to be carried forward from 2016/2017 to the 2017/2018 budget.

The carried forward works represent those projects/services that could not be completed in 2016/2017 for a variety of reasons. It is important to note that these carry over works have been previously committed to specific projects/services and in some cases the projects may have already be completed in 2017/18.

The funding of these works fall into the following categories:

- Unexpended Loans
- Reserves Funds
- Grants
- Section 94
- Other

Whilst the carry over works total \$46,619,893, 44% of the works are contained within five project/areas:-

Description	Amount \$
Kingscliff Foreshore Management Plan	14,736,498
Organics processing facility	1,890,000
Altitude Aspire Voluntary Planning Agreement	1,559,700
Tweed Heads Library expansion	1,473,040
Emergency Services	1,022,734

Income/ Expenditure	Description	Amount \$
Ex	Tweed Road Development Strategy Review s94	48,376
Ex	Traffic Facilities Council Roads	58,457
Ex	Sec 94 Bus Shelter Construction	13,100
Ex	Active Transport Program Walking Communities 2016-2017	49,906
Ex	Road Safety Programs	22,131
Ex	Town Entry Statements	201,988
Ex	Gravel Resheeting of Unsealed Roads	196,116
Ex	Sealed road resurfacing	13,901
Ex	Asphalt Resurfacing	704,275
Ex	Bitumen resurfacing	889,384
Ex	Queensland Border Monument	90,000
Ex	Bus Shelters	103,683
Ex	Emergency response May 2009 local roads	50,283
Ex	Stormwater drainage rehabilitation	152,098
Ex	Footpaths rehabilitation	145,728
Ex	Lundberg Drive Footpath Construction 2015/16	15,508
Ex	Cycleway Fraser Drive Vintage Lakes Dr to Dry Dock Rd s94	125,906
Ex	KFMP Cycleway Connections	204,018
Ex	Footpaths	18,635
Ex	Rail Trail Project Development	168,226

Income/ Expenditure	Description	Amount \$
Ex	Asset management Levees & Floodgates	200,390
Ex	Future flood mitigation works	90,467
Ex	Environmental Health	14,247
Ex	Planning Projects	53,743
Ex	Health Education & Equip	15,000
Ex	Northern Rivers Emerging Vector Response Plan	58,400
Ex	Water & Food sample testing charges	14,000
Ex	Tweed Heads Master Plan	10,000
Ex	Scenic Landscape Strategy	45,517
Ex	Acceleration Fund Draft LEP	10,479
Ex	Murwillumbah heritage demonstration project	23,029
Ex	Rural Lands Strategy	65,025
Ex	Local Growth Management Strategy (LGMS)	85,127
Ex	Locality Plans - Kingscliff	12,143
Ex	Urban Design Planner	19,976
Ex	Locality Plans - Rural Villages	26,812
Ex	Extension Officers - Urban Design	14,493
Ex	Locality Plans - Burringbar/Mooball	25,000
Ex	Protect Threatened Fauna on Fingal Peninsula	38,199
Ex	Management of Foxes & Rabbits on Public Reserves 2016-2017	32,433
Ex	Love Cats Love Wildlife	46,590
Ex	Koala Management Plan	202,665
Ex	Vegetation Management Strategy	59,450
Ex	Pottsville Environment Park NRM	228,984
Ex	Tweed-Byron Native Species Planting Guide	43,658
Ex	Noxious Weeds	40,000
Ex	Significant Tree Identification	18,744
Ex	Koala road crossing DA11/0014 Condition 13	49,834
Ex	Investing in the Future of Pottsville's Koalas	34,853
Ex	Mitigating Dog Attacks in the Tweed Coast	28,000
Ex	Restoring the waterways of the Cudgen Plateau	22,268
Ex	Coastal Creeks – Australian Research Council	47,750
Ex	Home Expo	10,713
Ex	Bio-engineered River Bank Erosion Stabilisation	10,000
Ex	Rous River Riparian Restoration	153,236
Ex	Condong Boat Ramp & Toilet (NSW Boating Now Project)	247,447
Ex	Byangum Canoe Launch Facility (NSW Boating Now Project)	78,672
Ex	Fingal Boat Harbour Pontoon (NSW Boating Now Project)	47,162
Ex	Kennedy Drive Boat Ramp Carpark (NSW Boating Now Project)	67,448
Ex	Chinderah Boat Ramp (NSW Boating Now Project)	53,454
Ex	Tumbulgum Pontoon Construction (NSW Boating Now Project)	62,661
Ex	Oxley River Bank Stabilisation Project	176,762
Ex	Lower Tweed Management Plan	317,207
Ex	Tweed Coastal Floodplain - ASS Hotspot Identification & Rem	52,361
Ex	IT Resourcing Strategy	633,518
Ex	Core Business Systems	159,493
Ex	Software Maintenance	49,961

Income/ Expenditure	Description	Amount \$
Ex	Misc Operating Costs	79,544
Ex	New Computer Items	24,478
Ex	Leases - Hardware	68,448
Ex	Environmental assessment - development applications	23,453
Ex	Altitude Aspire Voluntary Planning Agreement	1,559,700
Ex	Festivals & Events	147,000
Ex	Internal Auditor/Corporate Planning	133,241
Ex	Asset Systems & Plans	232,098
Ex	Future asset management & maintenance expenses	114,314
Ex	Fit for the Future expenses	140,518
Ex	Valuation Fees	18,685
Ex	Risk Management Program	71,835
Ex	SES Operation Centre additions Banora Po	70,000
Ex	Emergency Management Plan Implementation	65,470
Ex	SES Operations Centre Banora Point	175,000
Ex	Donation To RFS	23,252
Ex	Bush Fire Control Expenses (Inc RFS Buildings)	277,735
Ex	Salt SLSC	72,534
Ex	SES / Flood Rescue (Inc SES Buildings)	500,000
Ex	Careflight	12,537
Ex	Land Purchase -Open Space	84,635
Ex	Project Management System	93,209
Ex	Miscellaneous Projects Engineering Division	31,779
Ex	Art Gallery Solar Project	120,841
Ex	Prizes	36,940
Ex	TRAG Climate Control System	211,308
Ex	Art Gallery Construction - Olley Extension	12,129
Ex	Artist in Residence Studio Covered Walkway	20,000
Ex	Gallery Carpark Unisex Accessible Toilet	10,000
Ex	Valuation of TSC Art Collection	15,000
Ex	International exhibitions 2017 to 2019	10,000
Ex	Grant expenditure	117,104
Ex	Library Grant Expenditure	55,001
Ex	Tweed Heads Library Expansion/Re-fit	1,473,040
Ex	Tweed Regional Museum new office building Tweed Heads	241,275
Ex	Museum Storage Facility	23,230
Ex	TRRM Tweed Heads, Uki & SA and Collection Store	37,570
Ex	Contemporary Voices - Wollumbin's Country	21,046
Ex	Murwillumbah Community Centre	80,751
Ex	Community Sponsorship and miscellaneous donations	23,838
Ex	Family and Youth Community Development	25,331
Ex	Aboriginal Community Development	61,718
Ex	Youth Strategy recurring costs	111,000
Ex	Cultural Planning	22,182
Ex	Cultural Development Fund	60,090
Ex	Public Art Maintenance	11,262
Ex	Goorimahbah Public Art	82,816

Income/ Expenditure	Description	Amount \$
Ex	Aboriginal Network Conference	35,970
Ex	Aged & Disability Community Development	72,755
Ex	Access and Inclusion Plan	19,493
Ex	Community Safety	56,559
Ex	Murwillumbah Auditorium refurbishment	75,101
Ex	Community Buildings Maintenance	351,410
Ex	Civic Centre: Tweed Heads	230,000
Ex	Murwillumbah Auditorium	26,200
Ex	Tweed Heads Auditorium	29,930
Ex	Tweed Heads Auditorium capital	70,000
Ex	Kingscliff Community Hall	83,883
Ex	Waste & Sustainability Improvement Expenditure	81,528
Ex	Organics processing facility	1,890,000
Ex	Food & Garden Organics Collection System	385,120
Ex	Better Waste & Recycling Fund	650,764
Ex	Kingscliff Holiday Park upgrade	6,737,838
Ex	Access and Inclusion Plan – Public Toilet Upgrade	61,873
Ex	Knox Park Public Toilet	153,985
Ex	KFMP Amenities Hall Upgrade	160,758
Ex	Sportsgrounds (local) recurrent costs	36,779
Ex	Sportsfields Capital Work	160,000
Ex	Les Burger Field s94 (CP 5)	23,823
Ex	Kingscliff Sportsfield Masterplan	512,786
Ex	Depot road sportsfield construction s94	281,346
Ex	Pottsville Tennis Facility Capital works	30,462
Ex	Knox Park Youth Precinct	111,952
Ex	Eviron gardens recurring costs	75,000
Ex	Eviron gardens Visitors Centre	47,000
Ex	TH 3:Jack Evans Boatharbour recurring costs	48,356
Ex	Regional All Access Playground	346,650
Ex	Passive recreation asset maintenance program	42,562
Ex	Public Parks Furniture	132,145
Ex	Sec 94 Street Trees	100,000
Ex	Passive recreation s94 projects	255,971
Ex	Open Space Strategy	134,234
Ex	Rous River Way Park	45,117
Ex	Freedom camping facilities Burringbar	59,600
Ex	KFMP Central Park	3,612,369
Ex	KFMP Lions Park Furniture Upgrade	93,000
Ex	Surf Life Patrols	144,918
Ex	Surf Life Saving Strategy 2020	16,182
Ex	Grants To SLSCs	46,547
Ex	Sport Development Officer	69,848
Ex	Recreation Services Asset Systems Development	100,000
Ex	KFMP Foreshore Protection	3,928,515
Ex	Workers Comp Insurance & Oncost	120,000
Ex	Health and Safety Initiatives Fund	25,964

Income/ Expenditure	Description	Amount \$
Ex	Human Resources project fund	14,351
Ex	Depot compliance/improvement expenditure	127,969
	Transport	
Ex	Unallocated Rehabilitation	573,421
Ex	Kennedy Drive rehab Norman to Ducat	560,000
Ex	Overall Drive	273,468
Ex	Gray Street Tumbulgum	318,917
Ex	Spring Valley Road Culvert Rehabilitation	288,575
Ex	Cadell Road Mount Burrell	155,842
Ex	Hillcrest Avenue Tweed Heads South	508,621
Ex	Kirkwood Road West Kerb Upgrade 2016-2017	552,701
Ex	Philp Parade Tweed Heads South	154,301
Ex	Darlington Drive East of Leisure Dr	837,233
Ex	Tumbulgum Road Murwillumbah	669,488
Ex	Stokers Rd 2016/17 Rehab Program	450,000
Ex	Byangum Rd 2016/17 Rehab Program Wade to Myrtle	138,418
Ex	Byangum Rd 2016/17 Rehab Program Barnby to Frangela	115,685
Ex	Byangum Rd 2016/17 Rehab Program Frangela to No 197	245,251
Ex	Commercial Rd 2016/17 Rehab Program	216,986
Ex	Dulguigan Rd 2016/17 Rehab Program	80,000
Ex	Hogans Rd 2016/17 Rehab Program	60,000
Ex	Clothiers Creek Rd 2016/17 Rehab Program	150,000
Ex	Quarry Rd 2016/17 Rehab Program	171,177
Ex	Elizabeth St 2016/17 Rehab Program	232,604
Ex	Terranora Rd 2016/17 Rehab Program	530,210
Ex	Thomson St 2016/17 Rehab Program	177,841
Ex	Urliup Rd 2016/17 Rehab Program	75,181
Ex	Numinbah Road segment 350 rehabilitation	524,630
Ex	Queensland Road segments 50 & 60 rehabilitation	137,873
Ex	Black Spot Tweed Valley/Riverside Dr intersection upgrade	76,949
Ex	Korns bridge replacement and road realignment	101,862
	Stormwater Drainage	
Ex	Brisbane Street Drainage	21,760
Ex	Mayal Street Murwillumbah Drainage	56,842
Ex	Nullum Street Murwillumbah Drainage	243,504
Ex	Reynolds Street Murwillumbah Drainage	103,732
Ex	Sale of - Sale Yards: Invest Land & Build	13,930
Ex	Sale Yards	50,000
Ex	Murwillumbah Airfield	250,000
Ex	Economic Development Fund	200,000
Ex	Adrian Smith Rock Collection	50,772
Ex	Economic Development	1,020,000
Ex	Closed Circuit Television (CCTV)	100,000
Ex	Corporate Planning Unit	144,585

Income/ Expenditure	Description	Amount \$
	Carry Over items – less than \$10,000 in value	
	Community and Natural Resources	73,604
	Corporate Services	576
	Engineering	9,742
	Planning and Regulation	14,972
	Total expenditure	46,619,893
	Carry Over funding sources	
In	Grant funds	11,660,444
In	Loan funds	2,709,666
In	Reserve funds	16,444,704
In	Works carried forward reserve funds	6,463,639
In	s94 funds	2,603,602
In	Tweed Coast Holiday Parks	6,737,838
	Total funding sources	46,619,893

OPTIONS:

Not Applicable

CONCLUSION:

Based on current projections, the 2017/2018 Budget is expected to remain balanced for all funds. The rolled over expenditure and funding is required to be voted in the 2017/2018 Budget so as these projects/services can be completed.

COUNCIL IMPLICATIONS:

a. Policy:

Not Applicable

b. Budget/Long Term Financial Plan:

As detailed within the report.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

45 [CS-CM] Audit, Risk and Improvement Committee Report for Year Ended 30 June 2017

SUBMITTED BY: Internal Auditor

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.
- 4.1.2 Internal Audit - To provide oversight of Council's business activities, identify improvements and support compliance with legislation.

ROLE: Collaborator

SUMMARY OF REPORT:

The Audit, Risk and Improvement Committee is charged with the responsibility of preparing and presenting an annual report to Council on the Committee's activities of the past financial year.

The Audit Committee Annual Report should be considered in conjunction with the 2016/2017 Draft Statutory Financial Reports/Audit Report.

RECOMMENDATION:

That Council receives and notes the Audit Committee Annual Report highlighting its activities for the financial year ended 30 June 2017.

REPORT:

As required under the Audit, Risk and Improvement Committee Charter the Audit Committee has prepared an Annual Report on the Committee's activities for the financial year ended 30 June 2017.

In addition, the Audit, Risk and Improvement Committee have reviewed the draft 2016/2017 Financial Statements on Tuesday 17 October 2017.

The Audit, Risk and Improvement Committee Annual Report for the period ending 30 June 2017 is attached to this report for Council's consideration.

OPTIONS:

1. Receive and note the Audit Committee Annual Report highlighting its activities for the financial year ended 30 June 2017.
2. Do not receive and note the Audit Committee Annual Report highlighting its activities for the financial year ended 30 June 2017.

CONCLUSION:

The Audit Committee Annual Report highlights the Committee's activities for the financial year ended 30 June 2017.

COUNCIL IMPLICATIONS:

a. Policy:

Audit Committee Charter v1.7

b. Budget/Long Term Financial Plan:

Not Applicable

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

The Audit Committee Annual Report informs the community of Council's Audit Committee activities for the financial year ended 30 June 2017.

UNDER SEPARATE COVER/FURTHER INFORMATION:

The following Attachment will be provided following the meeting of the Audit, Risk and Improvement Committee to be held 17 October 2017

Attachment 1. Audit Committee Annual Report for Year Ended 30 June 2017.

46 [CS-CM] Pecuniary Interest Returns 2016/2017

SUBMITTED BY: Corporate Governance

mhm



Behind the scenes
Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

SUMMARY OF REPORT:

The Pecuniary Interest Returns for the period 1 July 2016 to 30 June 2017 for Designated Persons (Council Officers) and 4 November 2016 to 30 June 2017 for Councillors elected at the October 2016 Local Government Election are tabled in accordance with Sections 449 and 450A of the Local Government Act 1993.

RECOMMENDATION:

That the Pecuniary Interest Returns for Designated Persons (Council Officers) for the period 1 July 2016 to 30 June 2017 and for Councillors elected at the 2016 October Local Government Election for the period 4 November 2016 to 30 June 2017 as tabled, be received and noted.

REPORT:

Section 449 of the Local Government Act 1993 requires the General Manager to obtain returns disclosing interest of Councillors and Designated Persons.

Section 450A (2) of the Local Government Act 1993 requires the General Manager to table such returns at the first meeting of Council held after the last day for lodgement of the returns, that date being 30 September 2017.

It is noted that at the due date there were 13 designated persons returns outstanding with nine having been subsequently received and it is further noted that a number of these staff were on leave during the submission period. At the time of writing this report 2 are still outstanding. The General Manager has written to these staff advising that the granted delegated authority will be withdrawn should these returns remain outstanding.

The returns relate to the period 1 July 2016 to 30 June 2017 for Designated Persons (Council Officers) and 4 November 2016 to 30 June 2017 for Councillors elected at the October 2016 Local Government Election and are available for inspection by members of the public.

OPTIONS:

Not Applicable

CONCLUSION:

That the Pecuniary Interest Returns for Designated Persons (Council Officers) for the period 1 July 2016 to 30 June 2017 and for Councillors elected at the 2016 October Local Government Election for the period 4 November 2016 to 30 June 2017 as tabled, be received and noted.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

As per Compliance and Reporting requirements of the Office of Local Government.

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.

47 [CS-CM] Tweed Shire Australia Day**SUBMITTED BY: Director**

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**SUMMARY OF REPORT:**

At Council's meeting of 2 February 2017 [CS-CM] Community Membership on Council Committees, it was resolved that:

".....4. Council does not appoint membership to the Australia Day Committee and undertakes a review of Council's Australia Day function and the future role of community representatives in any future Australia Day Committees."

To progress this review a Councillor Workshop was held on 9 May 2017 where the current Australia Day functions and challenges were discussed, as well as emerging challenges. It was determined a further Councillor workshop be convened in August 2017, following the Event Officer's attendance at the National Australia Day (NAD) Conference in July 2017.

At the Councillor workshop held on 10 August 2017 the feedback from the NAD Conference was tabled and a number of options on the way forward were proposed. Those options are now tabled for Council's endorsement.

RECOMMENDATION:**That Council:**

- 1. Not re-establish the Tweed Shire Australia Day Committee.**

2. **Forms a Tweed Shire Australia Day Awards Selection Panel comprising 7 Councillors and the existing Awardees of the categories listed below, to consider Tweed Shire Australia Day Award nominations:**
 - **Citizen of the Year;**
 - **Arts and Culture (1 representative if a group);**
 - **Volunteer of the Year;**
 - **Sporting Achievement (1 representative if a group); and**
 - **Young Achiever of the Year.**
3. **Hold the 2018 Tweed Shire Australia Day celebrations, which include the Citizenship Ceremony, at the Murwillumbah Auditorium.**
4. **Respect the local Aboriginal Community members' position on Australia Day, as expressed through the Aboriginal Advisory Committee.**
5. **Explore the engagement of a local Aboriginal artist for future gift ideas for Award recipients and new citizens on Australia Day.**
6. **Continues to support, from the Australia Day budget, applications for financial assistance of up to \$300 from non-profit organisations and community groups interested in hosting small community Australia Day events.**
7. **Does not register for an Australia Day Ambassador through the NSW Australia Day Council and instead nominates an Australia Day Ambassador local to the Tweed Shire.**

REPORT:

At Council's meeting of 2 February 2017 [CS-CM] Community Membership on Council Committees, it was resolved that:

"... 4. Council does not appoint membership to the Australia Day Committee and undertakes a review of Council's Australia Day function and the future role of community representatives in any future Australia Day Committees."

To progress this review a Councillor Workshop was held on 9 May 2017 where the current Australia Day functions and challenges were discussed, as well as emerging challenges. It was determined a further workshop be convened in August 2017, following the Event Officers attendance at the National Australia Day (NAD) Conference in July 2017.

At the Councillor workshop held on 10 August 2017 the feedback from the NAD Conference was tabled and the following was determined:

- The venue for the 2018 Tweed Shire Australia Day celebrations to be the Murwillumbah Auditorium.
- Planning for the 2018 Australia Day celebrations continue to include the Citizenship Ceremony.
- Respect the local Aboriginal Community members' position on Australia Day.
- Call for nominations for the 2017 Tweed Shire Australia Day Awards with the closing date for nominations being Friday 17 November 2017.
- Not to re-establish the Australia Day Committee and instead form an Australia Day Committee Selection Panel.
- Funding for the community celebrations remain and are linked to the same timing as the Australia Day Awards nominations.
- Supports the appointment of a local Tweed Shire Australia Day Ambassador.

OPTIONS:

That Council:

1. Endorses the options from the Tweed Shire Australia Day Councillor Workshop of 10 August 2017.
2. Does not endorse the options from the Tweed Shire Australia Day Councillor Workshop of 10 August 2017 and selects alternate options.

CONCLUSION:

That Council endorses the options from the Tweed Shire Australia Day Councillor Workshop of 10 August 2017.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

There is a 2017/2018 budget allocation for Australia Day Celebrations.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

An advertisement has appeared in the Tweed Link Issue 1027 | 10 October 2017 advising nominations are open for the 2017 Tweed Shire Australia Day Awards.

Further advertisements will appear in the Tweed Link on 17 October and 7 November 2017 advising that nominations are open for the 2017 Tweed Shire Australia Day Awards, as well as advice that applications for financial assistance are being invited from non-profit organisations and community groups that are interested in hosting small community events on Australia Day 2018. The closing date for nominations and applications is Friday 17 November 2017.

Emails have been sent to sporting organisations, primary/secondary/tertiary schools, Chambers of Commerce, and community service organisations advising nominations are open for the Tweed Shire Australia Day Awards.

The Events Officer is liaising with the Communications and Customer Service team to encourage nominations via Council's Facebook page and to also incorporate the electronic promotional material available from the National Australia Day Council, and the NSW Australia Day Council, onto Tweed Shire Council's website.

The Community Engagement Network will be present at the Murwillumbah Show on Friday 3 and Saturday 4 November 2017 and engagement activities are being developed to encourage nominations.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

48 [CS-CM] Model Code of Conduct

SUBMITTED BY: Corporate Governance

mhm



Behind the scenes
Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Leader

SUMMARY OF REPORT:

Section 440 of the Local Government Act 1993 prescribes that council must review and adopt the Code of Conduct within 12 months after each ordinary election.

The Office of Local Government is currently undertaking a substantial review of the Model Code of Conduct and it is proposed that as this review is not yet complete, that the existing Model Code of Conduct Version 2.0 which was adopted on 21 January 2016, for the purpose of the review under the terms of the Local Government Act 1993, be adopted.

RECOMMENDATION:

That the Model Code of Conduct Version 2.0 be adopted.

REPORT:

Section 440 of the Local Government Act 1993 prescribes that council must review and adopt the Code of Conduct within 12 months after each ordinary election.

The Office of Local Government is currently undertaking a substantial review of the Model Code of Conduct and it is proposed that as this review is not yet complete, that the existing Model Code of Conduct Version 2.0 which was adopted on 21 January 2016, for the purpose of the review under the terms of the Local Government Act 1993, be adopted.

Once the Office of Local Government has finalised its review and issued a Circular in this regard, council will then be in a position to further review the Model Code of Conduct.

OPTIONS:

That the Model Code of Conduct Version 2.0 be adopted.

CONCLUSION:

That the Model Code of Conduct Version 2.0 be adopted.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Conduct (Model) v2.0

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.

49 [CS-CM] Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy Review

SUBMITTED BY: Corporate Governance

mhm



Behind the scenes
Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

SUMMARY OF REPORT:

Within the first 12 months of each term of Council the Councillors – Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy is to be reviewed and adopted. This report highlights that review and recommends that the Policy does not require the giving of public notice as the amendments are not substantial.

RECOMMENDATION:

That the Councillors – Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy Version 2.1 be adopted with consideration given to the amendment to Part 5.1 as per the report, and further, in accordance with Section 252(3) of the Local Government Act 1993 the giving of public notice be dispensed with as the amendments are not substantial.

REPORT:

Within the first 12 months of each term of council the Councillors – Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy is to be reviewed and adopted. It should be noted that this Policy was rigorously reviewed during the latter part of 2015 with the current Version of the Policy being adopted in March 2016.

A review has been undertaken with minor amendments as disclosed within the attached Policy. The amendments have been primarily driven by changes to the Local Government Act 1993 and an opportunity has also been taken to bring the Meal Allowances into line with those Allowances that are reimbursed under council's training and conference expenses for staff, all other allowances remain at the previously adopted amounts.

The proposed changes are:

Breakfast	from \$25.35 to \$30
Lunch	from \$28.55 to \$40
Dinner	from \$48.65 to \$60

Council may also consider a further amendment in *Part 5.1 General Provisions - Meals and Refreshments* to include the following:

"Council will provide up to a maximum of two drinks following Council/Planning Committee meetings and workshops."

As the amendments are not substantial it is proposed to adopt the Policy without the necessity of public exhibition.

OPTIONS:

1. Council adopts the Councillors – Payment of Expenses and provision of Facilities for Mayor and Councillors Policy – Version 2.1 as proposed.
2. Council makes further amendments to the Policy that will then require public exhibition.

CONCLUSION:

That the Councillors – Payment of Expenses and provision of Facilities for Mayor and Councillors Policy Version 2.1 be adopted and further in accordance with Section 252(3) of the Local Government Act 1993 the giving of public notice is not required as the amendments are not substantial.

COUNCIL IMPLICATIONS:

a. Policy:

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

Section 252 of the Local Government Act, 1993.

b. Budget/Long Term Financial Plan:

Adequate allowance is provided in the annual budget for expenditure under this Policy.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

Section 252(3) of the Local Government Act 1993 allows for the dispensing of giving public notice of the Policy, should the amendments be not substantial, as is the case with this review.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Councillors – Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy Version 2.1 (ECM4827676).

50 [CS-CM] Review of Policies

SUBMITTED BY: Corporate Governance

mhm



Behind the scenes
Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Collaborator** **Provider** **Advocate** **Leader**

SUMMARY OF REPORT:

At its meeting of 17 August 2017, Council undertook a review of its Policies and resolved to receive and note those policies listed however, did not require any change at that time.

Recently the following policy documents have been reviewed and now require exhibition/adoption by Council:

- Drinking Water Quality v1.2 (for adoption)
- Council Utilities - Work in Proximity v1.3 (for exhibition)

RECOMMENDATION:

That Council:

- 1. Places the following policies on public exhibition for a period of 28 days seeking comments for 42 days.**
 - **Draft Council Utilities - Work in Proximity Version 1.3.**
 - **Draft Cemeteries and Private Burials Version 2.0.**
- 2. In accordance with Section 161(2) of the Local Government Act 1993, is of the opinion that the amendments are not substantial and that it adopts the Drinking Water Quality Policy v1.2.**

REPORT:

At its meeting of 17 August 2017, Council undertook a review of its Policies and resolved to receive and note those policies listed however, did not require any change at that time.

Recently the following policy documents have been reviewed by staff and now require exhibition/adoption by Council:

- Drinking Water Quality v1.2 (for adoption)
- Council Utilities - Work in Proximity v1.3 (for exhibition)

Policy	Version	Previously Adopted Date	Action to be Taken	Comment
Drinking Water Quality	1.2		Reviewed 8/9/17	Minor changes.
Council Utilities - Work in Proximity	1.3		Reviewed and amended 11/9/2017.	Policy name change from "Sewer" to "Council Utilities" and deleted details have now been included within Works in Proximity Specifications documentation.
Cemeteries and Private Burials	2.0		Reviewed and amended 12 October 2017.	Policy amended to reflect changes to the cemetery operations in response to business plans developed in 2009 and 2016 including the installation of a cremator and chapel and commencement of associated services. The Policy was also amended to remove large sections of operational detail not required in a policy. Policy also amended in response to a Council resolution to review the Cemeteries and Burials Policy in regard to " <i>... existing children's sections within the cemeteries are retained as children's sections in perpetuity and are managed with a heightened level of empathy reflecting the needs of grieving families.</i> "

OPTIONS:

1. That Council adopts the recommendation.

2. That Council does not agree to the proposed minor amendments.

CONCLUSION:

The preference is that Council adopts the report recommendation.

COUNCIL IMPLICATIONS:

a. Policy:

This report deals with the review and update of the following existing Policies:

- Drinking Water Quality v1.1
- Council Utilities - Work in Proximity v1.2

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:

Attachment 1.	Drinking Water Quality Version 1.2 for adoption (with track changes) (ECM 4820428).
Attachment 2.	Draft Council Utilities - Work in Proximity Version 1.3 for exhibition (with track changes) (ECM 4820404).
Attachment 3.	Draft Cemeteries and Private Burial Version 2.0 for exhibition (with track changes) (ECM4828551).

51 [CS-CM] Reviewing of White Ribbon Workplace Accreditation

SUBMITTED BY: Human Resources

mhm



Behind the scenes
Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

4	Behind the scenes
4.2	Support Services
4.2.2	Human Resources and Work Health and Safety - To support a productive, respectful and safe work environment.

ROLE: **Provider**

SUMMARY OF REPORT:

At its meeting of Thursday 22 October 2015 Council resolved that:

“Council becomes a White Ribbon Workplace”

Since the resolution investigations have been undertaken to better understand the accreditation process, timeframes, resource requirements and benefits associated with White Ribbon Workplace program participation.

White Ribbon Accreditation is a resource intensive, 12 to 18 month program, involving the meeting of fifteen (15) criteria under three standards to create a safer, more respectful workplace.

The program supports organisations to respond to and prevent violence against woman, whether it occurs inside or outside the organisation, through supporting women experiencing violence, holding perpetrators to account, supporting all employees to challenge inappropriate behaviour and strengthening gender equality within the broader community.

The investigation has highlighted that whilst the White Ribbon Workplace program is an extremely valuable and important community initiative, the resource investment will be significant for a relatively small corporate benefit. In contrast there is growing evidence of a more immediate need for Council to understand and address the issues of mental health and psychological injuries in its workplace through the People at Work (PAW) program.

It has been further identified that it is not possible to undertake both programs within existing resources and this report proposes to implement the People at Work (PAW) program in place of the White Ribbon Workplace program.

Of major importance in proposing this redirection of resources is the significantly broader scope of reference the PAW program offers, including:

- Reinforcement of Council's values;
- Strengthening of management's and staff's understanding of and support for individuals with mental health issues;
- Identification of Council specific contributing/causal psychologic injury factors;
- Identification, quantification and addressing of specific workplace issues such as workplace bullying and harassment;
- Quantification and pinpointing of workload/resourcing pinch points;
- Targeted injury prevention strategies;
- Development of targeted early intervention and support programs.

The benefits of the PAW program in contrast to the White Ribbon Workplace program are likely to be:

- Greater direct and indirect savings;
- Greater and more immediate impact on Council's culture;
- Reduction in number and severity of psychological injuries; and
- Indirect benefits to a broader cross section of Council's community by increased staff understanding of and capacity to support those with mental health issues.

RECOMMENDATION:

That:

1. Minute Number 574 of 22 October 2015:

"That Council becomes a White Ribbon Workplace"

be rescinded.

2. The Delivery Program 2017-2021 and Operational Plan 2017-2018, Sub-stream 4.2.2 - Human Resources and Work Health and Safety - Significant projects/works be amended by the deletion of:

2. *White Ribbon Accreditation 2017-18*

and the addition of:

2. *People at Work Program 2017-18, 2018-19, 2019-20.*

REPORT:

At its meeting of Thursday 22 October 2015 Council resolved that:

“Council becomes a White Ribbon Workplace”

Since the resolution investigations have been undertaken to better understand the accreditation process, timeframes, resource requirements and benefits associated with White Ribbon Workplace program participation.

The White Ribbon Workplace program involves significant resources over a 12 to 18 month period to achieve:

- compliance with the comprehensive requirements of accreditation,
- the need to regularly submit progress updates on further actions taken post accreditation, and
- three (3) yearly re-accreditation requirement involving the preparation and submission of evidence of continued adherence to the program’s Standards and Criteria.

Whilst White Ribbon is an extremely valuable and important program there is growing evidence that there is a greater current organisational need to understand the significance of issues likely to create psychological injuries in the workplace.

People at Work (PAW) is a psychosocial risk assessment process jointly developed by Queensland University of Technology, The Australian National University, Workplace Health and Safety Queensland, WorkCover NSW, WorkSafe Victoria, Comcare, Safe Work Australia and beyondblue. The program aims to help organisations identify and manage workplace risks that can affect the psychological health of its workers.

The research underpinning the program stems from the UK and focuses on the following six (6) areas of work context and content that have been recognised as central to managing work-related stress:

- Demands
- Control
- Support
- Relationships
- Role
- Change

The PAW program will take approximately 12 months to undertake the first 3 phases with a further 12 months focusing on implementation, monitoring and review of identified corrective action strategies. The program phases are:

1. Planning and Design
2. Survey Administration
3. Data Analysis
4. Results
5. Corrective Action Implementation

Central to the program is the conducting of the People at Work survey which is based on studies that show high levels of job demands and low levels of job resources increase the risk of psychological harm. These factors can include:

Job Demands	Job Resources
• Role overload	• Job control
• Role ambiguity	• Supervisor support
• Role conflict	• Co-worker support
• Cognitive demand	• Praise and recognition
• Emotional demand	• Procedural justice
• Group task conflict	• Change consultation
• Group relationship conflict	

In addition to measuring these psychosocial hazards, the People at Work survey also considers exposure to workplace bullying as well as a range of outcome factors which have been shown to be associated with the psychosocial hazards (e.g. musculoskeletal symptoms, sleep disturbances and absenteeism).

Expected outcomes of the PAW program include:

- Increased understanding of the nature and scope of organisational specific risk issues relating to psychological injury in the workplace;
- Development of a strategic approach to managing psychological injuries;
- A focus on targeted prevention initiatives rather than management of injury impact;
- An improved workers compensation psychological injury program.

In support of the PAW program are the following statistics:

- The 2007 National Survey of Mental Health and Wellbeing estimated that almost half (45%) of Australians will experience a mental health disorder at some time in their life.
- In any one year 20% of Australians have a diagnosed mental health illness.
- Research in the health care industry has shown that around 40% of victims of workplace bullying and violence do not report the matter.
- Psychological injury claims can be the costliest workplace injuries because of the difficulties experienced in achieving return to work.
- Psychological injury claims nationally have significantly increased and are projected to continue to increase.
- The prevalence of workplace bullying in 2015 was reported at 9.7% by Worksafe Australia.
- Workplace bullying is estimated to cost business in Australia up to \$36 billion annually.
- StateCover's records indicate that in the last 15 year's Tweed Shire Council employees have sustained 23 mental health injuries compared to 14 for the Office of Local Government; 15 for the remainder of the Richmond-Tweed Region, and 17 for Councils of a similar size and capacity.
- Council's psychological injury claims history shows mental health injuries cost on average 2.5% more than that of physical injuries.

It is anticipated that if supported the PAW program would commence by June 2018.

As it is not possible to undertake both programs within existing resources this report proposes to implement the People at Work (PAW) program in place of the White Ribbon Workplace program.

OPTIONS:

1. Supports implementation of the People at Work Program in place of the White Ribbon Workplace program.
2. Defers implementation of the White Ribbon Workplace program for up to three years to allow for resources to be redirected to the People at Work Program.
3. Implements the White Ribbon program as resolved by Council.

CONCLUSION:

The People at Work program provides the opportunity for Council to adopt a targeted, preventive approach to issues associated with workplace mental health issues and psychological injuries.

The program has the potential to achieve

- significant cost savings;
- provide improved understanding of and support for staff and community members with mental health issues;
- support improved staff health and wellbeing;
- reduce the incidents of workplace bullying and harassment;
- reduce workplace injuries,
- support the development of improved workplace policies and practices, and
- strengthen both Council's culture and employer brand.

COUNCIL IMPLICATIONS:

a. Policy:

Not Applicable

b. Budget/Long Term Financial Plan:

The PAW program participation is estimated at cost on initial \$10,000 which can be funded within the existing 2017/2018 budget. Additional costs and resource investment will be dependent on issues identified and corrective action required.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

Internal engagement will be a significant component of this project.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

52 [CS-CM] Compliments and Complaints Analysis Report for the Period 1 April to 30 June 2017

SUBMITTED BY: Corporate Governance

nhm



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: Provider

SUMMARY OF REPORT:

The Compliments and Complaints Handling Policy contains a quarterly reporting requirement. The Policy is designed to:

- Ensure compliments and complaints received are appropriately recorded;
- Recognise and acknowledge compliments Council receives;
- Deal with complaints in a fair and equitable manner; and
- Increase the level of customer satisfaction with the way feedback is handled, and in the delivery of services and systems.

The Compliments and Complaints Analysis Report for the Period 1 April to 30 June 2017 identifies compliments and complaints and is provided for the information of Council.

RECOMMENDATION:

That the Compliments and Complaints Analysis Report for the Period 1 April to 30 June 2017 be received and noted.

REPORT:

The Compliments and Complaints Handling Policy contains a quarterly reporting requirement. The Policy is designed to:

- Ensure compliments and complaints received are appropriately recorded;
- Recognise and acknowledge compliments Council receives;
- Deal with complaints in a fair and equitable manner; and
- Increase the level of customer satisfaction with the way feedback is handled, and in the delivery of services and systems.

There are many instances where Council is complimented on the broad range of services it provides to the community, often in the form of a follow up phone call, written thank you or certificate of appreciation. These occasions highlight when Council has met or exceeded citizen expectations. Information about compliments Council receives often goes unrecognised because, unlike complaints, they require little action. However Council values its staff and compliments are an important feedback mechanism to organisational performance as well as a good sign of an engaged and active community.

A complaint is an expression of dissatisfaction, made in:

- a) respect to a Council Officers role in the provision of service delivery or lack of service delivery that has allegedly affected an individual, group or body of stakeholders whether justified or not; or
- b) the quality of service provided by council; or
- c) failing to act upon a request from the public and policies adopted by council.

A complaint can progress from Council's lack of action following the lodgement of a customer request for service or a request for information.

It is not a request for service (customer request management), or information, or an explanation of a policy or procedure, or objections to a development application before Council determination.

A complaint analysis report is presented to Council, detailed by type and outcomes/actions on a quarterly basis, without personal identifying particulars of complainants or associated persons or properties.

Complaints principally refer to the:

- Failure of Council Officers to comply with Council's Customer Service Charter in not responding to items within 14 days in accordance with the Correspondence - Response to Policy.
- Respondents being dissatisfied with the actions of Council Officers in handling their original request for service.
- Complainants being dissatisfied by decisions made by Council.

The complaint type has been categorised in accordance with the Council's organisational structure. This methodology assists in monitoring the effectiveness of Council's handling of complaints and improving service delivery.

Council received 62 compliments for the period 1 April to 30 June 2017, as follows:

Compliment Type	Ref	Details of Compliment	Comments
Office of General Manager	1.1	<i>Various Council Units</i> 1 Compliment Thanking General Manager for considered, informative and many statements on ABC regarding the flood.	Noted by General Manager.
	1.2	<i>Various Council Units</i> 16 Compliments Commending Council for responding to the flood issues, keeping residents informed and repairing infrastructure.	Noted by General Manager and referred to relevant Managers.
	1.3	<i>Various Council Units</i> 3 Compliments Thanking Council for the support during Anzac Week.	Noted by General Manager and referred to relevant Council Officers.
	1.4	<i>Various Council Units</i> 1 Compliment Thanking Councillors for event funding and assistance from staff involved in event	Referred to Councillors and noted by relevant Council Officers.
Corporate Services	2.1	<i>Divisional Customer Service Units</i> 6 Compliments Appreciation to nominated Council Officers for excellent Customer Service.	Referred to the nominated Council Officers.
	2.2	<i>Communication Services</i> 2 Compliments Appreciation for the volume of information contained in issues 1000 & 1001 and new access to the Tweed Link via emails.	Noted by General Manager and relevant Council Officer.
Planning and Regulation	3.1	<i>Development Assessment and Strategic Planning Units</i> 1 Compliment Thanking 2 Council Officers attending the school, discussing planning matters, interacting and responding to student's questions.	Noted by Director Planning and Regulation and referred to nominated Council Officers.
Engineering	4.1	<i>Infrastructure Delivery</i> 3 Compliments Thanking Council staff for prompt attention for opening up and repair of roads	Noted by Manager.
	4.2	<i>Roads and Stormwater Unit</i> 6 Compliments Thank you for maintenance of roads and customer service.	Noted by Manager.
	4.3	<i>Roads and Stormwater Unit</i> 1 Compliment Thank you to the Manager for informing school about his life as an Engineer.	Noted by Manager.

Compliment Type	Ref	Details of Compliment	Comments
	4.4	<i>Water and Wastewater Unit</i> 3 Compliments Thank you to responding quickly to Customer Requests.	Noted by Manager.
Community and Natural Resources	5.1	<i>Tree Maintenance Team</i> 4 Compliments Impressed with efficient service and response to a Customer Request.	Referred to appropriate Tree Maintenance Team Staff.
	5.2	<i>Natural Resources Unit</i> 3 Compliments Appreciation for cleaning up canal and maintenance of walkways.,	Noted by Unit Coordinator.
	5.3	<i>Parks and Gardens Unit</i> 1 Compliment Thank you for maintenance in a park.	Noted by Manager Recreation Services.
	5.4	<i>Tweed Art Gallery</i> 1 Compliment Appreciation for education evening held on 15 May 2017.	Noted by Art Gallery Director.
	5.5	<i>Parks Assets Team</i> 1 Compliment Thank you for reopening playground at Tuckeroo Springs,	Noted by Manager Recreation Services.
	5.6	Waste Management Unit 4 Compliments Applauding Council for waste minimization, roadside collection and new 3 bin system.	Noted by Unit Coordinator.
	5.7	<i>Community Services Unit</i> 1 Compliment Appreciation for support from Council of "Ask Izzy".	Noted by Manager and nominated Council Officer.
	5.9	<i>Tweed River Regional Museum</i> 1 Compliment Appreciation for assistance from staff during a recent visit to Museum.	Noted by Museum Director.
	5.10	<i>Sign Maintenance Gang</i> 1 Compliment Thanking Council Staff for the great work quality and workmanship at the Tweed Art Gallery.	Noted by Recreation Services Manager and referred to nominated Council Staff.
	5.11	<i>Cemeteries</i> 2 Compliments Appreciation for excellent customer service and assistance with visitation to the Tweed Valley Cemetery.	Referred to Cemetery Administrator.

During this quarter 14 complaints have been recorded as follows:

Complaint Type	Ref	Details of Complaint	Comments
Office of General Manager	1.1	<i>Tweed Regional Aquatic Centre - Murwillumbah</i> 10 complaints received requesting Council to turn off the "loud offensive" noise. Customer advises noise is worse since moving and now required to move again.	Council has been receiving complaints since 2014 regarding the aquatic centre. Activities have been refined and complainant has been provided with a copy of noise assessment on 27 June 2017. Council has enacted its Dealing with Difficult People Policy.
	1.2	<i>Hacienda Holiday Park</i> Complaint received regarding four illegal structures.	Meeting has been held with complainant, General Manager, Cr Cherry and Manager Building and Environmental Health. A further inspection has been done and enforcement action is being undertaken.
Corporate Services	2.1	<i>Customer Contact Centre</i> Have found waiting time excessive, rang last week on hold 10.35 minutes & again today for 6.35 minutes.	Complainant contacted, apologised for experience, explanation offered, issues resolved.
	2.2	<i>Customer Contact Centre</i> Extremely infuriating after being on hold for eight minutes to be hung up within five seconds due to poor telephone connection.	Email response sent to complainant, apologising for poor experience and advising that staff have been reminded how to handle poor telephone connection.
	2.3	<i>Tweed Shire Council Web Site</i> No information on website such as flushing of water mains or new bin collection calendar and not able to contact Council by telephone, 5 attempts.	Complainant contacted, matters discussed, solutions put in place, customer satisfied.
Planning and Regulation	3.1	<i>Boyd's Bay Holiday Park</i> 3 emails sent advising no feedback to a Customer Request concerning a high powered floodlight in the holiday park affecting neighbours.	Complaint rectified in conjunction with Holiday Parks Coordinator.
	3.2	<i>Pathway Blue Jay Circuit to Drift Avenue Kingscliff</i> No response to telephone calls pertaining to pathway which can be covered with water following rainfall.	Complainant contacted, advising that developer's engineers are investigating methods to alleviate ponding caused by the recent development.
	3.3	<i>Short Term Holiday Letting in Casuarina.</i> This is the third time I have complained about neighbouring properties being holiday let in our Suburb/street and request Council takes action.	Complaint being investigated.
	3.4	<i>Stotts Island Animal Pound.</i> Advising of a poor customer experience in adopting a cat from the Pound.	Complaint investigated. Email response apologising for the experience and advising that additional customer service training has been provided to staff.

Complaint Type	Ref	Details of Complaint	Comments
	3.5	<i>Abandoned Vehicle South Murwillumbah</i> Vehicle has been part of previous complaints, recently moved by floods onto the footpath and now being stripped.	Vehicle moved from the footpath on 16 June 2017.
Engineering	4.1	<i>Hazelbrook Road Smiths Creek</i> Complaint received regarding both the defective grading works that are severely impacting on property and promises that it would not occur again.	Complaint being investigated.
Community and Natural Resources	5.1	<i>Kingscliff Community Centre</i> Booked hall for a wedding ceremony, was not informed that Kingscliff Foreshore Works were being undertaken adjacent to the hall, machinery noisy and there was no adjacent parking.	Letter sent apologising for the disruptions and a refund of the hall hire was approved.
	5.2	<i>Franklin Street Banora Point.</i> No response to previous emails lodged relating to a Customer Request concerning a tree on Council land which is causing the resident problems.	Tree inspected by Council Officer in conjunction with complainant, no issues were observed and the tree is to remain.

OPTIONS:

Mandatory report in accordance with Council's Compliments and Complaints Handling Policy v1.4.

CONCLUSION:

The Compliments and Complaints Analysis Report for the Period 1 April to 30 June 2017 be received and noted.

COUNCIL IMPLICATIONS:

a. Policy:

Compliments and Complaints Handling v1.4

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.

53 [CS-CM] Planning Committee and Council Meeting Dates to 30 June 2018

SUBMITTED BY: Corporate Governance

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

SUMMARY OF REPORT:

The purpose of this report is to determine the dates of the Planning Committee and Council Meetings, incorporating appropriate Community Access sessions until 30 June 2018. A corporate calendar is being prepared on a financial year basis, therefore the dates of meetings until 30 June 2018 are required to be determined to enable that calendar to be finalised.

Council has previously determined the appropriate meeting dates for the remainder of 2017 and it is being proposed to conduct the December Council Meeting on Wednesday 13 December 2017 at the Murwillumbah Council Chambers.

RECOMMENDATION:

That:

- 1. The December Council Meeting be conducted on Wednesday 13 December 2017 at the Murwillumbah Council Chambers commencing at 4.30pm for Community Access and 5.30pm for the Council meeting.**

2. The Planning Committee and Council Meetings be conducted for the first six months of 2018 as per the following schedule:

PLANNING COMMITTEE		COUNCIL MEETING	
Date	Venue	Date	Venue
1 February 2018	Murwillumbah	15 February 2018	Murwillumbah
1 March 2018	Tweed Heads	15 March 2018	Tweed Heads
5 April 2018	Murwillumbah	19 April 2018	Murwillumbah
3 May 2018	Tweed Heads	17 May 2018	Tweed Heads
7 June 2018	Murwillumbah	21 June 2018	Murwillumbah

REPORT:

The purpose of this report is to determine the dates of the Planning Committee and Council Meetings, incorporating appropriate Community Access sessions until 30 June 2018. A corporate calendar is being prepared on a financial year basis, therefore the dates of meetings until 30 June 2018 are required to be determined to enable that calendar to be finalised.

Section 365 of the Local Government Act 1993, prescribes that the council is required to meet at least 10 times each year, each time in a different month. Council in determining the dates of meetings for 2017 decided to not conduct any meetings during the month of January.

Council's Code of Meeting Practice in relation to the convening of Council Meetings states:

"1.1.2 Where are council meetings held?"

Council meetings are normally held in the Council Chambers Civic and Cultural Centre, Tumbulgum Road, Murwillumbah. It is up to the council to decide when and where to have the meeting.

These meetings are open to the public. Confidential items are considered in closed session, which excludes press and public.

Council will meet in the following format:

- a) A Planning Committee meeting (comprising all seven councillors) to only discuss planning related matters on the first Thursday of the month. The Planning Committee will include Community Access on the items on the Planning Agenda, with a Council Meeting to follow, to specifically adopt the recommendations of the Planning Committee; and*
- b) A Council Meeting on the third Thursday of the month, where all other items are considered, including any planning matters that may have been deferred from the Planning Committee Meeting. This Council Meeting will include consideration of Notices of Motion, Questions on Notice, Mayoral Minute and all other reports. A Community Access session will be held at the commencement of the Council Meeting for members of the public to discuss pertinent matters other than planning matters.*

(Adopted by Council 20 February 2014)

Dates of proposed meetings are available on Council's Internet site."

Also in determining the meeting dates for 2017, council resolved to conduct the meetings on an alternate basis at either the Council Chambers Murwillumbah or in the Harvard Room at the Tweed Heads Administration Centre. It is further noted that the Community Access sessions commence at 4.30pm and the Planning or Council Meetings commence at 5.30pm.

It is noted that the Council Corporate Christmas Party for all staff is scheduled for Thursday 14 December 2017 at the Murwillumbah Civic Centre precinct, which coincides with the proposed date of the December Council Meeting, and to avoid the clash it is being proposed to conduct

the December Council Meeting on Wednesday 13 December 2017 at the Murwillumbah Council Chambers.

The following Meeting Dates and venues are proposed for the first six months of 2018:

PLANNING COMMITTEE		COUNCIL MEETING	
Date	Venue	Date	Venue
1 February 2018	Murwillumbah	15 February 2018	Murwillumbah
1 March 2018	Tweed Heads	15 March 2018	Tweed Heads
5 April 2018	Murwillumbah	19 April 2018	Murwillumbah
3 May 2018	Tweed Heads	17 May 2018	Tweed Heads
7 June 2018	Murwillumbah	21 June 2018	Murwillumbah

Reserve Trust Meetings will be conducted as required.

OPTIONS:

1. That the proposed Planning Committee and Council Meeting dates and venues for the period January to June 2018, be adopted.
2. That a different meeting schedule be determined.

CONCLUSION:

That the proposed meeting schedule and venue for the first half of 2018 is adopted and appropriately advertised.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice v2.6

b. Budget/Long Term Financial Plan:

Due allowance is provided in the estimates for the conducting of Planning Committee and Council Meetings.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

The meeting dates once adopted will be uploaded to the Council Internet site as well as advertised in the Tweed Link.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

54 [CS-CM] Monthly Investment and Section 94 Development Contribution Report for Period Ending 30 September 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 **\$300,960,059** invested as at **30 September 2017** and the accrued net return on these funds was **\$682,429 or 2.72%** 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 September 2017 totalling \$300,960,059 be received and noted.

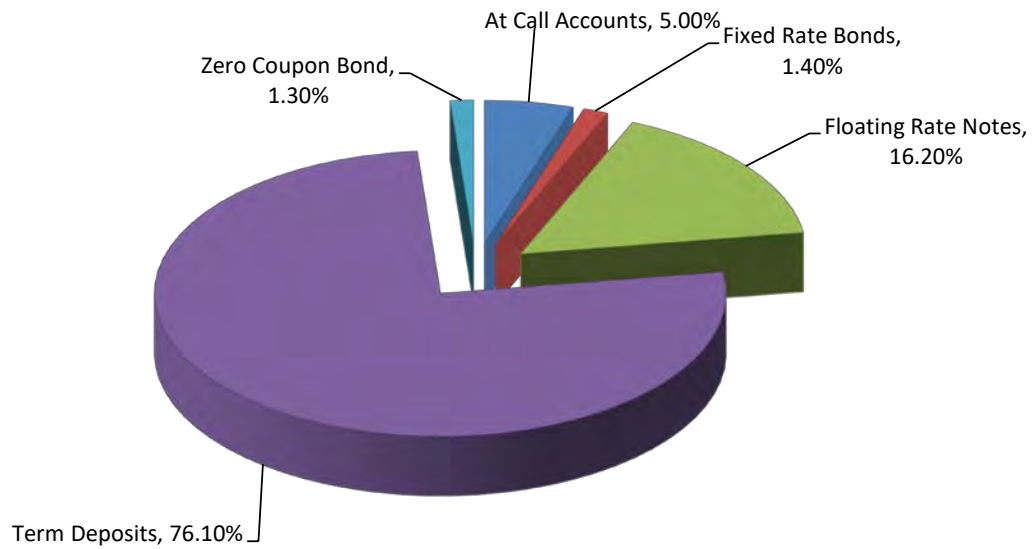
REPORT:

1. Restricted Funds as at 1 September 2016

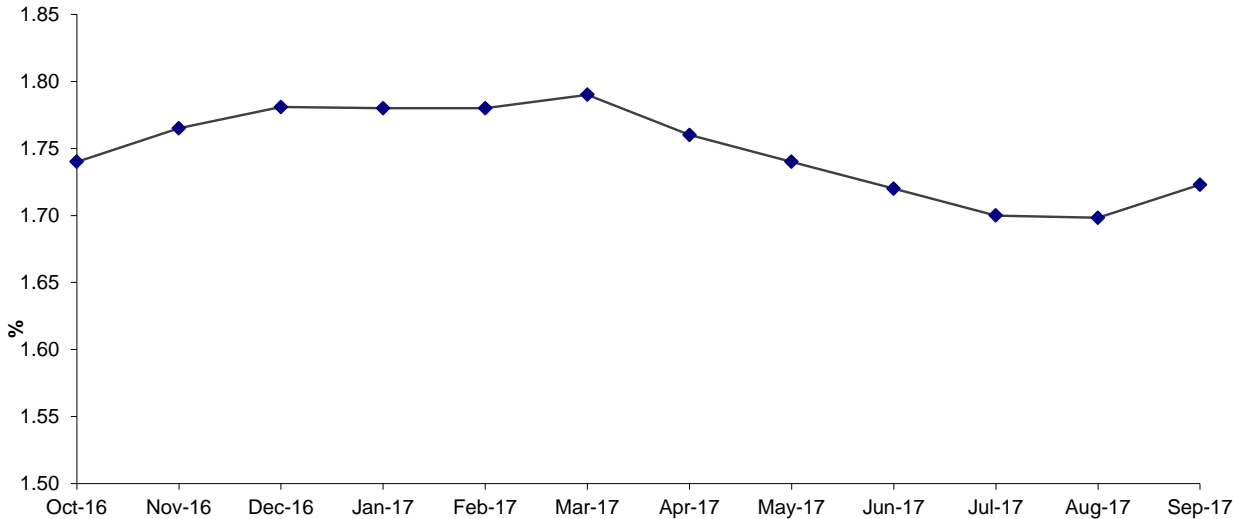
Description	(\$'000)			
	General Fund	Water Fund	Sewer Fund	Total
Externally Restricted (Other)	4,871	52,870	80,785	138,526
Crown Caravan Parks	17,330			17,330
Developer Contributions	36,111			36,111
Domestic Waste Management	15,354			15,354
Grants	3,255			3,255
Internally Restricted (Other)	64,574	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

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

2. Investment Portfolio by Category



3. Investment Rates - 90 Day Bank Bill Rate



4. Bond and Floating Rate Note Securities

	Counterparty	Face Value	Market Value	% Return on Face Value	Investment Type	Maturity Date
*	ME Bank (ANZ) (11/17)	2,000,000.00	2,007,280.00	2.70	FRN	17-Nov-17
*	CUA (12/17)	1,000,000.00	1,001,790.00	2.92	FRN	22-Dec-17
	ANZ					
	CBA/Merrill Lynch Zero Coupon Bond (01/18)	4,000,000.00	3,955,200.00	7.17	Fixed Rate Bond	22-Jan-18
	NPBS (Morgans) (02/18)	1,000,000.00	1,003,890.00	2.81	FRN	27-Feb-18
*	ME Bank (04/18)	1,000,000.00	1,008,110.00	3.00	FRN	17-Apr-18
*	Heritage (Morgans) (05/18)	3,000,000.00	3,017,040.00	2.84	FRN	07-May-18
	AMP (Morgans) (6/18)	1,000,000.00	1,005,050.00	2.60	FRN	06-Jun-18
*	BOQ (06/18)	1,000,000.00	1,023,480.00	4.00	Fixed Rate Bond	12-Jun-18
*	BOQ (06/18)	1,000,000.00	1,004,820.00	2.74	FRN	12-Jun-18
	Macquarie (ANZ) (10/18)	1,000,000.00	1,012,090.00	2.74	FRN	26-Oct-18
*	Bendigo (RBS) (11/18)	1,000,000.00	1,011,490.00	2.96	FRN	14-Nov-18
*	CUA (04/19)	1,900,000.00	1,977,495.00	3.31	FRN	01-Apr-19
*	CUA (04/19)	2,000,000.00	1,977,495.00	3.31	FRN	01-Apr-19
	CBA Bond (04/19)	1,000,000.00	1,047,690.00	4.25	Fixed Rate Bond	24-Apr-19
	CBA (04/19)	1,000,000.00	1,012,670.00	2.57	FRN	24-Apr-19

	Counterparty	Face Value	Market Value	% Return on Face Value	Investment Type	Maturity Date
*	ME Bank (ANZ) (07/19)	1,000,000.00	1,012,360.00	3.15	FRN	18-Jul-19
*	Suncorp (CBA) (08/19)	1,000,000.00	1,008,810.00	2.63	FRN	20-Aug-19
	CBA (10/19)	2,000,000.00	2,026,760.00	2.55	FRN	18-Oct-19
*	TMB (NAB) (10/19)	1,250,000.00	1,258,100.00	3.09	FRN	28-Oct-19
	Rabo (Morgans) (02/20)	2,000,000.00	2,029,160.00	2.74	FRN	11-Feb-20
*	Bendigo Bank FRN (CBA) (02/20)	1,000,000.00	1,007,470.00	2.84	FRN	21-Feb-20
	Macquarie (RIMSEC) (03/20)	2,000,000.00	2,024,820.00	2.84	FRN	03-Mar-20
*	NPBS (Westpac) (04/20)	2,000,000.00	2,019,120.00	3.06	FRN	07-Apr-20
	ANZ (04/20)	1,600,000.00	1,620,560.00	2.52	FRN	17-Apr-20
*	ANZ Green Bond (06/20)	2,000,000.00	2,049,880.00	3.25	Fixed Rate Bond	03-Jun-20
*	Bendigo (Westpac) (08/20)	1,000,000.00	1,008,290.00	2.79	FRN	18-Aug-20
*	Suncorp (NAB) (10/20)	3,000,000.00	3,063,060.00	2.95	FRN	20-Oct-20
*	BOQ (10/20)	2,500,000.00	2,527,650.00	2.86	FRN	20-Oct-20
*	Westpac (WBC) (10/20)	1,000,000.00	1,019,050.00	2.77	FRN	28-Oct-20
	CBA (01/21)	1,000,000.00	1,020,550.00	2.85	FRN	18-Jan-21
	Rabo (ANZ) (03/21)	2,000,000.00	2,056,100.00	3.24	FRN	04-Mar-21
*	Suncorp (04/21)	2,000,000.00	2,052,920.00	3.08	FRN	12-Apr-21
*	Bendigo Bank (04/21)	3,000,000.00	3,066,990.00	3.16	FRN	20-Apr-21
*	NPBS (WBC) (01/22)	2,000,000.00	2,022,820.00	3.34	FRN	24-Jan-22
		56,250,000.00	56,960,060.00	3.11		
LEGEND		ABS = Asset Backed Security				
Investment Type		Bond = Fixed Rate Bond				
		FRN = Floating Rate Note				
Counterparty		Bendigo = Bendigo & Adelaide Bank		NPBS - Newcastle Permanent Building Society		
AMP = AMP Bank		Heritage = Heritage Bank		ME = Members Equity Bank		
ANZ = ANZ Bank		ING = ING Bank		RaboDirect = Rabo Bank		
BOQ = Bank of Queensland		Investec = Investec Bank		Rural = Rural Bank (previously Elders Bank)		
CBA = Commonwealth Bank		Macquarie = Macquarie Bank		Suncorp = Suncorp Metway Bank		
CUA = Credit Union Australia		NAB = National Australia Bank		WBC = WBC Banking Corporation		

5. Term Deposits

	Counterparty	Lodged or Rolled	Interest Due	Maturity Date	Principal	% Yield
*	Bendigo Bank (Dec 2017)	15-Dec-15	18-Dec-17	18-Dec-17	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
	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
*	ME Bank (Curve) (Jan 2020)	24-Jan-17	24-Jan-18	28-Jan-20	2,000,000.00	3.26
*	Auswide Bank (Curve) (Feb 2017)	07-Feb-17	13-Feb-18	13-Feb-18	1,000,000.00	2.80
*	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 (Feb 2017)	28-Feb-17	27-Feb-18	27-Feb-18	2,000,000.00	2.70
*	Rural Bank (Curve) (Mar 2018)	28-Feb-17	06-Mar-18	06-Mar-18	4,000,000.00	2.70
	Defence Bank (Curve) (Mar 2019)	28-Feb-17	28-Feb-18	05-Mar-19	1,000,000.00	3.00
*	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

	Counterparty	Lodged or Rolled	Interest Due	Maturity Date	Principal	% Yield
	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
	Police SA (Curve)	21-Mar-17	19-Dec-17	19-Dec-17	2,000,000.00	2.85
	Suncorp (March 2017)	28-Mar-17	19-Dec-17	19-Dec-17	1,000,000.00	2.60
	Rural (Curve)	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
*	Suncorp (May 2017)	02-May-17	14-Nov-17	14-Nov-17	2,000,000.00	2.62
*	Suncorp (May 2017) AMP	02-May-17	14-Nov-17	14-Nov-17	2,000,000.00	2.62
	(RIMSEC) (May 2017)	09-May-17	13-Feb-18	13-Feb-18	3,000,000.00	2.70
	QLD PCU (Curve) May 2018)	17-May-17	22-May-18	22-May-18	2,000,000.00	3.15
*	Bendigo Bank (Curve) (May 2018)	22-May-17	22-May-18	22-May-18	2,000,000.00	3.05
	Police SA (Curve) (May 2019)	23-May-17	23-May-18	28-May-19	2,000,000.00	3.00
	Defence Bank (Curve) (June 2019)	23-May-17	23-May-18	04-Jun-19	2,000,000.00	3.00
*	Westpac Bank (May 2021)	23-May-17	24-May-18	24-May-21	3,000,000.00	2.75
	Defence Bank (Curve) (May 2018)	28-May-17	28-May-18	28-May-18	1,000,000.00	3.05
	Rabobank (Curve) (June 2021)	30-May-17	30-May-18	01-Jun-21	3,000,000.00	3.10
	Defence Bank (Curve) (June 2018)	01-Jun-17	05-Jun-18	05-Jun-18	1,000,000.00	3.05
*	Bendigo Bank (Curve) (June 2019)	01-Jun-17	01-Jun-18	04-Jun-19	2,000,000.00	3.15
	ING (RIMSEC) (Dec 2018)	05-Jun-17	05-Dec-17	05-Dec-18	3,000,000.00	2.65

	Counterparty	Lodged or Rolled	Interest Due	Maturity Date	Principal	% Yield
*	Suncorp Bank (Feb 2018)	13-Jun-17	13-Feb-18	13-Feb-18	5,000,000.00	2.60
*	MyState (Curve) (July 2017)	04-Jul-17	16-Jan-18	16-Jan-18	2,000,000.00	2.70
*	IMB (Jan 2020)	06-Jul-17	06-Oct-17	06-Jan-20	1,000,000.00	2.71
*	Westpac (Apr 2021) quarterly interest	07-Jul-17	09-Oct-17	07-Apr-21	1,000,000.00	3.09
	Australian Military Bank (Curve) (July 2017)	11-Jul-17	10-Jul-18	10-Jul-18	1,000,000.00	2.70
*	Westpac (Jan 2021)	11-Jul-17	11-Oct-17	12-Jan-21	6,000,000.00	2.80
	NAB (Jan 2020)	17-Jul-17	16-Oct-17	21-Jan-20	2,000,000.00	2.83
	RaboDirect (Curve) (Jul 2021)	27-Jul-17	27-Jul-18	27-Jul-21	1,000,000.00	3.30
	ING (RIMSEC) (Jan 2019)	31-Jul-17	30-Oct-17	29-Jan-19	2,000,000.00	2.54
*	Suncorp Bank (Jan 2018)	01-Aug-17	16-Jan-18	16-Jan-18	2,000,000.00	2.40
*	Westpac (July 2018)	01-Aug-17	31-Oct-17	31-Jul-18	4,000,000.00	2.57
	NAB (Feb 2020)	03-Aug-17	03-Nov-17	03-Feb-20	1,000,000.00	2.71
	RaboDirect (Curve) (Aug 2019)	07-Aug-17	07-Aug-18	13-Aug-19	2,000,000.00	4.30
*	IMB (Nov 2017)	08-Aug-17	06-Nov-17	06-Nov-17	1,000,000.00	2.54
*	BOQ (Aug 2017)	08-Aug-17	07-Aug-18	07-Aug-18	1,000,000.00	2.65
*	BOQ (Aug 2018)	08-Aug-17	07-Aug-18	07-Aug-18	5,000,000.00	2.65
	AMP (Curve) (Aug 2017)	09-Aug-17	08-May-18	08-May-18	2,000,000.00	2.60
	ING (RIMSEC) (Feb 2020)	11-Aug-17	13-Nov-17	11-Feb-20	1,000,000.00	2.64
*	BOQ (Aug 2020)	11-Aug-17	13-Aug-18	11-Aug-20	5,000,000.00	3.20
	NAB (Feb 2020) annual interest	14-Aug-17	13-Nov-17	12-Feb-20	2,000,000.00	2.84
	CBA (Feb 2020)	14-Aug-17	13-Nov-17	13-Feb-20	1,000,000.00	2.64
*	Westpac (Feb 2022)	15-Aug-17	15-Nov-17	15-Feb-22	3,000,000.00	3.00

	Counterparty	Lodged or Rolled	Interest Due	Maturity Date	Principal	% Yield
*	BOQ (Aug 2018)	16-Aug-17	14-Aug-18	14-Aug-18	5,000,000.00	2.65
	MMBS (Curve) (Aug 2018)	16-Aug-17	16-Aug-18	21-Aug-18	2,000,000.00	3.00
*	Westpac (Curve) (Feb 2021)	17-Aug-17	17-Nov-17	17-Nov-21	1,000,000.00	2.90
*	Westpac (Feb 2021)	17-Aug-17	17-Nov-17	17-Nov-21	1,000,000.00	3.00
*	Westpac (Feb 2021)	18-Aug-17	20-Nov-17	18-Feb-21	2,000,000.00	2.92
	CBA (May 2020)	20-Aug-17	20-Nov-17	19-May-20	2,000,000.00	2.56
	Rabo (RIMSEC) (Feb 2018)	21-Aug-17	21-Nov-17	20-Feb-18	3,000,000.00	3.00
	NAB (May 2018)	21-Aug-17	22-Nov-17	22-May-18	2,000,000.00	2.67
	Rabo Bank (Curve) (Aug 2018)	21-Aug-17	21-Aug-18	21-Aug-18	2,000,000.00	4.10
	CBA (May 2020)	21-Aug-17	20-Nov-17	19-May-20	1,000,000.00	2.41
*	BOQ (Mar 2018)	22-Aug-17	27-Mar-18	27-Mar-18	4,000,000.00	2.60
*	Bendigo Bank (Aug 2019)	23-Aug-17	23-Aug-18	27-Aug-19	5,000,000.00	2.90
	CBA (Aug 2019)	23-Aug-17	27-Aug-18	27-Aug-19	3,000,000.00	2.73
	CBA (Oct 2019)	23-Aug-17	23-Aug-18	23-Oct-19	1,999,999.00	3.20
*	Westpac (Aug 2022)	24-Aug-17	24-Aug-18	23-Aug-22	5,000,000.00	3.00
*	Westpac (Aug 2020)	25-Aug-17	27-Nov-17	25-Aug-20	2,000,000.00	2.44
	Rabo (Curve) (Aug 2018)	26-Aug-17	28-Aug-18	28-Aug-18	3,000,000.00	3.10
	Bankwest (Jan 2017)	29-Aug-17	30-Jan-18	30-Jan-18	4,000,000.00	2.45
	ING (Curve) (Sept 2019)	29-Aug-17	03-Sep-19	03-Sep-19	4,000,000.00	2.75
*	Bendigo Bank (Curve) (Mar 2018)	31-Aug-17	06-Mar-18	06-Mar-18	2,000,000.00	2.70
	CBA (Aug 2021)	31-Aug-17	30-Nov-17	31-Aug-21	6,000,000.00	2.77
	Rabo Bank (Curve) (Sept 2019)	01-Sep-17	01-Sep-18	03-Sep-19	1,000,000.00	4.05
*	Bendigo Bank (Sept 2019)	03-Sep-17	03-Sep-18	03-Sep-19	1,000,000.00	4.15
	QLD PCU (RIMSEC) (Sept 2018)	04-Sep-17	04-Sep-18	04-Sep-18	1,000,000.00	3.05

Counterparty	Lodged or Rolled	Interest Due	Maturity Date	Principal	% Yield
* Mystate (Curve) (Sept 2018)	12-Sep-17	25-Sep-18	25-Sep-18	3,000,000.00	2.67
ING (Curve) (Sept 2017)	12-Sep-17	12-Sep-18	17-Sep-19	4,000,000.00	2.75
* IMB (Mar 2020)	18-Sep-17	18-Dec-17	17-Mar-20	2,000,000.00	2.77
* Suncorp (Mar 2017)	19-Sep-17	17-Apr-18	17-Apr-18	4,000,000.00	2.52
NAB (Dec 2019)	19-Sep-17	19-Dec-17	17-Dec-19	2,000,000.00	2.77
ING Bank (Curve) (Sept 2017)	26-Sep-17	18-Dec-18	18-Dec-18	1,000,000.00	2.70
Rabobank (Curve) (Sept 2022)	26-Sep-17	26-Sep-18	18-Dec-18	3,000,000.00	2.70
NAB (Sept 2019)	12-Sep-18	12-Sep-18	10-Sep-19	3,000,000.00	2.73
Total				228,999,999.00	2.89
LEGEND					
Counterparties					
AMP = AMP Bank		Macquarie = Macquarie Bank		WBC = Westpac Bank	
ANZ = ANZ Bank		NAB = National Australia Bank			
Auswide = Auswide Bank		ME = Members Equity Bank			
BOQ = Bank of Queensland		NPBS = Newcastle Permanent Building Society			
CBA = Commonwealth Bank		P&N = P&N Bank			
Heritage = Heritage Bank		RaboDirect = Rabo Bank			
ING = ING Bank		Rural = Rural Bank			
Investec = Investec Bank		Suncorp = Suncorp Metway Bank			

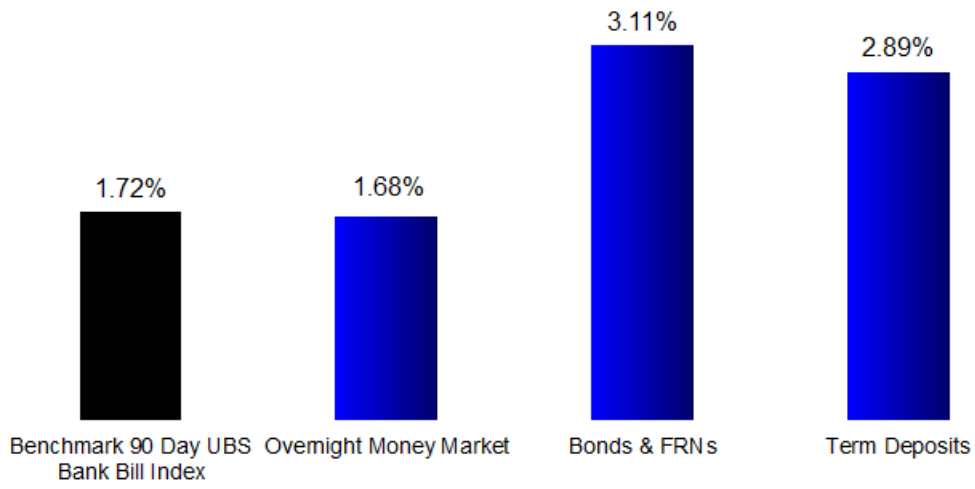
6. Ethical Investments

* Ethical Financial Institutions highlighted
\$159,091,366 which represents **52.86%** of the total portfolio
 Source: Australian Ethical - www.australianethical.com.au

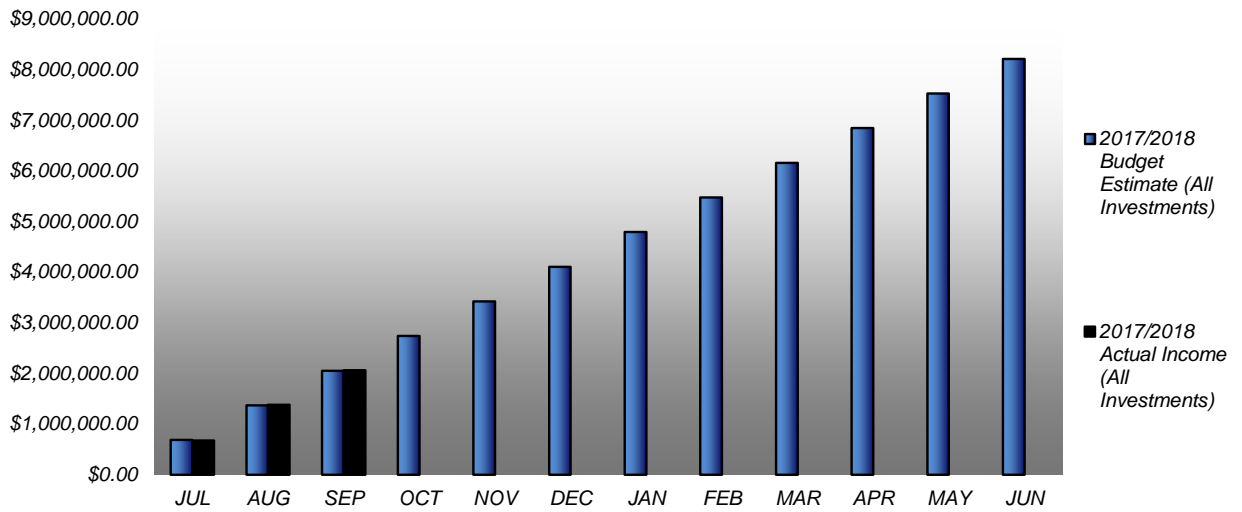
7. Performance by Category

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	15,000,000.00	15,000,000.00	1.68%	-0.04%
Bonds & FRNs	56,250,000.00	56,960,060.00	3.11%	1.38%
Term Deposits	228,999,999.00	228,999,999.00	2.89%	1.16%
			Weighted Average Total Portfolio	
	300,249,999.00	300,960,059.00	2.87%	1.15%

Performance by Category Compared with Benchmark



8. Total Portfolio Income v Budget



9. Investment Policy Diversification and Credit Risk

Total Portfolio Credit Limits Compared to Policy Limits					
Long-Term Credit Ratings	Investment Policy Limit	Actual Portfolio	Short-Term Credit Ratings	Investment Policy Limit	Actual Portfolio
AAA Category	100%	0.00%	A-1+	100%	23.59%
AA Category	100%	9.22%	A-1	100%	19.60%
A Category	60%	9.27%	A-2	60%	26.92%
BBB Category	20%	7.08%	A-3	20%	1.00%
Unrated	10%	0.00%	Unrated	10%	3.32%

Market Value by Security Rating Group (Long Term)



Market Value by Security Rating Group (Short Term)



10. Term to Maturity

Maturity Profile	Actual % Portfolio	Policy Limits
Less than 365 days	50.85%	Minimum 40%
More than 365 days and less than 3	31.93%	Maximum 60%
3 years and less than 5 years	17.22%	Maximum 35%
Total	100.00%	

Market Value by Term Remaining

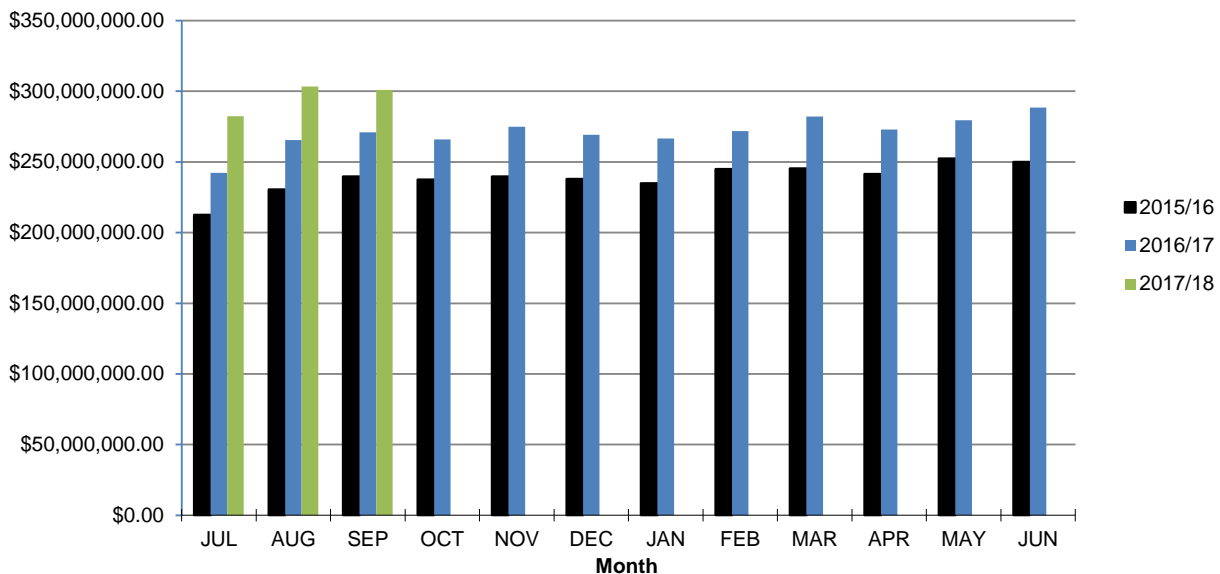


11. Investment Alternatives Explained

Investment Product	Maturity Range	Usual term to maturity	Major Benefits	Major risks
At Call Cash	At Call	Immediate to a few months	Highly liquid - same day access to funds with no impact on capital	Not a capital growth asset
			Highly secure as a bank deposit	Underperforms other asset classes in the long term
Bank Bill	1 - 180 days	Less than 1 year	Medium liquidity - generally some notice to access funds, usually with no or minimal impact on capital	Not a growth asset
			Highly secure (bank risk)	Underperforms other asset classes in the long term
Term Deposit	Up to 5 years	Less than 2 years	Not liquid - generally 31 days to access to funds	May incur a small loss for early redemption
			Highly secure as a bank deposit	Will incur a significant capital loss for early termination
				Underperforms growth assets in the longer term

Investment Product	Maturity Range	Usual term to maturity	Major Benefits	Major risks
Floating Rate Note Bond	1 - 5 years	Greater than 2 years	Increased yield over bank bills	Not a growth asset
			Can accrue capital gain if sold ahead of maturity and market interest rates have fallen	Can incur capital losses if sold ahead of maturity and market interest rates have risen
			Coupon interest rate resets quarterly based on 90 day bank bill swap rate	Credit exposure to company issuing the paper
			Relatively liquid	May not be bank guaranteed
			Less administration than bank bills	Underperforms other asset classes in the long term
Fixed Rate/Bond	1 - 5 years	Greater than 3 years	Can accrue capital gain if sold before maturity and market interest rates have fallen	Can incur capital losses if sold before maturity and market interest rates have risen
			Fixed return - semi annual coupons	Credit exposure to company issuing paper
			Generally liquid	
			Can be government or corporate issuer	

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	DGP3 Open Space	4,760,165	
2	Western Drainage	652,913	
3	DGP3 Community Facilities	1,767	
4	TRCP Road Contributions	16,604,885	74,216
5	Open Space	581,422	4,423
6	Street Trees	224,588	
7	West Kingscliff	922,123	
10	Cobaki Lakes	-1,462	
11	Libraries	1,303,237	11,605
12	Bus Shelters	134,251	914
13	Cemeteries	145,991	1,646
14	Mebbin Springs	97,723	
15	Community Facilities	1,812,758	20,034
16	Surf Lifesaving	109,491	
18	Council Administration/Technical Support	1,585,505	25,852
19	Kings Beach	938,124	
20	Seabreeze Estate	815	
21	Terranora Village	35,167	
22	Cycleways Shirewide	291,438	6,548
23	Carparking Shirewide	1,663,512	5,214
25	SALT	1,154,565	
26	Open Space Shirewide	2,717,473	6,945
27	Tweed Heads Masterplan	365,703	
28	Seaside City	743,828	53,472
91	DGP14	116,949	
92	Public Reserve Contributions	146,498	
95	Bilambil Heights	571,888	
	Total	37,681,318	210,870

14. Economic Commentary

At its 3 October, 2017 meeting the Reserve Bank of Australia (RBA) decided to leave the cash rate unchanged at 1.50 per cent.

Conditions in the global economy have improved. Labour markets have tightened and above-trend growth is expected in a number of advanced economies, although uncertainties remain. Growth in the Chinese economy is being supported by increased spending on infrastructure and property construction, with the high level of debt continuing to present a

medium-term risk. Australia's terms of trade are expected to decline in the period ahead but remain at relatively high levels.

Wage growth remains low in most countries, as does core inflation. Headline inflation rates are generally lower than at the start of the year, largely reflecting the earlier decline in oil prices. In the United States, the Federal Reserve has indicated that it will begin the process of balance sheet normalisation in October and that it expects to increase interest rates further. In the other major economies, there is no longer an expectation of additional monetary easing. Financial markets have been functioning effectively and volatility remains low.

The Australian economy expanded by 0.8 per cent in the June quarter. This outcome and other recent data are consistent with the Bank's expectation that growth in the Australian economy will gradually pick up over the coming year.

Over recent months there have been more consistent signs that non-mining business investment is picking up. A consolidation of this trend would be a welcome development. Business conditions as reported in surveys are at a high level and capacity utilisation has risen. A large pipeline of infrastructure investment is also supporting the outlook. Against this, slow growth in real wages and high levels of household debt are likely to constrain growth in household spending.

Employment has continued to grow strongly over recent months. Employment has increased in all states and has been accompanied by a rise in labour force participation. The various forward-looking indicators point to solid growth in employment over the period ahead, although the unemployment rate is expected to decline only gradually over the next couple of years.

Wage growth remains low. This is likely to continue for a while yet, although the stronger conditions in the labour market should see some lift in wage growth over time. Inflation also remains low and is expected to pick up gradually as the economy strengthens. The Australian dollar has appreciated since mid year, partly reflecting a lower US dollar. The higher exchange rate is expected to contribute to continued subdued price pressures in the economy. It is also weighing on the outlook for output and employment. An appreciating exchange rate would be expected to result in a slower pick-up in economic activity and inflation than currently forecast.

Growth in housing debt has been outpacing the slow growth in household incomes for some time. To address the medium-term risks associated with high and rising household indebtedness, APRA has introduced a number of supervisory measures. Following some tightening in credit conditions, growth in borrowing by investors has slowed a little recently. In the housing market, conditions continue to vary considerably around the country. Housing prices have been rising briskly in some markets, while in others they have been declining. In Sydney, where prices have increased significantly, there have been further signs that conditions are easing. 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 remain low in most cities.

The low level of interest rates is continuing to support the Australian economy. 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 81.1% 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 depositor's 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 except cash at call 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 1.15% 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	8,076,250.00	
FLOATING RATE NOTES	48,883,810.00	
ASSET BACKED SECURITIES	0.00	
FUND MANAGERS	0.00	
TERM DEPOSITS	89,999,999.00	
CALL ACCOUNT	15,000,000.00	161,960,059.00

WATER FUND

TERM DEPOSITS	52,000,000.00	
FUND MANAGERS	0.00	52,000,000.00

SEWERAGE FUND

TERM DEPOSITS	87,000,000.00	
FUND MANAGERS	0.00	87,000,000.00

TOTAL INVESTMENTS		300,960,059.00
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It should be noted that the General Fund investments of \$161 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

55 [SUB-CHAC] Minutes of the Community Halls Advisory Committee (CHAC)
Meeting held Wednesday 2 August 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 2 August 2017 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 2 August 2017 be received and noted.

REPORT:

The Minutes of the Community Halls Advisory Committee (CHAC) Meeting held Wednesday 2 August 2017 are reproduced as follows for the information of Councillors.

Venue:

Canvas and Kettle Meeting Room, Murwillumbah Civic Centre, Tumbulgum Road, Murwillumbah

Time:

11:15am

Present:

Reg Robinson (Crabbes Creek Hall), Maree Edwards (Chillingham Hall), Liz Mioni (Piggabeen Hall), Helen Manning (Fernvale Hall), Claire Masters (Limpinwood Hall), Jenny Kidd (Tumbulgum Hall), Cr Warren Polglase (Tweed Shire Council), Lisa Bailey (Tweed Shire Council) (Minutes)

Apologies:

Steve Sweetnam and Desiree Saunders (Doon Doon Hall), Janet Tkachenko, Yvonne Hogan and Ruth Clarke (Pottsville Beach Hall), Donna Martin (Tumbulgum Hall), Tracey Stinson and Robyn Grigg (Tweed Shire Council)

Absent without Notice:

Crystal Creek Hall Representative

Ex-officio:

Chantelle Howse (Tweed Shire Council), Shannon Rees (Tweed Shire Council)

Guests:

Kelly Piazza (Tweed Shire Council)

Minutes and Record of Proceedings of Previous Meetings:

Moved: Claire Masters

Seconded: Jenny Kidd

RESOLVED that the Minutes of the Community Halls Advisory Committee (CHAC) meeting held Wednesday 3 May 2017 be accepted as a true and accurate record of the proceedings of the meeting.

OUTSTANDING MATTERS REPORT:

OM1 Review of Draft Templates

Updates on templates provided in OM3 through to OM6. All previous completed items now moved to closed items.

OM2 Governance

Shannon requested all Committee members please confirm a signed consent form has been provided to Council. If unsure if a form has been submitted, please advise Shannon Rees who will follow up.

Action: All members to determine if a signed consent form has been returned.

OM3 Review Draft Templates - Fee Schedules

Shannon still awaiting responses from some halls. If there have been any changes since this information was originally requested please advise.

OM4 Review Draft Templates - Maintenance Form

Word version forwarded to committee members. This item now closed.

OM5 Review of Draft Templates - Clarification of Food Safety Requirements

Tweed Shire Council Environmental Health Officer in attendance. Further information provided under Agenda Item 1.

OM6 Review of Draft Templates - TweedLink

Information regarding TweedLink advertising and lead times was circulated by Shannon prior to the meeting. This item now closed.

OM7 Terms of Reference

Refer to comments on Agenda Item 3.

OM8 Management Agreements

Agreements were circulated to all Committees for review. No further action required by Committee members at this time. This item now closed.

OM9 Committee Contact Lists

Refer to comments on Agenda Item 5.

OM10 Flood Recovery Update

Refer to comments on General Business Item 1.

OM11 Flood Recovery Update - Tumbulgum Hall

Meeting time requested of the Committee by Shannon Rees. Awaiting response.

Receipt of Outstanding Matters Report

Moved: Reg Robinson

Seconded: Helen Manning

AGENDA ITEMS:

AI1. Environmental Health / Food Safety Regulations Information Session

Presentation by Kelly Piazza, Tweed Shire Council Environmental Health Officer.

<http://www.foodauthority.nsw.gov.au>

Kelly attended the meeting to provide guidance on Food Safety Regulations and encouraged all members to visit the above website to further review the Resource Centre Fact Sheets and Guides. Most Hall Committees will fit into the definition of 'Charitable Not For Profit Organisations'. Kelly also discussed the courses available for Food Safety Supervisors and how the content of this course can be helpful for committee members.

Shannon reminded committee members of the Kitchen and Water Audit Reports completed by the Environmental Health Team in 2016 as this will provide guidance on what is required at each hall in terms of food preparation/provision and kitchen facilities.

The Committee discussed the opportunity to apply for grant funding for First Flush systems and water filters. Chantelle confirmed ongoing maintenance at about 10% of the cost should also be factored in and to contact Council when applying for grants to discuss current priorities.

AI2. Review of Draft Templates

This item held over until the next meeting.

AI3. Review of Terms of Reference

The current Terms of Reference (TOR) for this Committee were endorsed in April 2015 and are now due for review. The TOR differ from other Committees of Council in that there is no clause relating to 'non-attendance'.

A motion was moved that the Committee be consistent with other Committees of Council and wording within the TOR be adjusted to include: *Membership of the Advisory Committee will be terminated after a voting member's absence from three consecutive meetings without acceptable reasons provided to the Advisory Committee. Members will be required to attend a minimum of 50 per cent of ordinary meetings during each calendar year.*

Moved: Claire Masters

Seconded: Liz Mioni

Additional proposed amendments are:

Clause 2.1 'appointed by Council' to be removed. *Each hall committee will nominate up to a maximum of two alternate delegates.*

Clause 4.3 *Discussions are to continue when a quorum is not achieved and 'Notes of Meeting' to be endorsed at the next available meeting.*

Moved: Maree Edwards

Seconded: Jenny Kidd

Action: Revised wording for Terms of Reference to be drafted by Shannon Rees and presented to the next meeting for consideration.

AI4. Review of Management Agreements

This item held over until the next meeting.

AI5. Committee Contact Lists - Permission to Share

The Committee agreed to share contact details (name and email only) amongst other committee members.

Moved: Liz Mioni

Seconded: Helen Manning

Action: Shannon Rees to circulate contact details.

AI6. Upcoming Events

Piggabeen Hall – “Piggabeen's Got Talent” - Saturday 12 August, 6pm. Entry by gold coin donation.

Fernvale Hall - Murwillumbah Potters participating in Mud Trail 19 and 20 August.

Limpinwood Hall - Playgroup starting up soon.

Tumbulgum Hall - Tzu Chai Foundation returning in October with Hot Lunch Box for community.

Chillingham Hall – Renovating kitchen to comply with registered food premises requirements.

Crabbes Creek Hall - Friday Night Take Away weekly event. Seniors Morning Tea in September.

Inwards Correspondence:

Nil.

Outgoing Correspondence:

Nil.

General Business:

1. Flood Recovery

Tumbulgum was the only Council owned flood damaged hall and meetings are in progress to support the Hall. Other Hall visits will be arranged in the near future. If any members of the community need help please remind them to contact Council, through Shannon or Chantelle, to be given the appropriate support and advice.

2. Hall Bookings Survey

Chantelle confirmed the information requested is to support the Community Strategic Plan in creating a baseline for reporting back to the community on hall usage. Requests for information will be forwarded each month and reporting will be on an 'all hall' basis i.e. no individual hall information reported. Reporting should cover all use but exclude time allocated for maintenance.

3. Volunteer Support

Chantelle advised the group that Council can provide support for committee members to increase their volunteer base, with the aim of increasing hall usage.

Action: Chantelle Howse to explore information/training session on Volunteer Management at a future date.

4. Scheduling Next Meeting, including venue

The next meeting will be held 11:00am Wednesday 1 November 2017 at the Canvas and Kettle Meeting Room, Murwillumbah Civic Centre.

The meeting closed at 1:15pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - 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.

56 [SUB-TRMAC] Minutes of the Tweed Regional Museum Advisory Committee Meeting held Wednesday 6 September 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
- 3.2 Places
- 3.2.6 Museum - To preserve and share the history of the Tweed for the benefit and enjoyment of visitors and the community.

ROLE: **Leader**

SUMMARY OF REPORT:

The Minutes of the Tweed Regional Museum Advisory Committee Meeting held Wednesday 6 September 2017 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Tweed Regional Museum Advisory Committee Meeting held Wednesday 6 September 2017 be received and noted.

REPORT:

The Minutes of the Tweed Regional Museum Advisory Committee Meeting held Wednesday 6 September 2017 are reproduced as follows for the information of Councillors.

Venue:

Tweed Regional Museum Murwillumbah

Time:

4:00pm

Present:

Cr Warren Polglase; Judy Kean (Museum Director); Gary Fidler (Community); Sandra Flannery (Community); Ian Fox (Community); Christian Ellis (Community); Marion Mewett (Community); Daphne Mellor (Tweed Heads Historical Society); Max Boyd (Murwillumbah Historical Society); David Taylor (Murwillumbah Historical Society)

Apologies:

Tracey Stinson (Director Community & Natural Resources); Robyn Grigg (Manager Community & Cultural Services); Chris Core (Community); Ceanne Cain (Tweed Heads Historical Society); Helena Duckworth (Uki & South Arm Historical Society); Jayne Parrott (Uki & South Arm Historical Society)

Minutes of Previous Meeting:

Moved: Max Boyd

Seconded: Warren Polglase

RESOLVED that the Minutes of the Tweed Regional Museum Advisory Committee meeting held 12 July 2017 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

'Guess Who's Coming to the Museum' 2014 Visitor Survey
Report from this survey previously circulated to members.

Judy Kean explained the background to the survey and provided a comparison of the 2014 results with the 2016 survey undertaken at TRM Murwillumbah:

In 2016, the number of males visiting the Museum increased by 2% and the proportion of females fell by a similar percentage. However figures are consistent with the gender balance of visitors to most museums.

2016 saw an increase in visitors in the 55 - 64 age group, and a slight decrease in the 65+ age group.

Frequency of visits increased according to the 2016 survey when compared with 2014 survey, which is a reflection of the Museum being new at that time (2014) and closed for a period prior to the survey. It may also reflect the significant overall increased in visitor numbers following redevelopment, with many people being first time visitors.

2016 survey also showed a high percentage of first time visitors. This may be a reflection of the number of tourists visiting.

2016 saw significant increase in the number of visitors coming as a family group with children (34% in 2016 compared with 16% in 2014), and a decrease in number the coming as a family with no children (14% in 2016 compared with 29% in 2014).

The length of visit remained constant between 2014 and 2016, at around 1 hour.

With regards to how visitors heard about the Museum, there was a significant drop in people finding out via newspapers.

With regards to the types of exhibitions people would like to see, there was a significant increase in people wanting to see Aboriginal and Torres Strait Islander exhibitions. The Museum will shortly be discussing future programming with the Tweed Shire Aboriginal Advisory Committee.

With regards to visitor satisfaction levels, there was an increase in the percentage of visitors who rated the Museum as 'terrific'.

Judy Kean advised that the Museum would be carrying out another visitor survey in October at the Murwillumbah and Tweed Heads branches.

Agenda Items:

1. Museum Director's Report
Report circulated prior to the meeting.

Judy Kean spoke to her report and asked for queries from Committee members.

Daphne Mellor (Tweed Heads Historical Society) expressed the gratitude and appreciation of the Society for the efforts of Judy Kean, Kirsty Andrew, Erika Taylor and Tweed Shire Council in the redevelopment of TRM Tweed Heads.

Gary Fidler mentioned the NSW State Government Regional Partnerships grants and queried whether this is something the Museum could apply for.

Judy Kean advised that she has investigated the grants and they do not cover what the Museum needs most; additional staff. Ms Kean advised that the Museum currently has a grant application submitted to develop interpretation and programs around the heritage buildings of TRM Tweed Heads and the Tweed Heads area in general.

Gary Fidler advised that he will provide the Committee with information on grants available through the Heritage Council.

Judy Kean alerted members to the review of the Service Agreement between the Museum and Historical Societies, and advised that this process is time critical so a draft version will be sent out prior to the next Advisory Committee meeting.

Judy Kean also alerted Committee members to the review of the Museum Strategic Plan, which is mapped to Tweed Shire Council planning documents. Ms Kean advised that the Committee would be working on this document as a major item of business in the first half of 2018.

Gary Fidler queried the project 'Explore opportunities for income generation through use of Museum buildings'.

Judy asked Cr Warren Polglase to speak about this.

Cr Polglase advised that Council is currently seeking grant funds to install solar panels on the Art Gallery and Museum roofs.

Cr Polglase advised that he thought the opening of the exhibition Tweed on Film was a fantastic night and that the Museum is a wonderful venue so the facility should be promoted as a function venue to the general public.

Judy Kean advised members that after the election of a new Council, all Council Policies are reviewed, so the Museum's Collection Policy will be part of this. Ms Kean will circulate the policy with suggested updates prior to the next meeting as it needs to be finalised by the end of the year.

Moved: Judy Kean

Seconded: Sandra Flannery

RESOLVED that the Museum Director's Report be accepted by the Committee.

Carried

2. Proposed Acquisitions

Report was circulated prior to the meeting.

Judy Kean spoke to the Report and asked for any questions arising from the Report.

Ms Kean advised that the Museum is in discussion with the Tweed Daily News to acquire some items related to the history of the newspaper that have become available now that the Tweed Daily News office at Tweed Heads South is closing.

This led to discussion on the Museum's ability to store, care for and display large items of machinery and vehicles.

Moved: Max Boyd

Seconded: Marion Mewett

RESOLVED that the proposed acquisitions be endorsed by the Committee.

Carried

3. Proposed Deaccessions

Report was circulated prior to the meeting.

Judy Kean spoke to the Report and asked for any questions arising from the Report.

Ms Kean also advised the Committee that the Museum was currently in discussion with Tweed Heads Historical Society regarding the deaccession of items currently on display externally at TRM Tweed Heads.

Tweed Heads Historical Society representative, Daphne Mellor, advised that the Society were happy to deaccession the items as research had failed to find any definitive provenance for the items and they are deteriorating rapidly.

Judy Kean also advised the meeting that the item commonly referred to as the Booyung keel would also have to be moved as it was a safety hazard and research had so far failed to uncover any proven provenance so the item may be considered for deaccession at a future date.

Moved: Max Boyd

Seconded: Marion Mewett

RESOLVED that the proposed deaccessions be endorsed by the Committee.

General Business:

4. TRM Deductible Gift Recipient (DGR) Report

A summary of all donations made to the TRM DGR account was circulated.

Judy Kean advised the Committee that a meeting of the DGR sub-committee had met prior to the Advisory Committee meeting.

Ms Kean also advised that no expenditure has been made from the Museum's DGR account to date, however it is expected that funds will be used for the development of the natural history display at TRM Murwillumbah.

Cr Warren Polglase enquired whether the funds could be used to leverage grant funding.

Judy Kean commented on the limited number of grants available for Museum specific activities for regional Museums of the scale of Tweed Shire's.

After discussion, it was agreed and noted that Judy Kean, Cr Warren Polglase and Gary Fidler will meet to look at related issues and options for lobbying government and other funding bodies to address these issues, including options for raising these issues with Tweed Shire Council.

Moved: Max Boyd

Seconded: Ian Fox

RESOLVED that the Deductible Gift Recipient Account Report be accepted by the Committee.

Carried

5. Promotion

Max Boyd raised the idea of taking out a full page ad in the Tweed Link to promote the Murwillumbah Historical Society's Timelines newsletter.

Discussion followed on the merits of advertising in print media versus social media and the complex transition taking place regarding how organisations use various media effectively. No definitive conclusions regarding the most effective way to proceed on this matter were agreed.

6. Getting the town to value the Museum

Sandra Flannery enquired how it was possible to get the town to value the Museum more.

There was general discussion around the need for collaboration across business, tourism and cultural sectors.

Next Meeting:

The next meeting of the Tweed Regional Museum Advisory Committee will be held Wednesday 8 November.

The meeting closed at 5:25pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - Reviewed 21 August 2012 (ECM3283132).

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

57 [SUB-TSYC] Minutes of the Tweed Shire Youth Council Meeting held Wednesday 23 August 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 23 August 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 23 August 2017 be received and noted.

REPORT:

The minutes of the Tweed Shire Youth Council Meeting held Wednesday 23 August 2017 are reproduced as follows for the information of Councillors.

Venue:

Harvard Room, Tweed Heads Administration Office, 21 Brett Street, Tweed Heads

Time:

4.00pm – 6.00pm

Present:

Will Griffiths – Lindisfarne Anglican Grammar (Chairperson); Joshua Carpenter - Banora Point High School; Talia Green - Lindisfarne Anglican Grammar; Oscar Winters, Lucy Neilson-Senise - St Joseph's College; Monique Mangueret – Pacific Coast Christian School; Rosaleen Newell, Nathanael Adam - Murwillumbah High School; Jesse Wright – Mt St Patrick's College

Guests:

Mayor of Tweed Shire, Cr Katie Milne; Cr Pryce Allsop; Cr Ron Cooper; Robyn Grigg, Manager Community and Cultural Services; Chantelle Howse, Coordinator Community Development

Ex-Officio:

Troy Green, General Manager; Tracey Stinson, Director Community and Natural Resources; Shane Davidson, Executive Officer; Sylvia Roylance, Community Development Officer - Families and Youth; Lisa Bailey, Administrative and Program Support (Minutes)

Apologies:

Maddison Uitendaal - Banora Point High School; Emily Hickey - Murwillumbah High School; Neil Baldwin, Manager Corporate Governance

Minutes of Previous Meeting:

RESOLVED that the Minutes of the Tweed Shire Youth Council Committee meeting held 24 May 2017 be accepted as a true and accurate record of the proceedings of that meeting.

Moved: Jesse Wright

Seconded: Oscar Winters

Business Arising:

Nil.

Agenda Items:

AI1 Aboriginal Statement

The Chairperson Will Griffiths 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
There were no submissions at this meeting.
- AI3 Youth Council Conference and Event Brief
Fishing Line Debris Bin Presentation
Attended by Joshua Carpenter, Banora Point High School
Presentation made to Gold Coast Marine Debris Network. Refer notes under Emerging Issues E11.
- AI4 Emerging Issues from School Community
Nil this meeting.
- AI5 Reports from Sub-Committees / Projects
Murwillumbah High School - Save a Mate (SAM)
Representatives have recently undergone trial exams taking priority over this project.
Further updates to be provided at the next meeting.

St Joseph's College - Save a Mate (SAM) and Teen Mental Health First Aid training
Save a Mate workshop held with 16 attendees during school hours. An assembly following this session was held to discuss what was learned from the session and to spread awareness for the next program. It was noted that although the session was marketed as a first aid course for drug related issues, most students didn't understand its purpose. St Josephs' representatives noted this for the information of other schools that may be planning to hold SAM workshop.

Pacific Coast Christian School

The Student Representative Council (SRC) is now up and running. The first program proposed is Sexual Education, however further discussions required with the Principal and/or Acting Principal for final approval.

Mt St Patrick's College - Project 1 - Save a Mate

Original workshop date postponed due to conflict with Year 11 exams. Further workshop dates negotiated to hold SAM session during term four. To confirm workshop date, awaiting response from school.

Mt St Patrick's College - Project 2 – Teen Mental Health First Aid training

Negotiations on facilitator costing for this training are underway with the plan to run it in Term 4. A session has been arranged for Year 7 students to meet with Year 11 and 12 students to raise awareness of mental health issues.

Lindisfarne Anglican Grammar School - Markets at Jack Evans Boat Harbour

Through the market organiser, working with school cohort to develop platform for young musicians to perform at markets, next one Friday 13 October, 4.00pm to 9.00pm. The 'Incubator Program' has been established to encourage young people to start their own business and as a way to sell 'hand-made' products. Young people can learn new skills needed to create a sustainable business model ie. how to obtain an

ABN number; how to operate a market stall; how to reinvest revenue to grow business; financial literacy skills. The associated event brochure and registration form to be developed. Staff support will be sought to promote event through school media and provide practical support to encourage student participation.

AI6 Reports from Council

6.1 Draft Cultural Plan - David Burgener

The Plan is about Council's engagement with the cultural activities across the Shire. The community consultation process identified that the community discuss culture in two different ways. One is a more narrow view to do mostly with the arts. Another view is broader where it can be hard to put parameters around what *isn't* culture. The broader view was reinforced and is used as the definition of culture in the plan.

The key themes identified are: Sense of place; Enterprisingly creative; Acknowledging Bundjalung Country; Every day live and play; and Making things discoverable. Council has a role to play in making sure that people have access to this information and also to ensure various groups can engage in these activities.

David offered if anyone has any further queries to please email him directly at dburgener@tweed.nsw.gov.au.

Informal session commenced 5.10pm

Emerging Issues:

EI1 Project Update by Joshua Carpenter - Banora Point High School
Fishing Line Debris Bin Presentation

Following involvement in the Youth Frontiers Program, Josh recently presented to the Gold Coast Marine Debris Network with partner organisations including: Sea World Research and Rescue Foundation; Healthy Land and Water; Gold Coast Waterways Association; and Gold Coast City Council.

There is a large amount of waste generated from fishing, with fishing line injuries killing a significant amount of marine life every year. Biodegradable fishing line can take up to five years to degrade and is not widely used in Australia. Josh's project brought about the implementation of a prototype collection bins located at three locations including Barney's Point, Dry Dock Road and Boyds Bay Wharf. The debris collected from the bins included fishing line, hooks, sinkers and plastic bags. From one bin Josh collected over 24km of fishing line in approximately six months. The bins are emptied by Josh and two volunteers who then record the debris collected onto the Australian Marine Debris Database www.tangaroablue.org/contact-us.html. Josh has purchased the materials to make his debris bins. The current prototype bin is secured from the top which can lead to lids being lost or removed from the bin. The Gold Coast Marine Debris Network has a different style debris bin. Josh will be seeking funding and/or sponsorship for replacement and to install additional bins at: Chinderah Wharf and Boyds Bay Bridge next to the Ivory Tavern. Josh will use funding to develop an education program to raise awareness of the volume of waste ending up in the waterways and the impact on marine life caused by discarded fishing line.

Josh will be available for further discussion at Council's upcoming 'Living for the Future' Home Expo - Saturday 16 September at Seagulls Club.

Councillors and council officers at the meeting congratulated Josh on this fantastic program. Mayor of Tweed Shire, Cr Katie Milne suggested Josh connect with the Australian Sea Bird Rescue Group as this group would be a wonderful support for this program. Tracey Stinson also suggested it might be useful for Josh to present to the Tweed Coast and Waterways Committee and local fishing clubs to help raise further awareness of the program.

The presentation will be circulated to all Youth Council representatives for presentation and/or information sharing at individual schools.

Next Meeting:

Wednesday 22 November 2017, 4.00pm - 6.00pm
Council Chambers, Murwillumbah Civic and Cultural Centre
10-14 Tumbulgum Road, Murwillumbah

A presentation will be made at this meeting by a member of Richmond Tweed Regional Library group to discuss the upcoming trend of coding, gaming and robotics.

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.

58 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 September 2017

SUBMITTED BY: Community and Cultural Services

mhm



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

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Leader

SUMMARY OF REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 September 2017 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

1. **The Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 September 2017 be received and noted; and**
2. **The Executive Management Team's recommendations be adopted as follows:**
 - A1. **Robert Appo (Tweed Shire Council) (a) Kings Forest**

That:

1. **Council sends a letter on behalf of the Aboriginal Advisory Committee to the Department of Planning regarding the review of Aboriginal Cultural Heritage Assessments undertaken for the State significant project at Kings Forest enquiring:**
 - (a) **what process was taken in relation to Aboriginal Cultural Heritage?**
 - (b) **what conditions apply re Aboriginal Cultural Heritage?**
 - (c) **is there an opportunity for Tweed local Aboriginal members to attend at the site, review and revisit the process?**

- (d) advice around the process of review and communication regarding any subsequent changes to conditions prior to modifications.
- (e) that the Department advises the names of experts who have had input into the process and how they were selected.

2. A copy of the letter to the Department of Planning be forwarded to Everick.

A3. 21 Winchelsea Way, Terranora - Robert Mazlin (Everick)

That the Aboriginal Advisory Committee has no specific objection to the final Cultural Heritage Assessment prepared by Everick dated August 2017 for 21 Winchelsea Way, Terranora subject to the amended conditions and advice from Tweed Byron Local Aboriginal Land Council that all items have been actioned as requested in its letter of 14 August 2017.

GB4. Local Government Aboriginal Network Conference

That the Aboriginal Advisory Committee nominates Victor Slockee to attend the NSW Local Government Aboriginal Network Conference in Albury from 13 to 15 September 2017.

REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 September 2017 are reproduced as follows for the information of Councillors.

Venue:

Minjungbal Aboriginal Museum & Cultural Centre

Time:

9.15am

Present:

Jackie McDonald (Tweed Wollumbin Aboriginal Education Consultative Group representative), Victor Slockee (Canowindra representative), Desrae Rotumah (Tweed Aboriginal Co-operative Society representative), Marvette Logan (Australian Unity Home Care Services-North Coast Aboriginal Branch representative); Mayor Katie Milne (Tweed Shire Council); Des Williams (Tweed Byron Local Aboriginal Land Council representative) (arrived at 9.43am), Leweena Williams (Tweed Aboriginal Corporation for Sport representative) (arrived at 10.06am)

Ex-officio:

Tracey Stinson, Robyn Grigg, Chantelle Howse, Robert Appo (Tweed Shire Council), Gabby Arthur (Tweed Shire Council) (Minutes).

Guests (in order of arrival):

Scott Hetherington and Kim Stephan (Tweed Shire Council) (arrived at 10am); Robert Mazlin (Everick) (arrived at 10.50am); Denise Galle and Judith Evans (Tweed Shire Council) (arrived at 10.57am).

Apologies:

Nil.

Chair: Desrae Rotumah

Moved: Victor Slockee

Seconded: Jackie McDonald

RESOLVED that the Chair was declared vacant and nominations were called. Desrae Rotumah was nominated and was unanimously elected to Chair the meeting.

Desrae Rotumah opened the meeting with a welcome to all present and paid respect to Elders past and present.

Minutes of Previous Meeting:

Moved: Victor Slockee

Seconded: Jackie McDonald

RESOLVED that the Minutes of the Aboriginal Advisory Committee meeting held Friday 4 August 2017 be accepted as a true and accurate record of the proceedings of that meeting with the following amendments:

Page 3 Item A3 Jack Julius Park - Action Item: TBLALC to provide a copy of the certified Githabul Native Title documentation to Council.

Page 5 Item A5(c) Kings Forest Precinct 5 - Jackie noted that during an inspection carried out by the registered stakeholders with Adrian Piper for the broader Kings Forest development site artefacts were no longer visible on the surface of the sand ridge area.

Page 7 Item A5(a) 23 Tweed Coast Road, Hastings Point - Everick's opinion is that the shell material identified at the surface of the development site has been brought into the site perhaps with other fill material and that some of the shell material would have been shifted around from adjoining areas.

Page 7 Item A5(a) 23 Tweed Coast Road, Hastings Point - Jackie advised that she identified an artefact adjacent to the houses along Tweed Coast Road, Hastings Point.

Business Arising:

BA1. Business Arising from meeting held on 4 August 2017

A3. Jack Julius Park

Robert advised that Council has sent the letter to the Caveator seeking the withdrawal of the Caveat. Robert advised that he will follow up with Council's Legal Services Officer regarding whether a response has been received and will provide an update to the next meeting.

Action: CDO-Aboriginal to liaise with Legal Services Officer regarding whether a response has been received from the Caveator regarding withdrawal of the Caveat over Jack Julius Park and to report back to the next AAC meeting.

BA2. Business Arising from meeting held on 4 August 2017

LA1. Complying Development Issues

Jackie requested an update on the Action Item: *That the AAC to investigate the Due Diligence requirements through the TBLALC and make a recommendation to be discussed at the next AAC meeting regarding sending a letter to State Government Planning (Code SEPP Team) bringing to their attention that currently the Code doesn't take into account that Complying Development Applications for demolition do not take into account the 88B restriction impediments such as Due Diligence Reports and Native Title Claim restrictions.*

Des Williams arrived at 9.43am

Item deferred until Leween Williams arrived at the meeting.

Agenda Items:

A1. Robert Appo (Tweed Shire Council)

(a) Kings Forest

Robert tabled the updated plan received from Everick regarding Kings Forest and noted that a key/legend has now been added to the plan.

Robert advised that following the discussions regarding Kings Forest at the last AAC meeting, he received an email from Team Leader-Development Assessment regarding some of the issues, which he read out to the AAC.

The AAC noted that the Department of Planning engaged its own Aboriginal heritage specialists to carry out an independent assessment of the work carried out by Everick in 2010. The AAC advised that this information should have been referred back to the registered Aboriginal stakeholders. Robert advised that the report outlining the Conditions is available on the Department of Planning's website. Robert was requested to send the link to the Department of Planning's website to the AAC.

Action: CDO-Aboriginal to email link to Conditions and documentation on Department of Planning website to AAC. Hard copy of documentation to also be sent to Jackie McDonald.

Robert reminded the AAC that the registered Aboriginal stakeholders of the original Aboriginal Cultural Heritage Assessment also needed to be consulted.

Scott Hetherington and Kim Stephan arrived at 10.00am

Des requested that an explanation be sought from Department of Planning regarding the review of the cultural assessments undertaken as part of the approvals and why the local TBLALC were not engaged.

Leweena Williams arrived at 10.06am

This item was revisited on the arrival of Denise Galle to the meeting as reflected in the below discussion.

Robert advised Denise that he had read out to the AAC her email in relation to the review undertaken by Department of Planning. Denise advised that Department of Planning have Planning staff who understand the Aboriginal Cultural Heritage legislation rather than expert Aboriginal Cultural Heritage Officers. Denise advised that the majority of registered Aboriginal sites have been earmarked for zoning as Environmental Protection.

Moved: Victor Slockee

Seconded: Des Williams

RECOMMENDATION that:

1. Council sends a letter on behalf of the Aboriginal Advisory Committee to the Department of Planning regarding the review of Aboriginal Cultural Heritage Assessments undertaken for the State significant project at Kings Forest enquiring:
 - (a) what process was taken in relation to Aboriginal Cultural Heritage?
 - (b) what conditions apply re Aboriginal Cultural Heritage?
 - (c) is there an opportunity for Tweed local Aboriginal members to attend at the site, review and revisit the process?
 - (d) advice around the process of review and communication regarding any subsequent changes to conditions prior to modifications.
 - (e) that the Department advises the names of experts who have had input into the process and how they were selected.
2. A copy of the letter to the Department of Planning be forwarded to Everick.

The AAC requested that it be noted that this request is as a result of Everick coming to the AAC regarding the Kings Forest Waste Water Treatment Plant and the AAC does not wish to provide advice without wider knowledge of the entire site.

Action: Team Leader-Development Assessment requested to draft a letter to the Department of Planning in accordance with the AAC's recommendation and to email it to CDO-Aboriginal for on-forwarding to the AAC.

Agenda suspended for Agenda Item A2.

A2. Pottsville Wetlands - Scott Hetherington & Kim Stephan (Tweed Shire Council)
Scott and Kim were introduced to the AAC and provided some background in relation to the work carried out by the Biodiversity Team. The Biodiversity Team is seeking advice from the AAC regarding the possible renaming of the Pottsville Wetlands. Scott tabled an aerial map showing the area of the Pottsville Wetlands.

Robert advised the AAC that he has been speaking with Scott and Kim and suggested that they carry out some of their own research and make some suggestions regarding the possible naming of the wetland. The suggested names were discussed for suitability at that location and the AAC were invited to suggest alternate names. Mayor Milne suggested that the Aboriginal word for Osprey could be used as it is the only natural Osprey nesting place in the Tweed.

Des acknowledged that there are Aboriginal sites within the Pottsville Wetlands.

Action: CDO-Aboriginal to forward list of suggested names for Pottsville Wetlands to the AAC for consideration by the AAC organisations, and to be discussed at next AAC meeting together with any other suggestions from the AAC.

Scott Hetherington and Kim Stephan left the meeting at 10.30am

(d) Tweed River Estuary Coastal Management Plan

Robert advised that this item has been removed from the Agenda. The draft Tweed River Estuary Coastal Management Plan will be on public exhibition shortly and Tom had been hoping to provide an update on the Plan prior to it going on exhibition.

Action: CDO-Aboriginal to liaise with Tom Alletson regarding obtaining an update on the Tweed River Estuary Coastal Management Plan and to email to AAC together with a copy of the Plan. AAC members to distribute to Aboriginal organisations and community.

LA1. Review of the Memorandum of Understanding (MOU)

Robert advised that he recently prepared a Report to the Executive Management Team regarding review of the Memorandum of Understanding (MOU) with the AAC. Robert has undertaken a considerable amount of research in preparing the report. The initial MOU was drafted in around 2006 as a result of the development of the NSW Local Government toolkit which sets out how Councils should work with Aboriginal communities and included that a MOU or Statement of Commitment be established between Councils and Aboriginal communities. The actions in the original MOU are now embedded in the Reconciliation Action Plan (RAP) effectively meaning that the draft MOU has become redundant.

Robert Mazlin arrived at 10.50am

Robert advised that during the drafting of the RAP, he has also updated and strengthened the draft MOU to include four main themes which include cultural heritage, social inclusion/justice, significant events/celebrating culture, economic development.

Robert asked the AAC how it would like to proceed and whether it would prefer an MOU, a Statement of Commitment or an updated Aboriginal Statement Policy to include the updated core values as reflected in the current draft MOU.

Robyn explained that the RAP is an operational commitment but it doesn't necessarily trigger the resourcing to deliver, however the Statement of Commitment is a Council commitment. The RAP has a life of two years where a Policy would be reviewed and maintained.

The AAC requested that Council draft a Statement of Commitment Policy for discussion at the next meeting.

Desrae Rotumah left the meeting at 10.53am

Mayor Milne suggested the development of a separate Charter in the form of a Statement of Commitment, which is displayed to remind the Councillors and Council staff of their obligations.

Robyn Grigg left the meeting at 10.55am

Desrae Rotumah returned to the meeting at 10.55am

Denise Galle and Judith Evans arrived at 10.57am

Action: DCNR and CDO-Aboriginal to draft a Statement of Commitment Policy for discussion at the next AAC meeting prior to any decision by EMT.

Tracey Stinson left the meeting at 11.02am

A3. 21 Winchelsea Way, Terranora - Robert Mazlin (Everick)

Denise Galle introduced Judith Evans to the meeting and advised that Judith is the Council Planner working on the assessment for 21 Winchelsea Way, Terranora.

Robert Mazlin tabled the Cultural Heritage Assessment dated August 2017 and provided copies to the AAC. Robert Mazlin advised that there wasn't any significant Aboriginal Cultural Heritage located on the site.

Des confirmed that there are no Aboriginal sites on this property and that it was previously a banana growing area.

Denise confirmed that there is a rezoning planning proposal for the site next door and this may have caused some confusion regarding this proposal. Denise advised that there are standard conditions that can be included on the approval in the event any Aboriginal Cultural Heritage is located during the works.

Robert Mazlin advised that the recommendations in the final report have been amended to include the TBLALC's concerns raised after reviewing the draft report.

Leweena advised that TBLALC will review the final Aboriginal Cultural Heritage Assessment and forward advice back to AAC, Everick and Council to ensure TBLALC's concerns have been addressed.

Moved: Des Williams

Seconded: Victor Slockee

RECOMMENDATION: That the Aboriginal Advisory Committee has no specific objection to the final Cultural Heritage Assessment prepared by Everick dated August 2017 for 21 Winchelsea Way, Terranora subject to the amended conditions and advice from Tweed Byron Local Aboriginal Land Council that all items have been actioned as requested in its letter of 14 August 2017.

Robert Mazlin requested confirmation that the Kings Forest plan has been provided to the AAC. Leweena requested that the registered Aboriginal sites be overlaid on the plan and that all of the colours be added to the key/legend.

Robert Mazlin left the meeting at 11.21am

Denise Galle and Judith Evans left at 11.47am

(b) Distribution of Agendas and Minutes

Robert suggested that given the delays in postal delivery times for the Agendas and previous Minutes, it may be more efficient to distribute the Agendas and Minutes to the AAC electronically and provide hard copies at the meeting. The AAC agreed it would be preferable to receive the Agendas and Minutes via email. Jackie advised that she would still like a hard copy and Robert advised that he would be able to deliver a hard copy to Jackie.

(c) AAC mailing list privacy considerations

In an attempt to provide external consultants attending the AAC with an opportunity to forward documentation for the AAC to review prior to an upcoming meeting, Council is seeking advice from the AAC about any concerns of providing organisational contact details to these external organisations.

AAC advised that correspondence should be sent to the organisations email addresses as provided to Council. Canowindra Tweed Byron Aged & Disabled Aboriginal Corporation (Canowindra) and Tweed Wollumbin Aboriginal Education Consultative Group (TWAECG) requested that they be provided with both email and hard copies of any documents.

Action: CDO-Aboriginal to provide email addresses for AAC members to external consultants and to request hard copies also be forwarded to Canowindra Tweed Byron Aged & Disabled Aboriginal Corporation and Tweed Wollumbin Aboriginal Education Consultative Group.

Inwards Correspondence:

Nil.

Outwards Correspondence:

OC1.Letter to Arts Northern Rivers dated 18 August 2017

Chantelle advised that the letter has been sent to Arts Northern Rivers requesting that any cultural matters regarding Tweed be referred to the AAC.

General Business:

GB1.20 Year Commemoration of AAC

Chantelle advised that research has indicated that the date commemorating 20 years since the formal formation of the AAC will be 2 April 2018. Council is preparing for the celebrations and is currently working on proposed activities which will highlight the AAC's achievements. Council is also seeking ideas from the AAC as to how it would like to celebrate.

Leweena advised that she has some historical Minutes and correspondence regarding the AAC dating back to early 1996.

The AAC advised it would like to see:

- preparation of a timeline.
- Notification of the commemoration to the relevant State government authorities.
- article in the Tweed Link.
- achievements acknowledged with large scale celebration/event with formalities which is open to everyone including children.
- Photographs.
- oral history.
- list of achievements including the cultural mapping project.

Action: CDO-Aboriginal to send email to AAC requesting their memories of the achievements and milestones of the AAC so that Council can carry out relevant research.

Action: Item to be added to Agenda for discussion at the next AAC meeting.

GB2. Tweed Regional Museum Workshop

Robert suggested that the Tweed Regional Museum Workshop which was discussed at the last meeting could be held immediately before the next AAC meeting on Friday 6 October commencing at 10.00am at the Tweed Regional Museum, Murwillumbah. The AAC agreed to the suggestion. The proposal is that the workshop will commence with a visit to the Museum, followed by the workshop in the Canvas and Kettle Meeting Room and the AAC meeting. The AAC advised that they will car pool to Murwillumbah.

GB3. Change of Date of Australia Day

Mayor Milne asked whether the AAC would like to discuss the issue regarding changing the date of Australia Day.

Robert advised that he has provided some advice to the Councillors through a Workshop acknowledging the AAC's previous discussions regarding Australia Day.

GB4. Local Government Aboriginal Network Conference

Robert advised that the NSW Local Government Aboriginal Network Conference is being held in Albury commencing on 13 September 2017 and sought nominations from the AAC. Victor was nominated to attend.

Moved: Jackie McDonald

Seconded: Des Williams

RECOMMENDATION that the Aboriginal Advisory Committee nominates Victor Slockee to attend the NSW Local Government Aboriginal Network Conference in Albury from 13 to 15 September 2017.

GB5.Midden in Tweed Coast Road, Hastings Point

Jackie advised that she is concerned about the impacts of cars parking in close proximity to the midden in Tweed Coast Road, Hastings Point.

Action: *CDO-Aboriginal to investigate requirements for Council to protect the site.*

Next Meeting:

The next meeting of the Aboriginal Advisory Committee will be held on Friday 6 October 2017.

The meeting closed at 12.57pm.

EXECUTIVE MANAGEMENT TEAM COMMENTS:

A1. Robert Appo (Tweed Shire Council) (a) Kings Forest

Nil.

A3. 21 Winchelsea Way, Terranora - Robert Mazlin (Everick)

Nil.

GB4.Local Government Aboriginal Network Conference

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

A1. Robert Appo (Tweed Shire Council) (a) Kings Forest

That:

1. Council sends a letter on behalf of the Aboriginal Advisory Committee to the Department of Planning regarding the review of Aboriginal Cultural Heritage Assessments undertaken for the State significant project at Kings Forest enquiring:

- (a) what process was taken in relation to Aboriginal Cultural Heritage?
- (b) what conditions apply re Aboriginal Cultural Heritage?
- (c) is there an opportunity for Tweed local Aboriginal members to attend at the site, review and revisit the process?
- (d) advice around the process of review and communication regarding any subsequent changes to conditions prior to modifications.
- (e) that the Department advises the names of experts who have had input into the process and how they were selected.

2. A copy of the letter to the Department of Planning be forwarded to Everick.

A3. 21 Winchelsea Way, Terranora - Robert Mazlin (Everick)

That the Aboriginal Advisory Committee has no specific objection to the final Cultural Heritage Assessment prepared by Everick dated August 2017 for 21 Winchelsea Way, Terranora subject to the amended conditions and advice from Tweed Byron Local Aboriginal Land Council that all items have been actioned as requested in its letter of 14 August 2017.

GB4. Local Government Aboriginal Network Conference

That the Aboriginal Advisory Committee nominates Victor Slockee to attend the NSW Local Government Aboriginal Network Conference in Albury from 13 to 15 September 2017.

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.

59 [SUB-TCKMC] Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 5 September 2017

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:

The Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 5 September 2017 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

- 1. The Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 5 September 2017 be received and noted; and**
- 2. The Executive Management Team's recommendations be adopted as follows:**
 - 1. Kings Forest – Environment Protection and Biodiversity Conservation Act (EPBC) Approval**

That Council sends a letter to the NSW Minister for Environment and Local Government, the Hon. Gabrielle Upton, to thank her for her recent announcement of the state government's purchase of 100 ha of koala habitat; and to inform her of Tweed koala conservation and recovery issues including the Tweed Coast Comprehensive Koala Plan of Management, Tweed Brunswick endangered population, and the significance of the Kings Forest development including the current modification application.

3. Tweed Brunswick Endangered Population and Recovery Planning

That Council seeks to have the Tweed Coast Comprehensive Koala Plan of Management approved under Part 4, Division 6 of the Biodiversity Conservation Act 2016 as a Biodiversity Conservation Program.

REPORT:

The Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 5 September 2017 are reproduced as follows for the information of Councillors.

Venue:

Canvas and Kettle Meeting Room, Murwillumbah Civic Centre

Time:

1:00 pm

Present:

Cr Katie Milne, Lorraine Vass, Jenny Hayes, Rhonda James, David Norris, Bill Hoskins, Marama Hopkins, Scott Hetherington, Kim Stephan, Mark Kingston, Tracey Stinson.

Apologies:

Nil.

Minutes of Previous Meeting:

Moved: Lorraine Vass

Seconded: Rhonda James

RESOLVED that the Minutes of the Tweed Coast Koala Management Committee meeting held Wednesday 26 July 2017 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

Nil.

Agenda Items:

1. Kings Forest – EPBC approval (Mark)

- Mark recapped that as per previous meeting, Council made an extensive submission on the recent Kings Forest modification application. The state government (Department of Planning) has since employed an ecological consultant to advise on the modification assessment. Council has also met with the Department to discuss relevant issues.
- Mark also informed the committee that the federal Department of Environment has recently issued an approval which includes an old and inaccurate offset map, despite inconsistencies and ongoing discussions between state and federal departments and Council. Council has raised the issue in writing and at a recent meeting with departmental representatives and is currently awaiting further information. The EPBC Act does not require the federal department to consult nor provide reasons for such decisions.
- Jenny Hayes noted that in a recent discussion with the NSW Minister for Environment and Local Government, that the Minister was not aware of the current Kings Forest modification application.

Moved: Jenny Hayes
 Seconded: Lorraine Vass

RECOMMENDATION

That Council sends a letter to the NSW Minister for Environment and Local Government, Gabrielle Upton, to thank her for her recent announcement of the state government's purchase of 100 ha of koala habitat; and to inform her of Tweed koala conservation and recovery issues including the Tweed Coast Comprehensive Koala Plan of Management, Tweed Brunswick endangered population, and the significance of the Kings Forest development including the current modification application.

2. *KPOM implementation actions – review of summary table and issues discussed by exception or as requested (Scott / Kim / Marama)*

- Scott provided an overview of the Australian Research Council Linkage (*Conserving and recovering the koala populations on the NSW Far North Coast*) Project. This project is a joint initiative of the University of Queensland, Southern Cross University, and University of Sydney, Friends of the Koala, Lismore, Tweed, Ballina and Byron Shire Councils. It is led by Professor Clive McAlpine from University of Queensland and involves a field based regional population assessment, survey of social opportunities and barriers to koala recovery and the development of a regional recovery strategy. Field work has commenced and the survey is anticipated to be released prior to the end of the year.
- Kim outlined the current status of the habitat restoration program including works at 6 sites involving both habitat plantings and restoration of existing habitat. An assessment of maintenance requirements for existing public land sites is currently underway, as is planning for an upcoming community planting at Pottsville Wetland.
- Mapping of all works completed to date is complete, is currently being reviewed prior to publication and will be available online via the Tweed Shire Council website.
- Quarterly traffic monitoring data for the two koala zones has just been completed. Both sites have continued good outcomes with Clothiers Creek Road steady at around 33% of drivers travelling at or below the posted speed limit and Coronation Avenue with 98% of drivers travelling at or below the speed limit. Tracey suggested investigating fee-for-service provision of police enforcement to assist to increase compliance at Clothiers Creek Road.
- Scott reported a recent koala road kill on the Pacific Highway near the Pottsville fauna overpass. The incident was reported by RMS and appears to have resulted from a tree falling over the exclusion fence.
- Planned burns in Pottsville Environment Park will not go ahead this year as the necessary approvals were not finalised in time. Planning work for these burns involved a preliminary assessment of the use of a koala scat detector dog to identify koala activity in planned burn areas. This method was not successful at Pottsville Environment Park due to the density of vegetation and widespread koala activity. This method will be tried at other locations that may be more suitable.

3. *Tweed Brunswick endangered population and recovery planning (Scott)*

- Scott consulted NSW OEH and was advised that there is no intent to produce recovery plans for endangered populations. The Saving our Species program and the NSW Koala Strategy are the current focus for koala recovery.

- Mark noted that the Threatened Species Conservation Act has now been repealed and that whilst there is no specific reference to recovery plans in the new Biodiversity Conservation Act, that there is scope in the new legislation for the Tweed Coast KPOM to be approved as a 'Biodiversity Conservation Program'.

Moved: Lorraine Vass

Seconded: Jenny Hayes

RECOMMENDATION

That Council seeks to have the Tweed Coast Comprehensive Koala Plan of Management approved under Part 4, Division 6 of the *Biodiversity Conservation Act 2016* as a Biodiversity Conservation Program.

4. *Saving our Species - Mitigating dog attacks in the Tweed Coast - project update. (Scott)*
 - Scott advised that funding has been provided to deliver this project through the NSW Saving our Species Program. The project involves the identification of 3 sites where domestic dog activity is occurring in koala habitat within bushland reserves. Remote camera monitoring data will be used to identify an activity index. Community education activities and additional compliance actions will be followed by reassessment of activity levels to determine effectiveness of actions. Final site confirmation and initial data analysis is underway with the community education component to commence prior to the end of this year.
5. *QUT - Fauna survey using Unmanned Aerial Vehicle (drone) project update. (Marama)*
 - Marama discussed the outcomes of this project that was completed in collaboration with Queensland University of Technology (QUT), Logan City Council and City of Gold Coast. The study aimed to assess the capacity of drones to survey for koalas, including investigation of the use of artificial intelligence to accurately recognise koalas from infra-red cameras mounted on drones. The results varied at different locations tested with the complexity of vegetation a strong influence on detectability. When applied in suitable locations, the drone survey method was reasonably accurate and was faster than comparable surveys undertaken by field survey teams.

ACTION: Marama to provide the project final report, prepared by QUT to the committee for their information and future reference.

6. *Proposal to relocate Black Rocks sports field to Dunloe Park urban release area. (tabled by Dave Norris)*
 - Legal advice detailing the relevant constraints associated with this proposal was tabled. The proposal was received and noted and considered outside the scope of the committee. It was also noted that the current early stage master planning, including in relation to KPOM provisions, for the Dunloe Park urban release area precluded further consideration of the proposal.

Next Meeting:

The next meeting of the Tweed Coast Koala Management Committee will be held on Tuesday 7 November 2017 1:00 - 4:00pm

The meeting closed at 4:00pm

EXECUTIVE MANAGEMENT TEAM COMMENTS:

1. Kings Forest – EPBC approval (Mark)

Nil.

3. Tweed Brunswick endangered population and recovery planning (Scott)

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

1. Kings Forest – EPBC approval (Mark)

That Council sends a letter to the NSW Minister for Environment and Local Government, Gabrielle Upton, to thank her for her recent announcement of the state government's purchase of 100 ha of koala habitat; and to inform her of Tweed koala conservation and recovery issues including the Tweed Coast Comprehensive Koala Plan of Management, Tweed Brunswick endangered population, and the significance of the Kings Forest development including the current modification application.

3. Tweed Brunswick endangered population and recovery planning (Scott)

That Council seeks to have the Tweed Coast Comprehensive Koala Plan of Management approved under Part 4, Division 6 of the *Biodiversity Conservation Act 2016* as a Biodiversity Conservation Program.

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.

60 [SUB-TRAG] Minutes of the Tweed Regional Art Gallery Advisory Committee Meeting held Wednesday 9 August 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
- 3.2 Places
- 3.2.2 Art Gallery - To promote awareness, enjoyment and understanding of the visual arts through collections, exhibitions, education and community programs.

ROLE: **Leader**

SUMMARY OF REPORT:

The Minutes of the Tweed Regional Art Gallery Advisory Committee Meeting held Wednesday 9 August 2017 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Tweed Regional Art Gallery Advisory Committee Meeting held Wednesday 9 August 2017 be received and noted.

REPORT:

The Minutes of the Tweed Regional Art Gallery Advisory Committee Meeting held Wednesday 9 August 2017 are reproduced as follows for the information of Councillors.

Venue:

Tweed Regional Gallery and Margaret Olley Art Centre

Time:

5.00pm

Present:

Cr Warren Polglase (Tweed Shire Council); Hobie Porter; Martin Sullivan; Shirley Kennedy; Louise Devine; Penny Hall (President, Friends of the Tweed Regional Gallery & MOAC); David Burgener (Tweed Shire Council); Arabella Douglas Harris; Ingrid Hedgcock (Tweed Regional Gallery & Margaret Olley Art Centre); Tracey Stinson (Tweed Shire Council); Robyn Grigg (Tweed Shire Council); Kree Harrison (Tweed Shire Council - Minutes).

Apologies:

Cr Reece Byrnes (Tweed Shire Council); Jennifer Unwin; Susi Muddiman (Tweed Regional Gallery & Margaret Olley Art Centre).

Minutes of Previous Meeting:

Moved: Hobie Porter

Seconded: Martin Sullivan

RESOLVED that the Minutes of the Tweed Regional Art Gallery Advisory Committee meeting held 3 May 2017 be accepted as a true and accurate record of the proceedings of that meeting.

Agenda Items:

1. Business arising from the minutes

Arabella queried the comment in the Director's report 'frustration at the lack of media coverage'. Ingrid advised this referred not to lack of coverage but to media's inconsistent use of logos and credits.

2. David Burgener to consult the Committee on the draft Cultural Plan

David provided the committee with background on the Tweed Shire Council 2017 Draft Cultural Plan. This will provide a framework to guide Council's engagement with cultural activities across the shire over the next four years and is on public exhibition until Monday 14 August.

Arabella expressed concern that the committee is not providing collective feedback. Cr Polglase advised that as the committee has not met for some time it cannot provide feedback by the August 14 deadline however Susi Muddiman provides representation on behalf of the committee and members can provide individual feedback. Ingrid will provide committee members with a copy of the draft plan as requested. Arabella added that she believed it would have been preferable for this Committee to have made a submission and

requested that Council ensure the opportunity is provided to comment on any future arts and culture related draft policies that are put out on public exhibition.

3. Gallery Director's Report

Report of the Art Gallery Director submitted to the Art Gallery Advisory Committee on Wednesday 9 August 2017.

Acting Director's comments:

The Artist in Residence program is now booked through until end of 2018.

There has been wide national and international media coverage of the Olive Cotton Award. The gallery is working with Council's Communications team to implement media monitoring software that will result in the provision of detailed media reports at future committee meetings.

228 new solar panels have been installed and are running. The panels provide 18% of the gallery's power use and result in a 20% reduction of electricity costs. The panels will be paid for over a five year pay-back period and are fully funded by a federal grant.

Five new acquisitions were discussed with the committee.

- Ray Crooke *Photograph of Margaret Olley*, gift of David and Diana Crooke;
- two hand coloured lino cuts by David Preston, gift of the artist;
- Andrew Hmelnitsky *Plantation Farmhouse*, gift of the artist - from CAEP,
- Guy Maestri *Reflection*, purchased through the Tweed Regional Gallery Donations Fund. This work is an outcome of Guy Maestri's residency where he created works in response to the Olley recreation.
- Martin added that David Preston donated a print to the Friends of the Gallery for their raffle.

Acquisitions

Moved: Shirley Kennedy

Seconded: Hobie Porter

RESOLVED that the List of Acquisitions tabled at the meeting on 9 August 2017 be ratified by the Tweed Regional Art Gallery Advisory Committee.

General Business:

Cr Polglase noted that the Premier NSW visited the gallery and was extremely impressed. This is a credit to Ingrid and the gallery staff.

Louise raised that it is very difficult to see when exiting lower car park due to plants. Hobie added the issue of bird droppings falling on patrons cars in the undercover car park.

Hockney numbers were discussed. Ingrid advised the committee that numbers are below target.

Next Meeting:

The next meeting of the Tweed Regional Art Gallery Advisory Committee will be held Wednesday 8 November 2017 at 5pm. Committee members are then invited to attend the

Brett Whiteley film screening at the Regent Cinema at 7pm (tickets available at Regent Cinema 6672 8265)

The meeting closed at 5.38pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - Reviewed 21 August 2012.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

C1 [GM-CM] Murwillumbah Visitor Information Centre - Insurance Claim

REASON FOR CONFIDENTIALITY:

This report is confidential as it contains information of a commercial nature.

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.



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: **Provider**

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C2 [PR-CM] Tanglewood STP Upgrade Progress Update

REASON FOR CONFIDENTIALITY:

The report contains legal advice and therefore is to be considered as a confidential report.

Local Government Act

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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
- 3.1.6 Environmental Health - To support public health and environmental safety through education, inspections and enforcement of government rules and regulations.

ROLE: **Collaborator**

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

C3 [CNR-CM] Tweed Shire Council Food and Organics Processing Facility Expressions of Interest - RFO2016178 - RFO Evaluation by Port Macquarie Hastings Council

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: -

- (e) information that would, if disclosed, prejudice the maintenance of law.
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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
- 1.3 Utility Services
- 1.3.1 Rubbish and Recycling Services - To collect, recycle and dispose of residential and commercial waste, manage landfill sites and deliver community education so as to divert rubbish from landfill.
- 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: **Provider**

REPORTS FROM THE DIRECTOR CORPORATE SERVICES IN COMMITTEE

C4 [CS-CM] Television Filming Proposal Tweed Heads

REASON FOR CONFIDENTIALITY:

In order to give initial consideration to this proposal, Council officers were required to sign a Confidentiality Agreement with the proponents Channel 7. A copy of this signed Agreement is provided as an attachment to this report.

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
- 3.1.5 Economic Development - To support the local economy and attract new business and employment to the Tweed.

ROLE: **Provider**
