



TWEED
SHIRE COUNCIL

Mayor: Cr K Milne

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

Agenda

Ordinary Council Meeting Thursday 7 December 2017

held at **Council Chambers, Murwillumbah Civic & Cultural Centre, Tumbulgum Road, Murwillumbah** commencing at the conclusion of the Planning Committee meeting which commences 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.

Items for Consideration of Council:

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CONFIRMATION OF PLANNING COMMITTEE MINUTES

1 [CONMIN-CM] Adoption of the Recommendations of the Planning Committee Meeting held Thursday 7 December 2017

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 provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE: **Leader**

SUMMARY OF REPORT:

The recommendations of the Ordinary Planning Committee Meeting held Thursday 7 December 2017 require their adoption by Council for the resolutions to be acted upon.

RECOMMENDATION:

That the recommendations of the Ordinary Planning Committee Meeting held Thursday 7 December 2017 be adopted.

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).

Nil.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

- 2 [GM-CM] Submission to Consultation Drafts of the Model Code of Conduct and the Procedure for the Administration of the Model Code of Conduct

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: Collaborator Leader

SUMMARY OF REPORT:

As part of an ongoing review the Office of Local Government has produced Consultation Drafts of the Model Code of Conduct and the Administration of the Model Code of Conduct Procedure inviting submissions on these documents by 4 December 2017. Council sought an extension to its submission date to enable the report to be considered at the meeting of 7 December 2017, with the council submission being due on Friday 8 December 2017.

Copies of these documents have been made available to councillors and an internal review has also been undertaken, with the resultant submission being attached to this report.

RECOMMENDATION:

That the submission on the Consultation Drafts of the Model Code of Conduct and the Administration of the Model Code of Conduct Procedure be forwarded to the Office of Local Government.

REPORT:

As part of an ongoing review the Office of Local Government has produced Consultation Drafts of the Model Code of Conduct and the Administration of the Model Code of Conduct Procedure inviting submissions on these documents by 4 December 2017. Council sought an extension to its submission date to enable the report to be considered at the meeting of 7 December 2017, with the council submission being due on Friday 8 December 2017.

Copies of these documents have been made available to councillors and an internal review has also been undertaken, with the resultant submission being attached to this report.

The points contained within the submission are as follows:

Model Code of Conduct

Part 3.6 – consideration be given to the inclusion of the word – religion – within the areas of harassment and discrimination.

Part 3.7 – delete a) as interpretation of this wording could be too open and c) – hostile – should be defined.

Part 3.10 – a) delete the word – intimidating, delete f) and h) as they are Industrial Relations matters and are covered under the Local Government (State) Award.

Part 3.15 – totally endorsed – as this has been an enhancement within council's Model Code of conduct.

Part 4.27 – these requirements should also take into account the possibility of Identity Theft and Asset Security due to all property being required to be disclosed. In lieu of being published on the council website, copies of these returns could be retained by the Audit Office and only released under GIPAA requirements.

Part 5.30 b) – creates issues for council staff who are unable to conduct any business with council within normal work hours. There should be a provision included that – allows interaction during designated breaks or while on leave.

Part 6.6 – value of Token Gifts should be amended to be a value of \$100, with the exception of d) that should remain at \$50.

Part 6.7, 6.8 and 6.9 – the value should be increased to \$100.

Part 8.21 d) – requires a definition of the words misleading and deceptive – this would remove any ambiguity from this process.

Parts 8.22 and 8.23 – requires consideration be given to GIPAA requirements which includes access to records and the manner that they are stored within the council's systems. These parts appear to be too open in their interpretation.

Procedures for Administration of the Model Code of Conduct

The establishment of a panel of conduct reviewers – consideration should be given to the establishment of conduct reviewers initiated by the Office of Local Government in a similar way to the establishment of Regional Joint Planning Panels.

Part 6.3 – reference to incorporated or other entity which is in conflict with the fact that only individuals can be appointed to the panel of conduct reviewers.

OPTIONS:

1. Submit the submission to the Office of Local Government as attached to this report.
2. Provide further information to include in the submission to the Office of Local Government.

CONCLUSION:

That the submission on the Consultation Drafts of the Model Code of Conduct and the Administration of the Model Code of Conduct Procedure be forwarded to the Office of Local Government.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Conduct (Model) v2.0

Administration of the Model Code of Conduct Procedure Version 1.0

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.

Submission to Office of Local Government –
Consultation Drafts – Model Code of Conduct and
Administration of the Model Code of Conduct
Procedure (ECM 4924558)

REPORTS FROM THE DIRECTOR ENGINEERING

3 [E-CM] Building Better Regions Fund - Infrastructure Stream

SUBMITTED BY: Design

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: **Leader**

SUMMARY OF REPORT:

On 20 November 2017, Regional Development Australia- Gold Coast (RDA) advised Council that round 2 of the program was open and Grant guidelines available for the Building Better Regions Fund (BBRF). The BBRF:

'Provides organisations with grants of between \$20,000 to \$10 million to support projects which involve the construction of new infrastructure, or the upgrade or extension of existing infrastructure that provide economic and social benefits to regional and remote areas.'

The infrastructure stream of this round of funding will close 15 December 2017.

This report identifies and discusses projects that are considered to best reflect the BBRF grant eligibility and merit criteria

RECOMMENDATION:

That Council submits two applications for funding under the Building Better Regions - Infrastructure Stream, being:

- a) **Tweed Heads Civic and Cultural Centre Plaza and Social Enterprise Café; and**
- b) **Knox Park Amenities and Entry Plaza**

REPORT:

On 20 November 2017, Regional Development Australia – Gold Coast (RDA) advised Council that round 2 of the program was open and grant guidelines available for the Building Better Regions Fund (BBRF). The BBRF:

'Provides organisations with grants of between \$20,000 to \$10 million to support projects which involve the construction of new infrastructure, or the upgrade or extension of existing infrastructure that provide economic and social benefits to regional and remote areas.'

The BBRF will invest \$481.6 million over four years in infrastructure projects and community investments to create jobs to drive economic growth and build stronger regional communities into the future.

Grants are available through two funding streams; Infrastructure Projects and Community Investments.

- Infrastructure Projects Stream will support projects which involve the construction of new infrastructure, or the upgrade or extension of existing infrastructure that provide economic and social benefits to regional and remote areas.
- The Community Investments Stream will fund community building activities including, but not limited to, new or expanded local events, strategic regional plans, and leadership and capability building activities. These projects will deliver economic and social benefits to regional and remote communities.

The Program Guidelines are attached to this report and is available on the RDA web site at www.business.gov.au/bbrf.

The BBRF Infrastructure stream opened for applications on 7 November 2017 and close on 15 December 2017.

Projects must:

- be located in Australia and in an eligible area.
- be a project that has not started at the time of application
- be ready to commence within 12 weeks of executing the grant agreement
- be completed by 31 December 2020.
- Grants are between \$20,000 and \$10 million;
- Grant funding will be up to 50% of eligible project costs
- Evidence of co-funding to be provided

The following merit criteria must also be addressed by defining, quantifying and providing evidence to support how the criteria are met:

- The economic benefit your project will deliver to the region during and beyond the construction phase.

- The social benefit your project will deliver to the region during and beyond the construction phase.
- The value for money offered by your project.
- Your capacity, capability and resources to carry out the project.

It should be noted that to meet the above criteria considerable expenditure and staff time in preparing detailed designs and gaining approvals is required which is difficult given resources are allocated to projects funded in Council's Delivery program.

Council has previously applied for Round 1 funding in February 2017 after considering a report and resolving the following at its meeting on 15 December 2016 (See Attachment 2).

"that Council:

1. *Prepares three submissions with the intent of submitting two for funding under the Building Better Regions - Infrastructure Stream being:*
 - a) *the **Northern Rivers Rail Trail Project**, subject to confirmation being received of matching NSW State Government Funding.*
 - b) ***Tweed Valley Way Riverbank Stabilisation Project** - Tweed Valley Way limited to a length which can be co-funded by Council through existing budgets.*
 - c) ***Knox Park Amenities and Entry Plaza Project.***
2. *Seeks an urgent letter of commitment from the NSW State Government for matching funding for the Northern Rivers Rail Trail (Tweed Section) for inclusion with its application, which closes 28 February 2017.*
3. *Promotes the Community Investment Stream through Destination Tweed, community associations, environmental groups, not for profit organisations and business chambers."*

None of these projects were successful and none of the 9 projects previously considered, currently have the status of "shovel ready" (able to start construction) and are all in progress towards being ready for construction.

Project Status Summary

After reviewing the previously considered projects and determining if any other projects are likely to meet the BBRF grant criteria, the following table has been developed. The table lists the projects and their current status.

| Project | Estimate of Cost | Matching Funding Available | Concept Design | Detailed Design | Planning Approvals |
|---|-------------------------|--|---------------------------------------|---|---|
| Knox Park Amenities and Entry Plaza | \$1m | \$500,000 | Yes - completed. | Not commenced but relatively straight forward. | Part V approval is required. |
| Tweed Heads Civic and Cultural Centre Final stage: Central Plaza and Social Enterprise Café | \$1.13m | TSC component proposed to be funded from the difference in the flood insurance for Bray Park Community centre taking into account the cost of demolition | Yes Completed | In progress | Central Plaza has an Exempt Memo issued but Café still needs a development approval |
| Tweed Regional Accessible Playground and Park Tweed Heads (Ebenezer Park) | \$2.64m | \$365,000 | Yes. - Concept | No. Could be progressed relatively quickly | A Part V required. Previously exempt Development |
| Tweed Valley Way Riverbank Stabilisation | \$9m | Potential to fund TSC share through modifications to Delivery Program | No. But Locations of works identified | No. Could be progressed relatively quickly | A Part V application/s require d but fairly straight forward |
| Renewable Energy Project | \$6.1m | | No (Except Item 7 which is funded). | Not commenced (Except Item 7) | May require Part V approval depending on design |
| Kennedy Drive Interchange with Pacific Highway Upgrade | \$6m | Could be funded from S94 TRCP | Yes. - Concept only | No. Design process is complex as RMS would need to be consulted | A Part V required |

None of the listed projects currently has the status of "shovel ready" (able to start construction) but are progressing towards being ready for construction.

PROJECT DETAILS

The following provides greater detail regarding the projects listed in the above table.

1. Tweed Heads Civic and Cultural Centre Plaza and Social Enterprise Café

Project Summary

The site at Tweed Heads currently accommodates the Tweed Administration centre, Library and Auditorium. The three buildings are located around a central plaza. Council has invested in the redevelopment of the Tweed Heads Civic and Cultural Centre master plan.

The project is to complete the final stage in the master-planned upgrade for the Tweed Heads Civic and Cultural Centre. This would ensure universal access standards are met, support activation of the public plaza through a purpose built space for holding cultural events, the establishment of a social enterprise café to provide jobs, and provide much needed technical upgrades to auditorium infrastructure. Constructing an outdoor plaza for cultural events project will activate a key social/ cultural site that serves as a gateway to the shire from the Gold Coast.

Project Scope

The project is a refurbishment of existing infrastructure at Tweed Heads Central Plaza and Auditorium. The major renewal has four key parts; (1) the construction of outdoor an amphitheatre for cultural activities, (2) a social enterprise café to provide jobs, stimulate the local economic, and address social issues, (3) the provision of universal access to comply with disability regulations, and (4) upgrading the technical infrastructure for the auditorium.

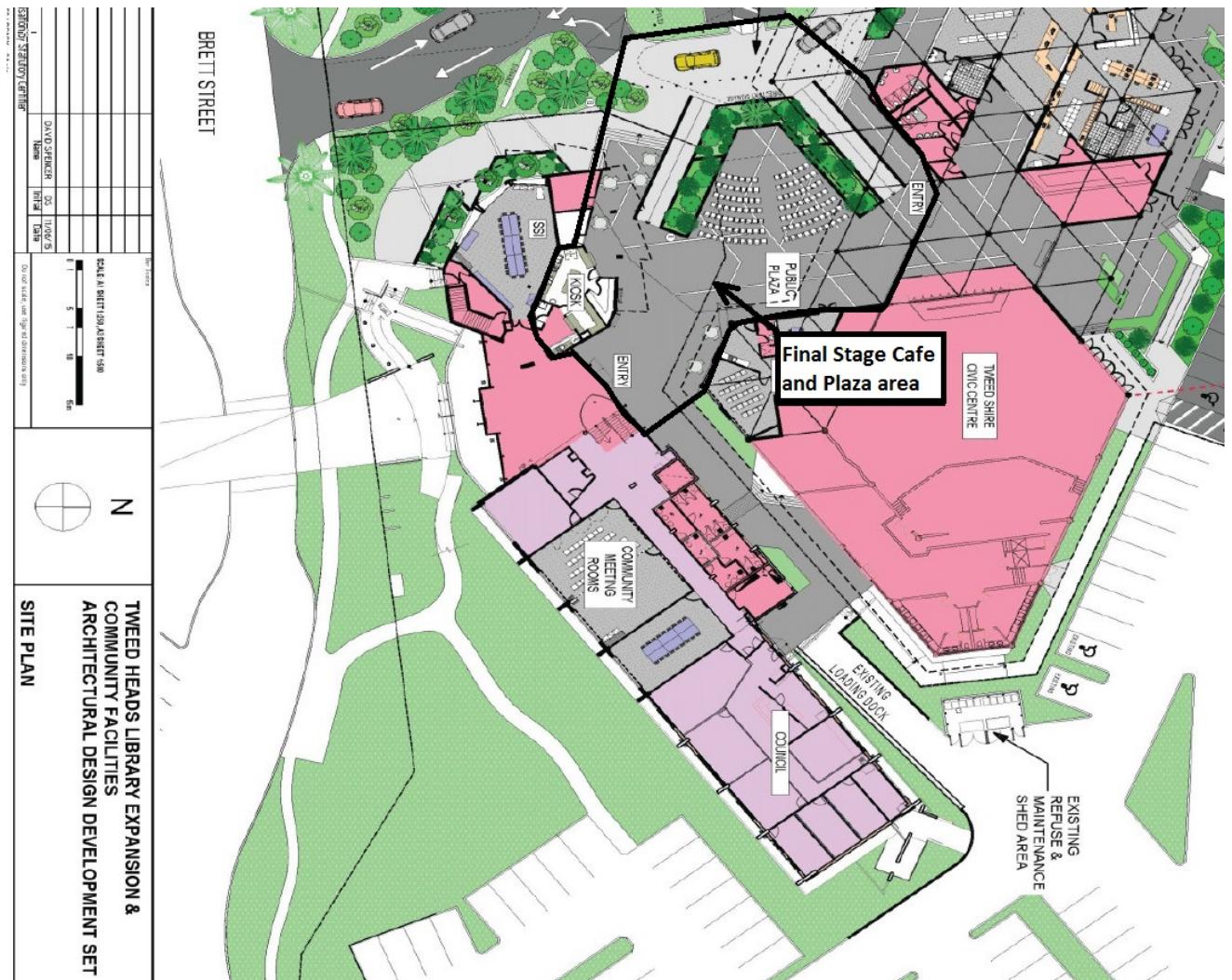
Budget Summary

The estimated cost of this project based on the concept plan in an amount of \$1,128,000.

| Estimated Expenditure | | |
|--------------------------|-------------|--------------------|
| Design & construction | \$1,128,000 | |
| Total Expenditure | | \$1,128,000 |

Funding for Council's 50% share is proposed to be sourced from the insurance claim settlement for the demolition of the Bray Park Community Centre damaged beyond repair in the March 2017 flood event.

Concept Plan



2. Knox Park Amenities and Entry Plaza

Project Summary

At its meeting on 19 June 2014, Council adopted the Knox Park Master Plan which provided for the stage revitalisation of Knox Park. Stage 1 consisted of the adventure playground and youth precinct were completed in 2016. Stage 2 would involve the construction of a new central amenities block, demolition of the old toilet blocks and construction of an entry plaza at the intersection of Brisbane and Wollumbin Streets, Murwillumbah.

Project Scope

The works proposed form part of the Stage 2 development.

Budget Summary

The estimated cost of this project based on the concept plan in an amount of \$1million.

| Estimated Expenditure | | |
|------------------------------|-------------|--------------------|
| Design & construction | \$1,000,000 | |
| Total Expenditure | | \$1,000,000 |

Matching funding of \$500,000 is available in Council's current budget for this project and, therefore, could be a suitable for funding under the current grant. However, demonstrating economic and social benefits to the Tweed Region may be problematic.

3. Tweed Regional Accessible Playground and Park Tweed Heads (Ebenezer Park)

Project Summary

This project is for the construction of a regional park and playground based on universal design principles that enable full accessibility and social inclusion to all members of the community regardless of age, ability or circumstances. The site for the Accessible Playground and Park is Coral Street, Tweed Heads.

The Tweed Regional Accessible Park and Playground was identified as a project under the 7 Year Plan and assigned baseline funding of \$350,000 in the Long Term Financial Plan.

The development of the Concept Design and securing grant funding for the project is an Action in the Access and Inclusion Plan 2014-2018.

The draft Concept Design was prepared by Plummer and Smith, Landscape/Art/Design in 2015.

Project Scope

The Tweed Regional Accessible Playground and Park will be designed and constructed using the principles of universal design providing access and inclusion for all members of the community as well as for visitors to the area. The Accessible Playground and Park will provide facilities, play spaces and recreational environments that cater to the needs of people with a range of physical and cognitive challenges. This means the inclusion of connecting and continuous pathways, outdoor furniture, shade and other fittings such as drinking fountains, play equipment, landscape features and both natural and constructed sensory elements specifically designed for universal accessibility. Due to the accessible design people with a range of abilities will be able to enjoy the park and play experience with their families and friends in an inclusive environment. The site will allow for the inclusion of active and passive spaces, children's play and areas for older visitors.

Budget Summary

The project can be delivered in two stages with the overall construction estimated at \$2.64m. Life cycle costs for the project have been estimated for a ten year period going forward starting at \$64,920 for 2016/2017 financial year.

| Estimated Expenditure | | |
|-----------------------------------|-------------|--------------------|
| Stage 1 | \$1,580,303 | |
| Stage 2 | \$402,465 | |
| Design/approvals/fees contingency | \$134,400 | |
| Contingency | \$530,000 | |
| Total Expenditure | | \$2,640,000 |

(*Estimate Jan 2016 plus extra 10% added for time lag to delivery)

As noted above Council current budget for this project is \$350,000 meaning that any park design would be limited to \$700,000 as a stage.

Concept Design



EBENEZER PARK access + play

Planning and Environmental Approvals

The proposal is permissible under Part V of the Environmental Planning and Assessment Act 1979. Specifically, the proposal would require a Part V Application including Review of Environmental Factors (REF) report as per Division 12 (Parks and other public reserves), Clause 65 (3) of the State Environmental Planning Policy (Infrastructure) 2007. Council's Development Assessment Unit would be the determining authority.

An exempt development memo for an all access park upgrade at the site was issued in 2014. However, the amenities facility and the parking were not included as part of the project scope. These additional elements trigger a new Part V process and application

On file is a letter of support from NSW Crown Lands (dated April 2014) given the land is Crown Land, and a note regarding support for the proposal by the Tweed Aboriginal Advisory Committee (AAC).

4. Tweed River Bank Stabilisation

Project Summary

The severity of river bank erosion in the Tweed estuary varies considerably; however overall, the scale of the problem is large.

River reaches with the most severe and continuous bank erosion are located between Murwillumbah and Stott's Island, primarily adjacent to the Tweed Valley Way and Tumbulgum Road. Within this river reach, erosion is predominantly impacting on road reserve, as opposed to private land or public open space.

This project is identified in the Tweed River Estuary Bank Management Plan 2014 which also provides a schedule of works to stabilise river bank erosion on public land (to be undertaken by Council), as well as updated design advice for works required on private land.

The plan has been developed based on the following principals:

- Environmental values of the riparian environment will be protected and enhanced.
- High value public infrastructure and public open space will be protected.
- The visual and recreational amenity of the river environment will be protected and enhanced.
- Where practical, vulnerable river banks will be managed to increase their resilience to erosion through pre-emptive erosion management.

The range of bank stability conditions has been mapped to inform the preparation of the management plan.

It is estimated that there is 5,800 metres of roadway within the priority reach that is at risk of being affected by bank slips within the next five to ten years.

Project Scope

Undertake riverbank stabilisation works based on the Report's findings. In the case of TSC managed land adjacent to roads, the total bank length equal to or less than 7.5 m of the road edge is 10,667 m. The portion of this overall total where erosion is

severe is 5,800 metres. It is likely that a large proportion of this length will need to be structurally stabilised.

Wherever possible, design options will include the principle of providing rock fillets to encourage mangrove colonisation of the bank toe in addition to full structural protection of river banks. Bio-engineered designs that maximise ecological and amenity values should also be utilised where feasible.

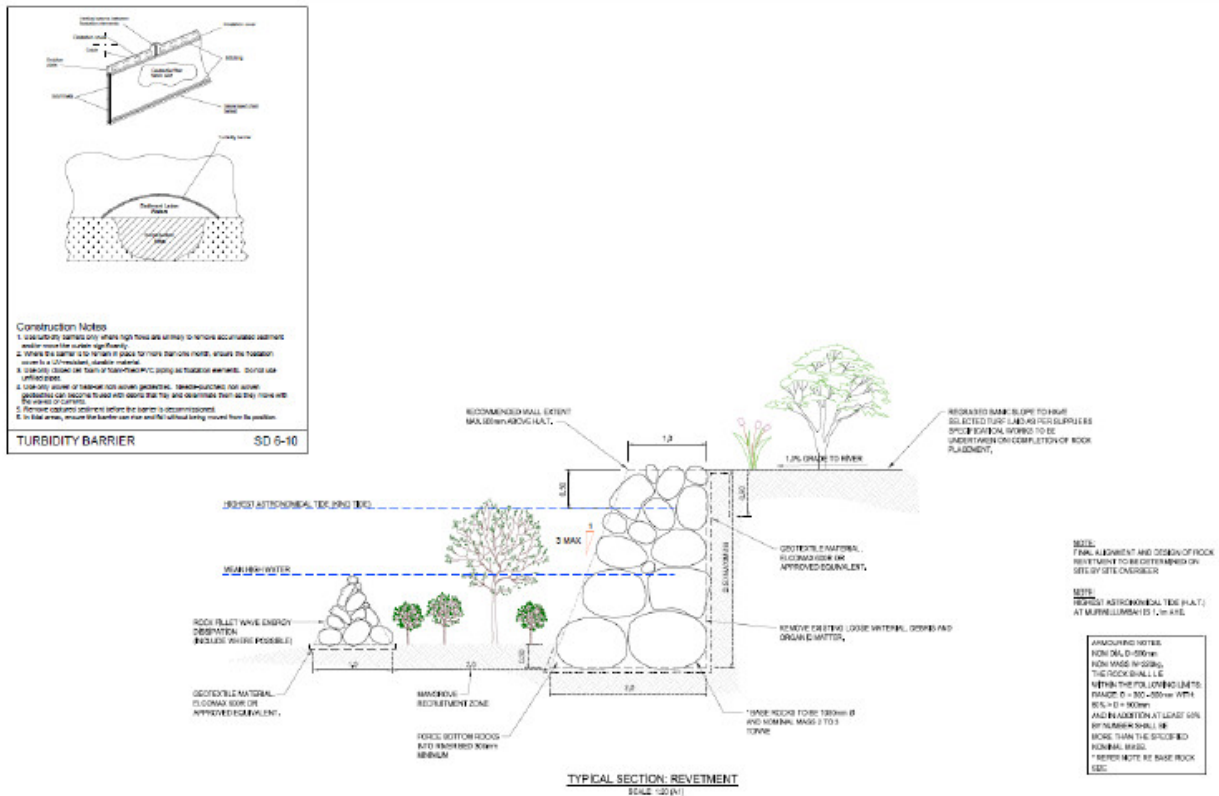
Budget Summary

At an estimated cost of \$1500 per lineal metre to stabilise river bank erosion (based on the average cost per metre rate of erosion stabilisation work recently undertaken by Council), the total cost to stabilise severe erosion adjacent to roads could be as much as \$9,000,000 over ten years. Maintenance costs would add to this figure.

This project can be staged over several years. Council does not have matching funding at present, however, may be able to undertake smaller sections at a cost of approximately \$1-2 million by reprioritising other projects currently in Council's Works Program.

Concept Design

Figure 7. Full bank height structural protection including a rock fillet to encourage mangrove recruitment.



(*From the Tweed River Estuary Bank Management Plan 2014)

Planning and Environmental Approvals

When river bank erosion stabilisation projects involve earth works or the placement of rock or any other material into a waterway, approval and permits are required to be sought from Council and a number of state government agencies.

The types of approvals required are different for Council and private land owners. For private landowners, the approval pathway is different when works are in tidal and non-tidal waters.

Council Work

Council is required to seek a Part V activity approval for river bank stabilisation projects. Part V approval requires the undertaking of a review of environmental factors (REF). The REF process is aimed at identifying and assessing the significance of any potential impact of the proposed project on matters such as flora, fauna, water quality, cultural heritage etc. If works are to be undertaken on Crown Land (or within a Crown waterway reserve), land Owners consent to lodge an application to undertake the activity must be sought from the Department of Lands. Upon receipt of an approval to undertake works, a temporary license to occupy the Crown land and undertake the works must also be sought. If works are to be undertaken within a waterway, a permit from the NSW Department of Primary Industries Fisheries must also be sought. This process is applicable for works in both tidal and non-tidal waterways.

Work on Private Land

The Tweed LEP 2014 is the planning instrument that defines the permissibility and approval process required for work and activities in the Tweed Shire. Advice should be sought from the Tweed Shire Council Development Assessment Unit for works within a tidal area, or from the NSW Office of water in non-tidal areas.

5. Renewable Energy Projects

Project Summary

A suite of potential renewable energy projects has been compiled.

The projects represent an opportunity to reduce Council's operating costs and help to make Council "fit for the future".

The project would require \$6.1M of capital funding to install 1.85MW of solar capacity at eight key (high energy using) sites around Tweed Shire:

1. Banora Point Wastewater Treatment Plant: 938kW ground-mounted solar
2. Kingscliff Wastewater Treatment Plant: 500kW ground-mounted solar
3. Bray Park Water Treatment Plant and Water Pump Station 2: 142kW rooftop solar
4. Hastings Point Wastewater Treatment Plant: 100kW ground-mounted solar
5. Tweed Regional Aquatic Centre Murwillumbah: 60kW rooftop solar and 44kW battery storage
6. Murwillumbah Civic Centre: 60kW rooftop solar
7. Tweed Heads Library & Civic Centre: 25kW rooftop solar

8. South Tweed Pool: 30kW rooftop solar

Project Scope

To provide renewable energy generated by solar panel installations at the above sites. These projects could make up to 15% of Council’s total energy and take a significant step towards Council’s objective of becoming self-sufficient in renewable energy. Item 7 is funded as part of the current refurbishment and upgrade of the Tweed Heads Library & Civic Centre however the exact value is not known at this time.

Budget Summary

The estimated cost of this project is based on preliminary estimates of project scope and costs from the identified sites.

| Estimated Expenditure | | |
|------------------------------|-------------|--------------------|
| Design & construction | \$6,100,000 | |
| Total Expenditure | | \$6,100,000 |

With the exception of Item 7, which is funded, these are only preliminary estimates and no funding towards these projects has been allocated at this time. A feasibility study for installation of solar at the Banora Point Wastewater Treatment Plant is planned but is yet to commence. It may be possible to reallocate existing program funds to allow \$100,000 to be allocated towards the two Swimming Pool items but given the general unavailability of matching funding this project is not at a stage where it meets the grant funding criteria.

Planning and Environmental Approvals

No work has been undertaken on preparing required applications at this time.

6. Kennedy Drive Interchange with Pacific Highway Upgrade

Project Summary

As the interchange approaches capacity in the morning and afternoon traffic peak periods it would be an advantage to bring forward the future interchange upgrade. The work would involve roundabout upgrades or coordinated signalisation of the current “dog bone Intersection” including additional slip lanes.

The upgrade would include additional left turn slip lanes, upgrades and alterations to existing traffic lanes to optimise capacity, roundabout upgrades or signalisation of the eastern and western Highway ramps. Detailed concept design work and traffic modelling has been completed for this project.

Project Scope

The project includes road widening between the Highway ramps, traffic signal at the eastern and western ramps, altered traffic lanes and possible signal coordination with the Ducat Street signals.

Council is currently reviewing the Tweed Road Development Strategy (due for completion end of 2016/2017) and this will likely confirm this project as one of the priorities in the Shire's Distributor Road network as well as the final configuration of the interchange.

Budget Summary

The estimated cost of this project based on estimates in the Tweed Distributor Roads Contribution Plan is:

| Estimated Expenditure | | |
|--------------------------|----------------|--------------------|
| | Upper Estimate | |
| Design & construction | \$6,000,000 | |
| Total Expenditure | | \$6,000,000 |

Matching funding can be provided from Section 94 TRCP.

Planning and Environmental Approvals

No work has been undertaken on preparing required applications at this time.

OPTIONS:

In keeping with Council's previously identified priorities that have been submitted to the RDA and cognisant of the criteria under the BBRF, there are only three real options for Council to consider in this Round, being:

1. Tweed Heads Civic & Cultural Centre - Central Plaza and Social Enterprise Café.
2. Knox Park Public Amenities and Entry Plaza - Matching funding of \$500,000 is available in Council's current budget.
3. A staged Tweed Riverbank Stabilisation Project - with matching funding from reprioritising of other projects with in the Delivery Program.

The options are to identify Council's preferred project from the above list of projects and submit them to the Building Better Regions Fund. Council has the option to submit up to two projects for consideration in this Round of funding.

CONCLUSION:

This report recommends that Council resolve to submit Tweed Heads Civic and Cultural Centre Plaza and Social Enterprise Café and Knox Park Amenities and Entry Plaza. It is considered that these projects provide the best opportunity to demonstrate all aspects of the criteria sought.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

See Report.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Building Better Regions Fund Program Guidelines (ECM 4919520).

Attachment 2. Council Report dated 15 December 2016 (ECM 4919519).

4 [E-CM] RFO2017082 Package 2 Road Flood Damage Restoration

SUBMITTED BY: Infrastructure Delivery

Valid



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

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Provider

SUMMARY OF REPORT:

Request for Offer RFO2017082 Package 2 Road Flood Damage Restoration was called from a pre-selected panel of six suitably qualified and experienced contractors to provide road, bridge and culvert repairs of 148 assets damaged during the March 2017 flood event in the Tweed Valley following Cyclone Debbie.

At the time of closing 4 Offers were received.

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

RECOMMENDATION:

That in respect to Contract RFO2017082 Package 2 Road Flood Damage Restoration:

1. Council awards the offer to Hazell Bros Group Pty Ltd, ABN 46 145 228 986, for the amount of \$1,065,000.00 (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 six monthly and at finalisation of the contract.
3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain:-

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

REPORT:

Offer Background

An Expressions of Interest (EOI) for Road Flood Damage Restoration Contractors was called in June 2017 and six suitably qualified and experienced contractors were chosen to form a panel of providers to undertake road, bridge and culvert repairs of assets damaged during the March 2017 flood event in the Tweed Valley following Cyclone Debbie. The repairs relate to a total of approximately 1,500 damage items.

In October, this Request for Offer RFO2017082 Package 2 Road Flood Damage Restoration was called to select a Contractor from the panel to provide road, bridge and culvert repairs for some 148 assets.

Repairs to be performed in this package includes;

- Abutment damage of bridge including scoured rock armouring, loss of timber sheeting, scouring around piles
- Causeway buried under soil or debris
- Causeway support scoured or undermined
- Causeway surface damage including concrete surface cracked / broken sections
- Culvert blocked by silts, vegetation or other washed debris
- Culvert pipe or headwall damaged
- Culvert washout or displacement within road
- Debris washed against bridge in watercourse or on deck/barriers/kerbs
- Embankment or formation damage including bottom side slips
- Bridge embankment damage including scoured wingwall batters
- Traffic guardrail damaged requiring replacement or repairs
- Guide posts or delineator markers damaged or lost
- Kerb and gutter damaged including washed away, displaced, or broken
- Scour damage to infill area between K&G and road cutting or verge
- Land slip / rock fall in roadside corridor (but not onto road or drainage - refer Land Slip on Roadway for this)
- Land slip / rock fall onto road or in table drain area, including top side slips & fallen rocks
- Pavement failure of sealed road as a result of saturation by inundation
- Damage to formation & pavement of sealed road including scouring & washouts of sections (excludes slips or surface damages or pavement failures)
- Silt, shingle and other deposits on roadway (excludes top side slip removals)
- Damage to wearing surface seal including delaminations, cracking, erosion
- Shoulder failures including scouring, washouts, subsidence outside travel lanes
- Table drain scour or other damage requiring restoration
- Table drain silted up or blocked by debris
- Trees on roadway
- Damage to formation of unsealed road including washouts of sections (excludes slips or surface damages)

It should be noted that further RFO packages will follow in order for Contractors to repair all of the damage items. These will be brought to Council in future reports.

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 sent to six pre-qualified contractors via Council’s e-tendering website on 16 October 2017.

Offer submissions closed at 4:00pm (local time) on 15 November 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 2 Notice to Bidders issued before close of Offer.

Addendum No. 1 was issued to Bidders to provide clarification of scope and technical details.

Addendum No. 2 was issued to advise Bidders that the closing date was extended by 1 week from 08 November to 15 November 2017.

Offer Submissions

At the closing time for Offer Submissions, the Tender Box was opened and 4 Offers were recorded as below:

| Bidder | ABN |
|---------------------------|----------------|
| Coastal Works | 79 126 214 487 |
| Hazell Bros Group Pty Ltd | 46 145 228 986 |
| SEE Civil Pty Ltd | 88 115 963 427 |
| Skeen Constructions | 42 122 970 978 |

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 |
| Senior Engineer – Construction (Coordinator Flood Restoration) |
| Flood Restoration Engineer |
| Engineer - Assets & Maintenance |

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

| Criterion | Document Reference | Weighting (%) |
|---|------------------------------|----------------------|
| Value for Money (Normalised Offer Price) | Schedule 3 | 70% |
| Relevant Experience and Capability, Management Systems (WH&S, | EOI-RFO2017082 as previously | 10% |

| | | |
|---|-----------------|-------------|
| Quality and Environmental) | submitted | |
| Time Schedule (Methodology and Proposed Work Program) | Schedules 5 & 6 | 10% |
| Local Content | Schedule11 | 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 offer to Hazell Bros Group Pty Ltd, ABN 46 145 228 986, for the amount of \$1,065,000.00 (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:

It is concluded, in regards to RFO2017082 Package 2 Road Flood Damage Restoration, that the offer from Hazell Bros Group Pty Ltd provides the best value in repairing the designated road, bridge and culvert assets damaged during the March 2017 flood event on the Tweed River following Cyclone Debbie.

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

b. Budget/Long Term Financial Plan:

The majority of flood damage items designated in RFO2017082 Package 2 Road Flood Damage Restoration are eligible for funding claims through NDRRA. The exact amount of NDRRA funding is unknown as it is subject to assessment by Roads and Maritime Services and Public Works Advisory. The continuation of flood restoration works is necessary and using contractors procured through this RFO process maximises the available NDRRA funding opportunity and minimises the impact on the financial position of Council. Any funding shortfall between the contract value and the available NDRRA funding will be met by the Infrastructure Asset Management Reserve or by delaying some items on the capital works program.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. RFO2017082 - Offer Evaluation Report (ECM 4916744)

(Confidential) Attachment 2. RFO2017082 - Offer Evaluation Scoring Sheet (ECM 4916864)

5 [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.

A further report was prepared for consideration at the Council meeting of 26 October 2017 which was subsequently not dealt with as a Notice of Rescission was lodged prior to the Item being considered.

At the Council meeting held 16 November 2017 the Rescission Motion was considered and subsequently lost and therefore this report is re-submitted for the consideration of Council.

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 be in accordance 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:

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

A further report was prepared for consideration at the Council meeting of 26 October 2017 which was subsequently not dealt with as a Notice of Rescission was lodged prior to the Item being considered.

At the Council meeting held 16 November 2017 the Rescission Motion was considered and subsequently lost and therefore this report is re-submitted for the consideration of Council.

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 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.

CONFIDENTIAL COMMITTEE

CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C1 [PR-CM] Class 1 Appeal - DA16/0274 - 21 Lot Community Title Subdivision, Demolition, Earthworks, Vegetation Clearing and Erection of Dwelling Houses at Lot 2 DP 564549 No. 42 North Arm Road, Murwillumbah

REASON FOR CONFIDENTIALITY:

This report concerns legal matters that could influence the appeal process.

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



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

C2 [PR-CM] Wardrop Valley Workshop Outcomes Report

REASON FOR CONFIDENTIALITY:

Council is in a joint venture with the adjoining land owner.

Local Government Act

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

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

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Collaborator** **Leader**

REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C3 [E-CM] Safe and Secure Water Program Expression of Interest

REASON FOR CONFIDENTIALITY:

The report highlights the vulnerability of the Tweed District Water Supply. The report is confidential because it is inappropriate to highlight that vulnerability in a public forum. If the report were public it may cause those who wish to threaten Council or disrupt Council services to do so by interfering or damaging Council's water infrastructure.

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: -

- (f) matters affecting the security of the council, councillors, council staff or council property.

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

C4 [E-CM] Clarrie Hall Dam - Land Acquisition - 79 Lone Pine Road, Doon Doon

REASON FOR CONFIDENTIALITY:

This report discusses commercial negotiations and private financial arrangements which should not be disclosed to the public in order to protect the privacy of the affected landowner.

Local Government Act

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Leader

C5 [E-CM] Clarrie Hall Dam - Land Purchase - 701 Doon Doon Road, Doon Doon

REASON FOR CONFIDENTIALITY:

This report discusses commercial negotiations and private financial arrangements, which should not be disclosed to the public in order to protect the privacy of the affected individuals.

Local Government Act

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Provider
