

Mayor: Cr K Milne

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

Agenda

Ordinary Council Meeting Thursday 17 May 2018

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

Principles for Local Government

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

Guiding Principles for Tweed Shire Council

(1) Exercise of functions generally

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

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

(2) Decision-making

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

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

(3) Community participation

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

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CONFIRMATION OF MINUTES

1 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 19 April 2018

SUBMITTED BY: Corporate Governance

mhm



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

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

ROLE: **Leader**

The Minutes of the Ordinary and Confidential Council Meeting held Thursday 19 April 2018 are attached for information and adoption by Council.

RECOMMENDATION:

That:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 19 April 2018 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 9 April 2018 (ECM XXX).
(Confidential) Attachment 2	Minutes of the Confidential Council Meeting held Thursday 9 April 2018 (ECM XXX).

2 [CONMIN-CM] Confirmation of Minutes of Ordinary and Confidential Council Meeting held Thursday 3 May 2018

SUBMITTED BY: Corporate Governance

mhm



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

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

ROLE: **Leader**

The Minutes of the Ordinary and Confidential Council Meeting held Thursday 3 May 2018 are attached for information and adoption by Council.

RECOMMENDATION:

That:

- 1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 3 May 2018 be adopted as a true and accurate record of proceedings of that meeting.**
- 2. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
 - (f) matters affecting the security of the council, councillors, council staff or council property.**

REPORT:

As per Summary.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Attachment 1 Minutes of the Ordinary Council Meeting held Thursday 3 May 2018 (ECM 5257852).

(Confidential) Attachment 2 Minutes of the Confidential Council Meeting held Thursday 3 May 2018 (ECM 5257854).

SCHEDULE OF OUTSTANDING RESOLUTIONS

3 [SOR-CM] Schedule of Outstanding Resolutions at 17 May 2018

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**

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.

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. TOMRA have entered into a licence for a small portion of the land for reverse vending machines which went live on 11 March 2018.

18 MAY 2017

ORDERS OF THE DAY

37 [NOM] Tweed Shire Housing Opportunities

222

Cr K Milne
Cr C Cherry

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

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

Current Status: Workshop conducted on 22 February 2018, report to be prepared for consideration by Council for the June Planning Committee meeting.

20 JULY 2017

REPORTS FROM THE GENERAL MANAGER

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

311

Cr K Milne
Cr C Cherry

RESOLVED that:

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

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

Current Status: Forwarded for a gateway determination and will be the subject of a further report on receipt of gateway determination from the Department.

21 SEPTEMBER 2017

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: Workshop held 29 March, report to be prepared for Council consideration.

26 OCTOBER 2017

ORDERS OF THE DAY

9 [NOM] Private Native Forestry

505

**Cr K Milne
Cr R Byrnes**

RESOLVED that Council:

....

4. Calls on the State Government and makes representations for an urgent moratorium on any further issuing of Private Native Forestry licences for native forests (i.e. not native plantation forests) in the Tweed Shire, until a review of the existing legislation is completed.
 5. Holds a workshop on the suitability and safety of the external road network for the Hewittville logging vehicles.
-

6. Undertakes an urgent review of the ecological values of the Hewittville property at Limpinwood to ascertain if this site warrants a rezoning to better reflect and protect the environmental values of the site and brings back a report to Council to consider this matter.

Current Status: In terms of:

Point 4, following representations made to relevant State agencies and Local Members, the NSW State Government has recently advised that Local Lands Services will be taking over the approval processes with Private Native Forestry.

Point 5 a Workshop is still to be organised.

Point 6, legal advice has recently been received, and a further report will be submitted to Council with an update.

16 NOVEMBER 2017

ORDERS OF THE DAY

12 [NOM] Power Prices

583

**Cr J Owen
Cr W Polglase**

RESOLVED that Tweed Shire Council requests a briefing from the relevant NSW Government agencies to brief Councillors on current policies, programs and assistance available to Council and the community to reduce energy consumption and green house gas emissions and to ease the cost of living pressure on households.

Current Status: Interim response provided by Mr Ben Franklin, Parliamentary Secretary for Renewable Energy and Northern Rivers referring the matter to the Minister for Resources, Energy and Utilities and undertaking to get further information back to Council.

Workshop to be scheduled.

15 FEBRUARY 2018

ORDERS OF THE DAY

5 [NOM] Private Native Forestry Hewittville Limpinwood - Rural Zones

10

Cr K Milne
Cr C Cherry

RESOLVED that Council seeks legal advice about options in regard to concerns with the Hewittville Private Native Forestry at Limpinwood in the rural zones, including but not limited to whether:

1. Approval under other legislation may be required in the rural zones particularly in relation to threatened species, Aboriginal cultural heritage, impacts on water quality, etc;
2. The matter should be referred to the Federal Government under the Environment Protection Biodiversity Conservation Act; and
3. There is a capacity for Council to act on potential breaches of the State Government licence or to challenge that approval.
4. Council brings forward a report on the environmental values of the Hewitville property.

Current Status: Legal advice being sought and a further report will be prepared for consideration by Council.

7 [NOM] Land Audit - Tiny Homes

19

Cr R Byrnes
Cr R Cooper

RESOLVED that a report be generated by Council listing available and appropriate Council land for the purpose and utilisation of a 'Tiny Homes' project of a small scale that can be managed by a *not for profit* organisation or Housing NSW. Further, that Council writes to the NSW State Government requesting a list of available and appropriate State owned/Crown Land for the purpose of a 'Tiny Homes' project.

Current Status: A Workshop is scheduled for 10 May 2018.

1 MARCH 2018

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C1 [PR-CM] Unauthorised Forestry and Roadworks Lot 136 DP 755724 Boormans Road, Tyalgum

REASON FOR CONFIDENTIALITY:

This is subject to current legal investigations.

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.

C 8

That:

...

2. Council seek further information on previous uses of the site to inform the action in Part 1(b).
3. A further report be brought back for potential offences in regard to the Section 120 of PoEO Act.

...

Current Status: Information currently being collated with reference to previous uses of the site. A further report will be submitted back to Council.

C2 [PR-CM] Unauthorised Works within Crown Road Reserve, Zara Road, Limpinwood

REASON FOR CONFIDENTIALITY:

This is subject to current legal investigations.

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.

C 9

That Council, in respect of the current legal investigations relating to the unauthorised works within the Crown Road at Zara Road Limpinwood:

1.
4. Council seeks further advice in regard to whether it is appropriate to issue a Notice of Intention to cease using the Crown Road Reserve.

Current Status: Advice being sought with reference to the appropriate action to be undertaken. A further report will be submitted back to Council.

C3 [PR-CM] Unauthorised Works at Lot 1 DP783892, No.1110 Urliup Road, Urliup

REASON FOR CONFIDENTIALITY:

This is subject to current legal investigations.

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.

C 10

That Council in respect of the investigations into the alleged Unauthorised Works at Lot 1 DP783892, No.1110 Urliup Road, Urliup, pursue the water pollution offences either in the Local Court or by issuing Penalty Infringement Notices as guided by Council's solicitors. A further report be brought back to Council subsequent to the Solicitors advice.

Current Status: Advice being sought with reference to the appropriate action to be undertaken. A further report will be submitted back to Council.

22 MARCH 2018

ORDERS OF THE DAY

12 [NOM] Policy for Variations to Council's Planning Controls

99

**Cr K Milne
Cr R Byrnes**

RESOLVED that Council brings forward a report on amending the Tweed and Tweed City Local Environmental Plan and Development Control Plan with a view to enhancing

sustainability outcomes such as living walls, green roofs, blue green infrastructure, greenhouse gas emissions, waste, composting, community gardens, etc., in accordance with the Paris Agreement targets.

Current Status: Reported to be prepared for Council consideration.

13 [NOM] Protecting Tweed's Native Forests

101

Cr P Allsop
Cr J Owen

RESOLVED this item be deferred for a future Workshop to be scheduled on the above Motion.

Current Status: A Workshop is scheduled for 10 May 2018.

18 [NOM] Review of Murwillumbah CBD Street Trees

106

Cr K Milne
Cr J Owen

RESOLVED that Council brings forward a report on the state of the street trees in Murwillumbah CBD in regard to their health, any gaps, and options for appropriate species for replanting or replacement if required and where improved shading could be achieved.

Current Status: Reported to be prepared for Council consideration.

19 [NOM] Quarry Operations

107

Cr K Milne
Cr R Byrnes

RESOLVED that Council brings forward a report on the current state and any compliance issues at the three quarries off Numinbah Rd/ Harry's Rd, North Arm.

Current Status: Reported to be prepared for Council consideration.

5 APRIL 2018

ORDERS OF THE DAY

2 [NOM] Round Table Consultation - Kingscliff Skate Park

148

Cr R Cooper
Cr R Byrnes

RESOLVED that Council convenes a round table consultation by the first week in May 2018 and which should include discussion on the location, design and the associated park works.

Current Status: Round Table meeting held on Wednesday 2 May 2018.

19 APRIL 2018

REPORTS FROM DIRECTOR ENGINEERING

23 [E-CM] Heavy Vehicle Approvals - B-Double Routes

173

Cr R Byrnes
Cr K Milne

RESOLVED that this Item be deferred to schedule a Workshop with the Tweed Water Alliance and to seek advice from the applicants regarding their capability to carry 50t versus 55t on their B-double configurations.

Current Status: Workshop scheduled on 31 May 2018.

REPORTS FROM EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE

27 [PCG-CM] Community Engagement Strategy

200

Cr R Cooper
Cr K Milne

RESOLVED that Item 27 Community Engagement Strategy be deferred to the Council Meeting of 17 May 2018 for further consideration.

Current Status: Following further discussions with Cr R Cooper this report will be available at 21 June 2018 Council meeting.

REPORTS FROM DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C1 [PR-CM] Tweed Water Alliance - Water Extraction - Request for Compliance Action at 477 Urliup Road, Urliup (DA03/0445), 2574 Kyogle Road, Kunghur (DA05/0995 & DA16/0579), 101 Bryens Road, Nobby's Creek (DA06/0603) and 10-20 Edwards Lane & 308 Numinbah Road, Kynnumboon (DA05/1507 & DA06/1023)

REASON FOR CONFIDENTIALITY:

This report contains information that may involve litigation and is subject to legal privilege.

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.

C 25

That Council in regard to the Tweed Water Alliance – Water Extraction – Request for Compliance Action at No. 477 Urliup Road, Urliup (DA03/0445), No. 2574 Kyogle Road, Kunghur (DA05/0995 & DA16/0579), No.101 Bryens Road, Nobby's Creek (DA06/0603) and Nos. 10-20 Edwards Lane & No. 308 Numinbah Road, Kynnumboon (DA05/1507 & DA06/1023):

....

3. A further report be submitted to Council detailing any response received in respect to Point 2.

Current Status: Correspondence sent to all four proponents seeking a response to alleged breaches of development application consent.

REPORTS FROM DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

C2 [CNR-CM] Acid Sulfate Soil Contamination Remediation Works and SEPP14 Coastal Wetlands at Lot 1 DP1001025 No. 337 Round Mountain Road, Round Mountain and Lot 2 DP1087664, Christies Creek

REASON FOR CONFIDENTIALITY:

This report contains information that may involve litigation and is subject to legal privilege.

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.

C 26

That Council:

...

- 3. Notes a further report on the status of the Acid Sulfate Soil project on Lot 1 DP 1001025 be brought back to Council including options for management of Acid Sulfate soil problems.

Current Status: Correspondence sent to land owner seeking a response to alleged unauthorised vegetation clearance. Following receipt of a response a further report will be submitted to Council.

3 MAY 2018

PLANNING COMMITTEE

NOTE: The adoption of the following Committee Recommendations are referenced by Minute No 165 of the Council Meeting of 3 May 2018.

- 5 [PR-PC] Development Application DA04/0162.03 for an Amendment to Development Consent DA04/0162 for Expansion and Amalgamation of Existing Quarries at Lot 28 DP 1079480 Pollards Road, Dulguigan

P 20

Cr K Milne
Cr C Cherry

RECOMMENDED that this report be deferred to allow the community further opportunity to respond to this report.

Current Status: Workshop to be scheduled.

- 6 [PR-PC] Compliance - Development Application DA02/1983.17 for an Amendment to Development Consent DA02/1983 for the Use of Property for Filming and Producing a Television Program at Lot 77 DP 755715 Dungay Creek Road, Dungay; Part Lot 74 DP 755715 No. 366 Dungay Creek Road, Dungay; Lot 93 DP 755715 No. 486 Dungay Creek Road, Dungay

P 21

Cr C Cherry
Cr W Polglase

RECOMMENDED that this item be deferred for a workshop with the Granada Production Company as requested.

Current Status: Workshop to be scheduled.

- 8 [PR-PC] Rural Land Strategy for Adoption

P 23

Cr P Allsop
Cr C Cherry

RECOMMENDED that this report be deferred for a workshop with the Tweed Combined Rural Industries Association.

Current Status: Workshop to be scheduled.

MAYORAL MINUTE

4 [MM-CM] Mayoral Minute for April 2018

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

- 6 April Aboriginal Advisory Committee - Minjungbal Aboriginal Museum and Cultural Centre, Corner Kirkwood Road and Duffy Street, Tweed Heads.
 - 10 April Tweed Coast Koala Management Committee - Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
 - 11 April Tweed Coast Waterways Committee - Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
-

INVITATIONS / MAYORAL REPRESENTATION:

Attended by the Mayor

- 8 April Senior's Festival Event - St Ambrose Primary School, 1 Charles Street, Pottsville.
 - 10 April Fingal Public School Mural Art Installation Opening - Old Boat Harbour Site, Fingal Road, Fingal Head.
-

- 10 April Community Meeting for the new Tweed Hospital - Cudgen Leagues Club, 3 Wommin Bay Road, Kingscliff.
- 12 April Flood Recovery Community Gathering - Knox Park, Brisbane Street, Murwillumbah.
- 13 April Community Round Table Forum - Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
- 16 April Kooee Koala calling out for good Samaritans - Cenotaph, 10 Tumbulgum Road, Murwillumbah.
- 17 April Tweed Hospital Site Selection Councillor Briefing - Tweed Valley Hospital Project Office, Wharf Street, Tweed Heads.
- 20 April Brazilian Circus Rio Opening Night - Jack Evans Boat Harbour, Boundary Street, Tweed Heads.
- 21 April Official Opening of Rowan Robinson Park - Rowan Robinson Park, Marine Parade, Kingscliff.
- 21 April Official Opening of Les Burger Youth Precinct - Les Burger Oval, Tweed Coast Road, Cabarita.
- 23 April Projects for Round Two Stronger Country Communities Funding Grants with Geoff Provest - Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
- 25 April ANZAC Day Service Tumbulgum - War Memorial, Bawden Street, Tumbulgum.
- 25 April ANZAC Day Service Tweed Heads - War Memorial, Boundary Street, Tweed Heads.
- 25 April ANZAC Day Service Pottsville - War Memorial, Tweed Coast Road, Pottsville.
- 25 April ANZAC Day Service Murwillumbah - Cenotaph, Tumbulgum Road, Murwillumbah.
- 27 April Projects for Round Two Stronger Country Communities Funding Grants with Thomas George - Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.

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

- 3 April Beyond Gold Art Exhibition - Ganggalah Church, 2/139-141 Minjungbal Drive, Tweed Heads South. Cr Byrnes attended.
- 28 April Queensland RSL Bowls Association Remembrance Service - Tweed Heads Bowls Club, Corner Wharf and Florence Streets, Tweed Heads. Cr Polglase attended.

Inability to Attend by or on behalf of the Mayor

- 9 April Twin Towns Friends Association Ballroom Dancing Exhibition - Tweed Civic Centre, Wharf Street, Tweed Heads. No Councillors were available to attend.

REQUESTS FOR WORKSHOPS:

Date of Request	Requested by Councillor	Topic	Councillors For	Councillors Against	Proposed Workshop Date
170418	Cr K Milne	Compliance issues with Tweed water extraction	Crs Allsop, Byrnes, Cherry, Cooper and Milne	Crs Owen and Polglase	310518

CONFERENCES:

Conferences attended by the Mayor and/or Councillors

Councillors did not attend any conferences during April 2018.

Information on Conferences to be held

- 29 May-1 June Floodplain Management Conference - Gold Coast Convention and Exhibition Centre, 2684-2690 Gold Coast Highway, Broadbeach QLD.

This conference has been held annually for over fifty years and is the most respected flood risk management event held in Australia. The theme is 'Waterways of Success: Developing flood resilience in our communities' with focus on Australian and International achievements in flood risk management. Attendees will include Commonwealth, State and Local Government representatives, research organisations, education providers, consultants, engineers, land-use planners, emergency responders and community volunteer organisations. The conference will include outstanding Australian and international keynote speakers, plenary and concurrent presentations, a Local Government Councillors' session, field trips addressing floodplain issues in Gold Coast and the surrounding area, as well as networking events.

Registration (early bird closed) including welcome reception and conference dinner \$ 1455, 3-4 nights' accommodation. www.floodplainconference.com

- 12 July LGNSW Regional North Coast Summit - Hosted by Bellingen Shire Council, 33-39 Hyde Street, Bellingen.

In response to a Board motion to the 2017 Conference, LGNSW is now coordinating a series of Regional Summits. These summits will provide members with the opportunity to raise matters important to them and their local communities with the President, Board members and senior staff.

Registration is free, one night's accommodation, car travel, bus or train. www.lgnsw.org.au/events.lgnsw-rjional-summits-2018

- 17-18 Sept Australian Regional Development Conference - Twin Towns Services Club, Wharf Street, Tweed Heads.

This annual conference will provide a platform to network and be part of the conversation on the learnings, solutions and challenges that regional and rural towns experience. The conference theme is 'Uncovering Regional Possibilities' with the aim to encourage out of the box thinking and to learn from passionate advocates about the great things that are being done to develop sustainable communities. Conference topics include Land Water and Energy, Connecting regional Australia, Regional Liveability, Community, Regional Disruption, Attracting business, corporate and small business opportunity.

Early bird registration \$899 (by 030818), Standard registration \$1019, one nights accommodation, car travel
<https://regionaldevelopment.org.au/>

- Various Australian Institute of Company Directors Company Directors Course - Byron Bay, Brisbane or Sydney.

This course has been identified through the Councillor Professional Development review. It has been brought forward for council consideration as the overarching Councillor Professional Development Program is yet to be finalised. The Professional Development Program that will be considered by council will recommend the adoption of an upper monetary limit cap for each councillor over their four year term. It is recommended that the fees incurred by any councillor wishing to participate in this course will be included as part of the total professional development threshold.

The Company Directors Course will provide you with the confidence and currency of knowledge to more meaningfully contribute to your board and build your director portfolio. Upon completion you will be able to: Clearly understand the duties and responsibilities of directors and their fiduciary duties and compliance roles, Introduce and apply frameworks for board decision making, Consider issues in contemporary directorship, Outline sound practices in governance and risk management, Identify the board's contribution to organisational performance and strategy development and execution, Develop

financial literacy to assess the financial health of an organisation, introduce and apply tools for use in the boardroom to increase effectiveness. This course is held over five consecutive days.

Byron Bay 22-26 October. Registration \$9842 plus membership fee \$795.

Brisbane dates: 21-25 May, 4-8 June, 21-27 June, 4-10 July, 20-24 August, 3-7 September, 10-14 September, 11-17 October, 22-26 October, 12-16 November, 19-23 November, 3-7 December. Registration \$7235 - \$7995 plus membership fee \$795.

Sydney dates: 23-29 May, 4-8 June, 13-19 June, 20-26 June, 27 June-3 July, 4-10 July, 16-20 July, 22-28 Aug, 12-18 September, 24-30 October, 5-9 November, 21-27 November, 3-7 December, 5-11 December. Registration \$7699 - \$7930 plus membership fee \$795.

Byron Bay - car travel

Brisbane - five night's accommodation, car travel.

Sydney - two flights, five night's accommodation.

<http://aicd.companydirectors.com.au/education/courses-for-the-director/company-directors-course>

SIGNING OF DOCUMENTS BY THE MAYOR:

- 12 April Purchase of Lot 6 DP 31026 Bray Park.
 - 20 April Licence Agreement - Department of Industry - Cudgen Creek Boardwalk.
 - 26 April Lease Agreement - Optus Mobile Pty Limited - Communications Tower - Casuarina Sports Fields.
-

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 April 2018 be received and noted.
 2. The attendance of Councillors at nominated Conferences be authorised.
-

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

RECEIPT OF PETITIONS

5 [ROP] Receipt of Petitions at 17 May 2018

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**

6 [NOM] Nathan Bewes Recognition

NOTICE OF MOTION:

Councillor R Byrnes moves that Council liaises with the family of Nathan Bewes who was tragically killed in Afghanistan in 2010 to identify an appropriate way to recognise his sacrifice such as naming of a park or facility in Murwillumbah in his honour.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

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
- 3.2 Places
- 3.2.7 Parks and Gardens - To provide and manage quality and accessible public parks and gardens for the enjoyment and wellbeing of the community and visitors to the Tweed.

ROLE: **Leader**

Budget/Long Term Financial Plan:

This recognition will be dependent on what form it takes in terms of built structures.

Legal Implications:

Nil.

Policy Implications:

The following policies relate to this request:

- Naming of Council Public Parks and Sportsfields Version 2.0 adopted 21 November 2013.
 - Draft Memorials in Public Parks and Natural Areas which is currently on exhibition until 16 June 2018.
-

7 [NOM] Sustainable, Wildlife and Marine Life Friendly Products and Packaging Policy

NOTICE OF MOTION:

Councillor K Milne moves that Council:

- 1. Develops a ‘Sustainable Packaging and Products’ Policy to apply for all Council buildings and facilities to assist in addressing the challenges and opportunities of climate change and waste reduction including land and marine litter reduction.**
- 2. Notes that there are options currently available for sustainable products and packaging and these should now be implemented and made available where appropriate for other organisations that use Council’s facilities.**
- 3. Writes to the major supermarket chains and Business Chambers to advise them of Council’s Zero Waste Target and Sustainable, Wildlife and Marine Friendly Policy intentions and invite them to work with Council in developing a policy for their own organisations.**
- 4. Brings forward a report on options to potentially further assist young families with sustainable purchases and disposal of nappies eg a special waste collection of nappies similar to Council’s previous voluntary Green Waste collection service.**

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

ROLE: **Leader**

In relation to items 1 and 2 of the Notice of Motion, without data or evidence about the current impact of Council's purchases on packaging waste to landfill, officers recommend against developing a policy response to the issue.

Procurement across Council is de-centralised to numerous staff, therefore calculating the impact and potential for reduction in packaging to landfill from Council's purchases and buildings would need considerable staff resources to understand the issue and best opportunities for improvement.

To effectively respond to this Motion as a whole requires significant time for staff to consider all of its aspects and a report in response would need to be provided to a future meeting.

Extract from Council's Procurement Policy Version 1.6:

3.5 Sustainable Procurement

Sustainable procurement refers to the purchase of goods or services that have a lesser impact on human health and / or the environment when compared with competing products or services that serve the same purpose.

Officers making decisions on the procurement of goods and services must consider relevant sustainability criteria associated with the goods or services. For example:

- *The environmental performance of prospective contractors or suppliers.*
- *The suitability of competing products that may have a reduced impact on human health and / or the natural environment.*
- *The environmental performance of a requested product, such as:*
 - *Energy and/ or water efficiency rating*
 - *Fuel efficiency*
 - *Durability of Recycled content*
 - *Toxicity*
 - *Origin of any components made from wood (e.g. paper purchases)*
 - *End of life disposal / ability to be reused or recycled.*

As an alternative, Officers recommend council implementing a Policy to utilise non plastic or petroleum based products (recycled products) for staff functions and catering purposes.

In relation to Item 3 it may be better to target local supermarkets in the first instance instead of the multinational companies, however, this could include involving the regional managers of those stores.

In relation to Item 4 a report will be prepared should Council resolve to do so as this is expected to be a considerable cost.

Budget/Long Term Financial Plan:

In relation to Item 4 of the Motion there is no budget allowance for an increased to those services and these costs would need to be recovered on a usage basis.

Legal Implications:

Nil.

Policy Implications:

While waste to landfill and the marine environment are significant issues, as an alternative, officers recommend council implementing a Policy to utilise non plastic or petroleum based products (recycled products) for staff functions and catering purposes.

8 [NOM] Carbon Neutral

NOTICE OF MOTION:

Councillor K Milne moves that Council brings forward a report on the organisation becoming carbon neutral for all Councils operations across the Shire.

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

ROLE: **Leader**

Budget/Long Term Financial Plan:

Council's current annual carbon footprint is 24,000 tonnes of greenhouse gas emissions. Carbon offsets can be purchased for organisations to be carbon neutral. Costs can range from \$40/tonne for Australian Greenpower, \$14/tonne for Tasmanian forestry carbon credits, to \$1.40/tonne for Chinese windfarm credits. Organisations often purchase a range of offset products to spread the benefit of their investment across a range of markets. For Council, purchasing offsets could result in an annual carbon offset cost from anywhere from \$35,000 to \$1,000,000, depending on the mix of offset products purchased.

In addition, audit and licence fees of approximately \$27,000 per year would bring Council in line with the Australian National Carbon Offset Standard (NCOS):

- Improved carbon footprint calculation (and ongoing annual audit): \$8,200 ex GST

- Annual NCOS submission: \$2,800 ex GST
- NCOS annual licence fee: \$16,600 ex GST

Note: Council's Renewable Energy Action Plan (REAP) will reduce Council's carbon footprint from 24,000 tonnes greenhouse gas emissions per year to 5,500 tonnes per year. REAP projects repay the capital investment within 5 years, on average, and deliver another 20 years of energy savings, in the case of the expected lifetime of solar assets. Compared to purchasing carbon offsets, REAP projects provide a better return on investment as they both reduce Council's energy costs and carbon emissions.

Legal Implications:

Nil.

Policy Implications:

A review of the Tweed community and Council Climate Change Action Plan is listed as a significant project in the 2017 – 2021 Delivery Program. Potential for Council to be carbon neutral will be investigated as part of this project.

The scope of the project is being developed to achieve a number of objectives:

- use a 'bottom up/top down' approach to revising the Tweed community emissions target
 - gathering community input about what actions local residents and businesses can and will do to reduce their footprint
 - using science-based targets to identify what the Tweed's fair share of the global carbon budget would be by 2030 and 2050.
 - identify reduction opportunities to address Council's non-electricity related emissions such as waste, transport fuels, and wastewater treatment plant sources
 - understand what carbon sequestration occurs in the Tweed (bushland and farmland), and opportunities to enhance that.
-

9 [NOM] Innovation Fund

NOTICE OF MOTION:

Councillor K Milne moves that Council develops a funding stream up to \$60,000 similar to Council's community sponsorship and events grants, for innovative solutions to waste, climate change, waterway and environmental challenges.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

This fund would be for residents and local businesses to encourage and support them develop, implement and/ or market innovative solutions to waste, climate change, waterway and environmental challenges.

Management Comments:

Delivery Program:

mlm



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**

Budget/Long Term Financial Plan:

A significant portion of any initial funding would be required to establish the governance framework for Council to offer financial assistance to residents and local businesses for their project. A portion of the ongoing funds would be required for ongoing management and monitoring, potentially through a third party provider.

Council will also need to determine the source of funds.

Legal Implications:

Regulations governing the establishment and operation of awards and funds would need to be investigated.

Policy Implications:

A specific policy would need to be developed to cover governance, objectives, exemptions, eligibility criteria, conditions of funding, application and assessment process, and a means for qualifying and measuring outcomes of the allocated funds.

10 [NOM] Reducing the Footprint of Housing

NOTICE OF MOTION:

Councillor K Milne moves that Council brings forward a report on options to encourage a reduction in the size of houses being built, including but not limited to appropriate planning controls to address this in the urban and rural areas.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Refer to the link below:

[Size does matter: Australia's addiction to big houses is blowing the energy budget](#)

Management Comments:

Delivery Program:

mlm



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: **Leader**

Any local planning provisions of development controls that reduce dwelling size in order to reduce energy / greenhouse gas emissions or improve thermal comfort, are struck out by the prevailing BASIX State Environmental Planning Policy 2004.

The BASIX website - <https://www.planningportal.nsw.gov.au/planning-tools/basix> states:

The BASIX SEPP

The BASIX SEPP provides that the competing provisions of an environmental planning instrument or development control plan, whenever made, are of no effect to the extent to which they aim:

- *to reduce consumption of mains-supplied potable water, or reduce emissions of greenhouse gases, in the use of a building to which the Policy applies or in the use of land on which such a building is situated, or*
- *to improve the thermal performance of a building to which the Policy applies.*

Under BASIX, every new dwelling, large or small, is required to meet the minimum energy reduction targets and thermal comfort standards.

BASIX policy settings and engine includes dwelling size in its assessment and calculation of dwelling design's performance to achieve the minimum energy and thermal performance targets which are 50% savings of an average benchmark (c.2000) and 6-star NatHERS. They both meet the national energy and thermal performance standards for residential dwellings.

Also the energy score is linked to the thermal comfort index. So whilst a larger house may not exceed the minimum heating and cooling caps sets for our climate through passive design principles, it will then have to work harder to meet the energy target because BASIX engine assumes a poor thermal performance will be more reliant on mechanical heating and cooling systems. The design can do this by employing technology or construction measures like roofing, wall insulation, adequate eaves, glazing of and shading over windows, renewable energy sources, efficient lighting and heating systems.

BASIX Certificate data shows that in 2015 the average size of new dwellings in the Tweed Shire is 195 SqM, comprising 174SqM as conditioned area and 21SqM as unconditioned area or outside area; and generally consistent trends showing homes have increasingly scored above the minimum energy targets. In 2015, 83% of dwellings voluntarily exceeded the minimum targets (then at 40% savings) and 40% exceeded by 8 points or more.

As a separate initiative to the above statutory constraints, Council's Building Unit has commenced work on a Sustainable Housing project which is aiming to increase housing liveability/sustainability for both new homes and homes that are being renovated in the Shire.

The project will promote the benefits of using liveability/sustainability features in design, such as reducing the environmental impact while increasing comfort, reducing running costs, and increasing property values.

The message to the community will highlight that increasing sustainability features does not mean sacrifices in comfort and will in fact improve liveability.

As a snapshot, the project will promote the benefits of good orientation, cross-ventilation, solar and use of appropriate building materials to enhance thermal mass and reduce heating and cooling costs,

The Centre for Liveability Real Estate website (<https://liveability.com.au/>) which is run by the CSIRO, has great resources and messaging that we can utilise to promote healthier, more efficient, better built homes.

The benefits of a smaller home can be promoted as part of this project, in tandem with promoting other sustainability features that should also be considered.

As part of the project, a survey will be sent to all people with applications lodged with Council as a trial and will then be expanded to the wider community. The aim of the survey is to understand people's values when building and renovating and any barriers that may exist to them adopting more sustainable designs.

For people that have recently built or renovated, their satisfaction with their home will be assessed and if they would make any changes, The public's use of Council's building resources and services will also be measured

As well as giving Council a better understanding of how to pitch messaging and help people overcome barriers to using sustainable design features, the survey data will be used to influence the building industry to expand the options available to clients and avoid missing out on opportunities.

The Building team is looking at ways that it can have more of an influencing role to design better houses. The data from this project will be essential in understanding what people need, as well as developing a checklist for people to use when asking their builders and designers questions and making decisions.

A smaller home also needs to consider sustainability, liveability and durability so that it provides great long term outcomes.

A critical element is affordable land for the construction of these smaller dwellings. Secondary dwellings in the rural and urban setting may provide opportunities here.

In effect it could be argued that incentives already exist that encourage smaller houses – by example – residential Section 7.11 (formerly Section 64 and 94 Developer Contributions are levied based on the number of bedrooms in the house with the more bedrooms attracting a higher contribution.

Council's DCP provides that secondary dwellings that comply with the following size requirements are exempt from payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979 and Section 64 of the Local Government Act, 1993.

The total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- a) 60m²
- b) 20% of the total floor area of the principal dwelling.

Construction costs are typically based on m² rate and it is therefore logical that these types of developments incur lesser construction costs.

Budget/Long Term Financial Plan:

No specific project or resourcing allocation or priority has been given to the requested report.

Legal Implications:

The restrictions of the BASIX SEPP above need to be taken into account.

Policy Implications:

Significant changes to State and Council planning policies would be required.

11 [NOM] Air Traffic Pollution

NOTICE OF MOTION:

Councillor K Milne moves that Council brings forward a report on the current monitoring and reporting of air pollution from air traffic associated with current and future flights to and from the Gold Coast airport affecting the Shire.

Councillor's Background Notes

Recommended Priority:

Nil

Description of Project:

Nil

Management Comments:

Tweed Shire Council has identified the potential detrimental impact on our air quality from:

1. Increased flights at Gold Coast Airport
2. Smoke from cane farms and wood heaters

Council is aware that NSW EPA have a state-wide air quality network including monitoring stations in Sydney, Newcastle, Hunter Valley, Central Coast, and several rural locations including Albury, Wagga Wagga, Bathurst, and Tamworth.

Northern NSW inclusion in the NSW EPA Air Quality Network

Northern NSW is missing from the NSW Air Quality Network and the impact on the health and amenity of residents from air pollution particulates is a concern to Council.

Recommendation:

That Council write to Hon Gabrielle Upton, Minister for the Environment, Minister for Local Government and Minister for Heritage and request that:

- NSW EPA undertake a comprehensive, specific and targeted air quality monitoring for Tweed Shire and Gold Coast residents.
- This report be made available to Council and the general public.
- A suitable site in Tweed Heads, Banora Point and Kingscliff that is potentially impacted by air traffic pollution and a suitable site in impacted by cane fires and wood heaters to be included in the NSW Air Quality Network.

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
- 3.1.6 Environmental Health - To support public health and environmental safety through education, inspections and enforcement of government rules and regulations.

ROLE: **Advocate**

Budget/Long Term Financial Plan:

Should NSW EPA include Tweed Shire in the NSW Air Quality network there will be no direct financial impact.

Should Council undertake an independent assessment of Shire air quality this would cost in the order of \$10,000 - \$100,000 depending on the scope of works.

Legal Implications:

Limited.

Policy Implications:

Should air quality monitoring find significant detrimental impacts on public health Council will have to review policy and implement regulatory mechanisms accordingly.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Appendix - Further Information on Air Quality Regulations and Targets (ECM5262626).

12 [NOM] Landscaping - South Tweed

NOTICE OF MOTION:

Councillor K Milne moves that Council brings forward a report on options to provide improved landscaping outcomes along Minjungbal Drive and the South Tweed industrial areas including street tree planting and enhancing planning controls.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Council at its meeting on 20 February 2014 resolved the following:

"that Council undertakes a review of the current streetscape of Minjungbal Drive between the interchange with the Pacific Highway and the Kennedy Drive exit."

A report on the subject was considered by Council at its meeting on 21 August 2014 and Council further resolved the following.

"that the item be deferred to allow Council the opportunity to prepare alternate options for the streetscape of Minjungbal Drive, Tweed Heads South."

In accordance with the resolution a review of Minjungbal Drive was undertaken to assess and identify any opportunities for streetscape improvements.

The road reserve space along the subject length of Minjungbal Drive is already heavily consumed by existing infrastructure as shown in the typical cross section in figure1 below. This existing infrastructure severely constrains the opportunity to upgrade the streetscape, and shows it is virtually impossible to plant street trees within the road reserve along significant sections. In some locations, generally near intersections, opportunities do exist as discussed in the report to Council on 19 March 2015.

Opportunity to plant trees within the road reserve on the western verge (footpath) is not possible due to the presence of major overhead electricity infrastructure, pedestrian foot paving (including bus shelters) and underground services including gas mains, major Telstra cables, water and sewer mains.

On the eastern side, the verge area is about 3.5 metres wide and contains overhead electricity infrastructure, a shared user cycleway/footway (including bus shelters) and underground services including gas mains, major Telstra cables, water and sewer mains, again severely restricting the opportunity to undertake street tree plantings.

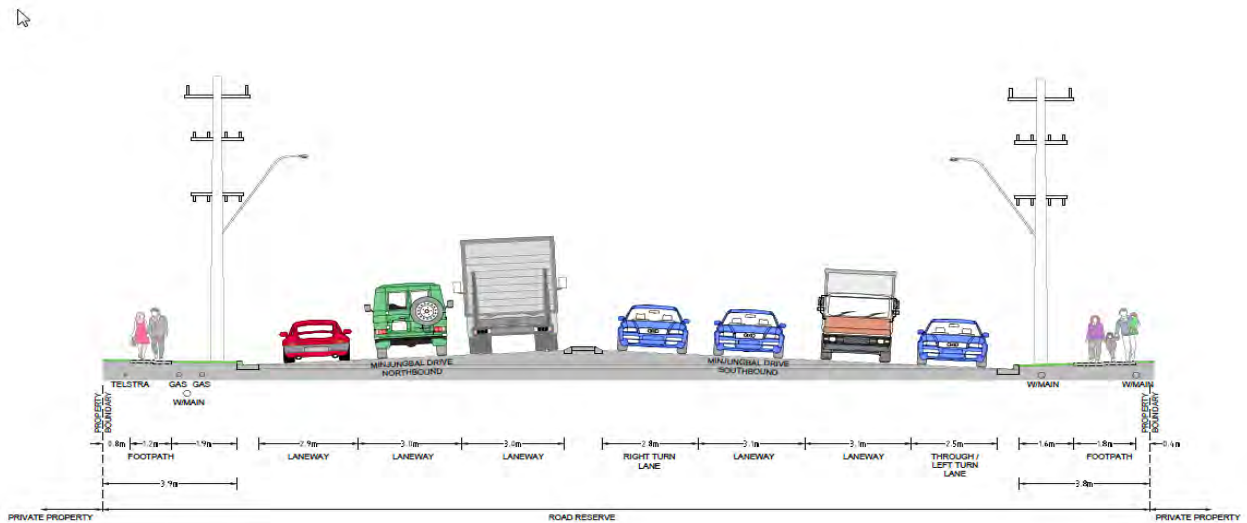


Figure 1

Given the above major constraints, scale and complexity of the potential project, and the need to ensure a streetscape design that is contemporary, consistent and appropriate, it is considered that an expert external urban design consultant be engaged to progress the project to ensure the end result is best urban design practice, is achievable and endorsed by the local community.

Proposed works could then provide more qualitative outcomes and opportunities of zone context rather than specific built elements. This would have the effect of reducing the scope of the works into smaller quality sections rather than trying to apply an upgrade to the whole length.

It would also arguably result in a project which has more visual cohesion rather than a piecemeal application, which is part of the problem at the moment.

It is estimated that to engage an expert urban designer to undertake this project would require a budget allocation of \$80,000. Currently no funding is available for this project to continue. The scope of the engagement would need to be carefully developed but should include:

- Establish vision and key design principles
- Site, infrastructure and constraint analysis identifying key opportunities
- Sketch design concepts at key locations

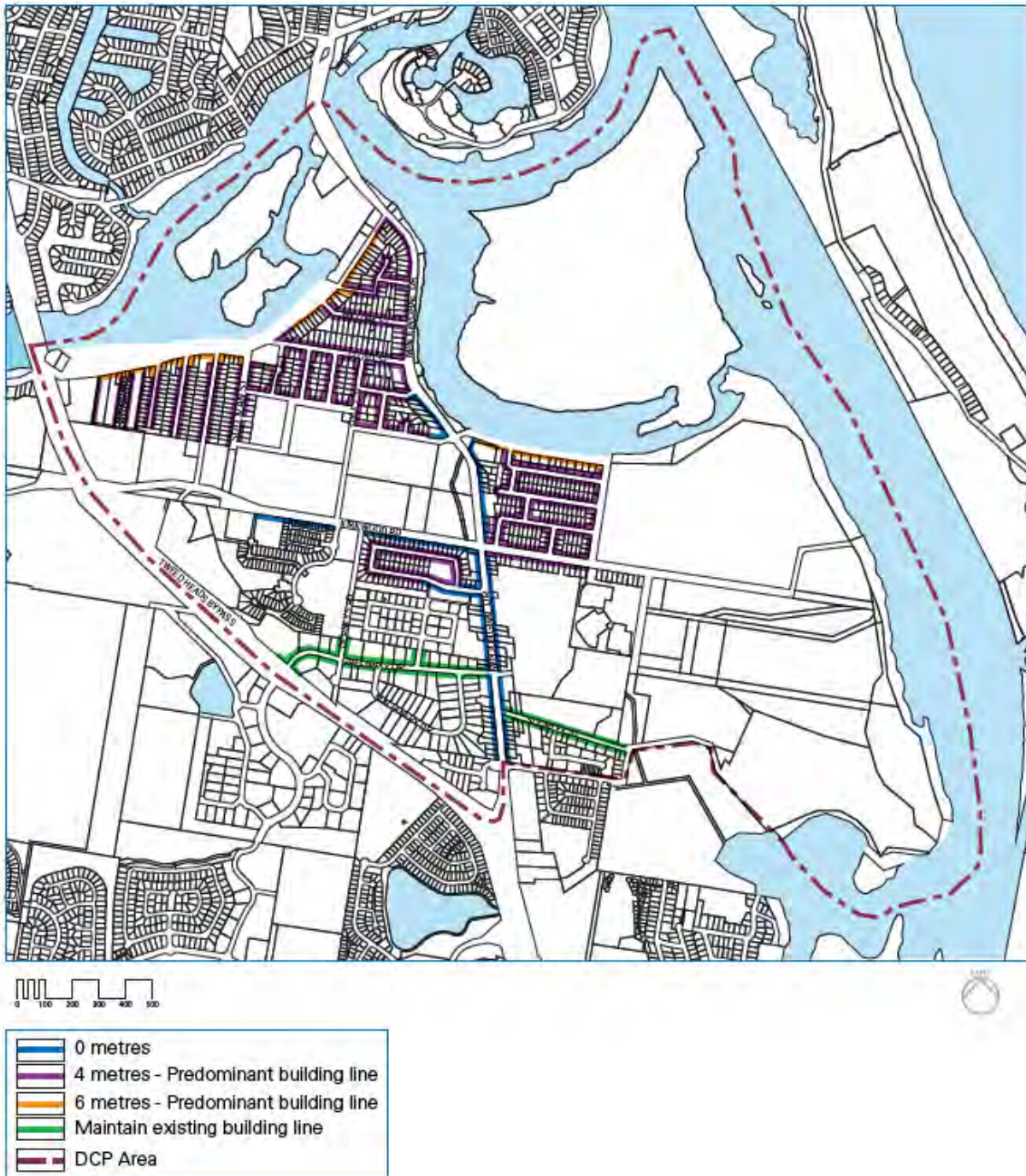
After considering the report on 19 March 2015, Council resolved that:

- "1. Notes the streetscape review of Minjungbal Drive between the interchange with the Pacific Highway and the Kennedy Drive exit.
2. Considers funding the proposed streetscaping plan development in the 2015/2016 financial year budget deliberations with a budget allocation of \$80,000 for the purpose of engaging an urban design consultant."

Tweed Development Control Plan 2008 (DCP 2008) Section B2 Tweed City Centre is the planning control document that applies to the South Tweed Commercial/Industrial area and Minjungbal Drive.

Table 3.2 in that document specifies a zero building setback to the majority of Minjungbal Drive and maintains existing setbacks in the industrial/commercial areas around Machinery Drive as shown below

FIGURE 3-2: SPECIFIC STREET ALIGNMENT AND STREET SETBACKS – SOUTH



This makes landscaping improvements along Minjungbal Drive problematic.

Section 3.6 "Landscape Design" covers the objectives and associated controls to be applied to new development.

If a requirement to review section B2 of the DCP 2008 is added to the above Council resolution, it is estimated that given the extensive preparation, consultation and associated timeframe that a sum of at least \$20,000 would need to be allocated from the budget.

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: **Leader**

The above projects are not contained in the current Delivery Program and accordingly, no specific funding, staff resources or priority is provided for this project in the current Program.

Budget/Long Term Financial Plan:

As previously resolved by Council at its meeting on 22 March 2015 a budget of \$80,000 (at the time) would be required to engage an expert consultant in streetscaping to assist in developing solutions based on the contents of the report.

To alter the current planning controls applied to developers in regards to landscaping in the subject location, a review and potential changes to Council's Development Control Plan 2008 Section B2 Tweed City Centre may be required. To undertake such a project would require resources to be allocated and it is estimated this would cost \$20,000.

Currently no budget funding allocation has been made. If the requested project is to proceed, funding of \$100,000 will need to be allocated through the budget process.

Legal Implications:

Potential changes to the Development Control Plan 2008 Section B2 Tweed City Centre in relation to landscaping controls.

Policy Implications:

Potential changes to the Development Control Plan 2008 Section B2 Tweed City Centre in relation to landscaping controls.

13 [NOM] Public Toilets - South Tweed Industrial Area

NOTICE OF MOTION:

Councillor K Milne moves that Council brings forward a report on the option to provide a public toilet in the industrial area at South Tweed, including but not limited to consideration the site of the old NSW Roads and Traffic Authority property on Machinery Drive, South Tweed Heads.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

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
3.1.11	Public Toilets - To provide safe, accessible, clean and well located public toilets to meet community needs.

ROLE: **Leader**

An action in the Draft Shire Wide Open Space Strategy is:

Develop a shire-wide Public Toilet Strategy to improve the quality, siting and distribution of public toilets.

It is anticipated that this strategy will be undertaken in 2019.

It is also noted that the site of the old NSW Roads and Traffic Authority property on Machinery Drive, South Tweed Heads is privately owned. It is also noted that Council has no history of a demand for a public toilet in this area

Budget/Long Term Financial Plan:

Dependent upon the proximity of services such as sewer, water and power, the installation of a basic single cubic public toilet is approx. \$150,000.

The annual maintenance costs if \$13,000

Legal Implications:

Nil.

Policy Implications:

Nil.

14 [NOM] Shade Trees in Main Parks

NOTICE OF MOTION:

Councillor K Milne moves that Council provides additional shade trees in Council's main parks across the Shire.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Delivery Program:

mlm



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**

The following extract is from the Draft Shirewide Open Space Strategy in relation to tree planting in parks:

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 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	
	Review existing tree coverage and the provision of natural shade in highly utilised parks and open spaces, including playgrounds.
	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 highly utilised parks, foreshore reserves and over playgrounds, along arterial roads, shared paths, in civic spaces and in urban residential streets with minimal tree coverage.
	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	
	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.

Budget/Long Term Financial Plan:

Increases in tree plantings can be accommodated within existing budgets if undertaken over a period and not as a single event.

Legal Implications:

Nil.

Policy Implications:

Nil.

15 [NOM] Options for Improved Land Management

NOTICE OF MOTION:

Councillor K Milne moves that:

1. Council officers bring back a report on options for securing land that would be suitable as offset stewardship sites under the Biodiversity Offset Scheme and how this could be funded and managed.
2. In the interim the Mayor writes to the Local State Members for Lismore and Tweed Heads seeking State consideration for the acquisition of sites that have high biodiversity values for the addition to the National Park Estate and provide examples of such to the State Member.

Councillor's Background Notes

Whilst the vast majority of landholders in the Shire are responsible land managers there are a very small number who cause significant impacts on the environment despite repeated attempts by Council to work with these landholders.

One option would be for Council or the State Government to purchase such properties, apply more appropriate planning controls over them and possibly resell such parcels.

Another option may be to seek legal advice on enforcing more stringent legal action on environmental degradation and waterway pollution.

Management Comments:

Delivery Program:

mm



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: **Leader**

No specific resourcing or priority is provided for this task in the current Program.

The required reporting requirements involve highly complex and technical matters. Given other current work program priorities, the timeframe of the June Planning Committee Meeting prevents any detailed examination and analysis from being completed.

Budget/Long Term Financial Plan:

No specific resourcing or priority is provided for this task in the current Program.

Legal Implications:

Council will need to be mindful of the impacts of the details of any findings of this report on the multiples legal matters currently being pursued by Council against private landowners.

Policy Implications:

Potential major impacts to current Council policies.

16 [NOM] Toilet - Knox Park, Murwillumbah

NOTICE OF MOTION:

Councillor K Milne moves that Council brings forward a report on options to utilise sustainable building materials in the new Knox Park toilet block and advice from the Access and Inclusion Committee on the proposed removal of the old toilet blocks in the park.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

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
3.1.11	Public Toilets - To provide safe, accessible, clean and well located public toilets to meet community needs.

ROLE: **Leader**

The design of the new amenities block in Knox Park will employ passive design and universal principles in terms of the buildings site, layout and design. The key sustainable and universal design principles include:

Layout:

The amenities buildings will consist of two modules offset and splayed which has been designed to relate to the broader circulation and visual connections within Knox Park. Its centralised location along the main axis will be in good proximity to the proposed new park forecourt, playground, skate park and red cross building. Each block module will include a disabled WC, ambulant WC and standard WC. A centralised hand wash and bubbler will be designed to ensure wheelchair access.

Building form:

The splayed and offset structure of the proposed amenities block will facilitate natural light and cross ventilation into the floor plan and adjoining surrounding areas. The roof form will have deep eave overhangs providing shelter and shade during summer months. The inclusion of polycarbonate roof panels enables natural light into each of the modules and central atrium avoiding the need for daytime artificial lighting. The splay in the building combined with offsetting wall framing 50mm off the ground and upper level screening will ensure the building will remain well ventilated and ease of cleaning.

Rainwater harvesting:

The buildings roofed area will harvest rainwater which will be stored in two 5000ltr rainwater tanks and reused within the toilets and surrounding landscape and tap points for hose cleaning.

Building materials:

Due to the exposed nature and flood liability of the site building materials will be selected for their robustness and longevity, thereby sustainability. Plantation timbers (pine and HWD where appropriate) will be specified for the structural framing (walls and roof) supplemented with steel where structurally required. A review of preferred flat sheet cladding will be undertaken based on sustainable and low embodied energy, robustness and workability credentials. Similarly a review of appropriate paints will be selected based on low VOC (volatile organic compound) criteria.

Fittings and fixtures:

All fittings and fixtures throughout the building will be selected on being fit for purpose in terms of robustness and longevity as well as water saving properties (4 stars or above).

Existing Public Toilets:

The existing public toilets in Know Park were included in a public toilets accessibility audit which noted with reference to the Knox park Public toilets that they "cannot be renovated to be usable as an accessible toilet".

A Community Safety Audit conducted by representatives from the local community, Council and Police noted with regard to the existing public toilets:

Both of the public toilet amenities in Knox Park are in a state of disrepair. The toilet amenities are dirty and aesthetically unappealing. The Safety Audit Team is of the opinion that these toilet blocks be decommissioned and a new Toilet Block be built more towards the centre of the park. The design and location would incorporate safer by design principals of a modern open design

Budget/Long Term Financial Plan:

Council has signed a funding deed with the Department of Industry through the Stronger Country Communities Fund for \$198,000 towards the construction of the new central toilet block and demolition of the two existing facilities. The funding agreement requires project completion in the first quarter of 2019 with the first milestone of including approvals and tenders awarded due by September 2018.

In order to comply with the agreement timeframes, the facility design and development applications are well advanced.

Impacts on the budget will be determined by any additional design and/or construction costs that may arise or potential loss of funding if the conditions of the funding deed are not met.

Legal Implications:

Nil.

Policy Implications:

Nil.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

17 [GM-CM] Tweed Business Investment Prospectus

SUBMITTED BY: Economic Development

mhm



Leaving a Legacy
Looking out for future generations

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**

SUMMARY OF REPORT:

The Tweed Economic Development Strategy is a joint initiative of the Tweed Shire Council and Destination Tweed, with the aim of identifying practical actions to enhance the Tweed's economy.

The development of the Tweed Business Investment Prospectus - a dedicated investment marketing piece - is one action outlined in the Tweed Economic Development Strategy. The prospectus will promote the Tweed as a place to establish your business, grow business and live well.

\$50,000 from Council's Economic Development budget has been allocated to the project. An additional \$50,000 of matched grant funding has been achieved through the NSW Government's Regional Growth - Marketing and Promotion Fund to deliver the Tweed Business Investment Prospectus project.

As presented to Council at a Workshop last year, the additional funding from the State Government has allowed the project to be expanded to include a 'digital marketing package'.

The Deed with the State Government has been finalised and this report serves to formally accept the grant funding and vote the money to the budget.

RECOMMENDATION:

That Council:

- 1. Accepts the matched grant funding of \$50,000 from the NSW Government's Regional Growth - Marketing and Promotion Fund for the development of the Tweed Business Investment Prospectus project;**
- 2. Adopts the expenditure of the grant funds of \$50,000 from the NSW Government's Regional Growth - Marketing and Promotion Fund;**
- 3. Approves the expenditure of \$50,000 from the 2017/18 Economic Development Budget to match the grant funding of \$50,000 from the NSW Government's Regional Growth - Marketing and Promotion Fund;**
- 4. Executes all necessary documentation under the Common Seal of Council.**

REPORT:

The Tweed Economic Development Strategy is a joint initiative of the Tweed Shire Council and Destination Tweed, with the aim of identifying practical actions to enhance the Tweed's economy.

The development of the Tweed Business Investment Prospectus - a dedicated investment marketing piece - is one action outlined in the Tweed Economic Development Strategy. The prospectus will promote the Tweed as a place to establish your business, grow business and live well.

Matched funding has been gained NSW for the creation of the Tweed Business Investment Prospectus through the NSW Government's Regional Growth - Marketing and Promotion Fund. This fund aims to promote the benefits for businesses, investors and skilled workers of setting up, investing or moving to regional NSW.

The project budget is \$100,000 which comprises \$50,000 in State grant funding which has been matched from Council's Economic Development Budget.

As presented to Council at a Workshop last year, the primary output will be a high-quality Tweed Business Investment Prospectus - a dedicated investment marketing piece that will be the anchor document of the project. This document will be printed, in short run, to enable updates, with the main document being digital. A digital document allows the information to be dynamic and readily available anywhere at any time.

Council also resolved at 22 March 2018 Council Meeting that Council includes in the development of the Business Investment and Attraction Prospectus information of the Shire's attributes, aspiration and opportunities for businesses seeking to address climate change and waste reduction challenges to invest in the region.

Additional to the physical document the funding has allowed the project to include a 'digital marketing package'. This includes a link to a suite of related digital marketing assets, a dedicated website and social media and advertising collateral. An example of the social media collateral can be found at; www.youtube.com/watch?v=4lQgkPswUYA

The Prospectus is a collaborative venture and a jointly badged promotion with Tweed Shire Council, NSW Government, Tweed Chamber of Commerce & Industry, Murwillumbah District Business Chamber and Kingscliff & District Chamber of Commerce.

The development of the Prospectus is an exciting project that once completed, will highlight the many reasons why doing business in the Tweed makes sense – economic sense, environmental sense, lifestyle sense.

The marketing tools in this package will allow the Tweed Shire Council to target specific businesses and/or industry sectors, providing them with the right information in the best format for them, assisting them to make an informed decision about the Tweed and the many attributes we have on offer.

There has been a delay in the delivery of this project which is primarily due to the resources the Economic Development Unit has spent in collaboration with the State Government

consultants preparing the State's, Tweed Regional Economic Development Strategy (Tweed REDS), which is due to be released by the State Government late May/ early June 2018.

It is anticipated that the main components of Tweed Business Investment Prospectus project, the anchor document and the business profile videos, will be completed by 30 June 2018, with the website and any other remaining components to be delivered in the first quarter of the new financial year.

OPTIONS:

That Council:

1. Accepts the matched grant funding (\$50,000) from the NSW Government's Regional Growth - Marketing and Promotion Fund for the creation of the Tweed Business Investment Prospectus project and approves the expenditure of \$50,000 from the 2017/18 Economic Development Budget to match the grant funding, or
2. Refuses the grant funding and not proceed with the project.

CONCLUSION:

This report recommends that Council accepts the matched grant funding (\$50,000) from the NSW Government's Regional Growth - Marketing and Promotion Fund for the creation of the Tweed Business Investment Prospectus project and approves the expenditure of \$50,000 from the 2017/18 Economic Development Budget to match the grant funding.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

This report serves to formally accept the grant funding and vote the money to the budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - Section 4.15 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 Secretary 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 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, 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.

(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 4.16 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 4.16 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 4.28 (3) and (4).

(3A) **Development control plans**

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and
- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and
- (c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, **standards** include performance criteria.

(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.

18 [PR-CM] Development Application DA10/0020.07 for an Amendment to Development Consent DA10/0020 for the Establishment of a Brothel at Lot 2 SP 84405 No. 2/36 Enterprise Avenue, Tweed Heads South

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 is in receipt of an application to modify Development Consent DA10/0020 for the establishment of a brothel which was approved by the NSW Land and Environment Court on 22 November 2010. Prior to this, Tweed Shire Council, at its meeting of 18 May 2010, resolved to refuse the application.

The modification currently before Council proposes to remove a trial period time limit to the hours of operation in order to allow 24 hours per day, seven days per week operation of the brothel in perpetuity.

Under DA10/0020.06, an amended consent was issued in May 2017 which enabled the operation of the brothel on a 24 hour, seven day per week basis for a period of one year, as per the below condition:

43C. *The hours of operation of the brothel premises are 24 hours per day seven (7) days a week for a one (1) year trial period commencing on the operation of DA10/0020.06 (11/05/2017).*

*A further application may be lodged to continue the hours of the use outlined above before the end of the trial period (11/05/2018). Council's consideration of the continuance of the operating hours will be based on, among other things, the performance of the **new** operator in relation to the compliance with development consent conditions, including the Plan of Management, any substantial complaints received and any views expressed by the Police.*

At the end of the one year trial period, unless otherwise amended as outlined above, the hours of operation of the brothel are to revert to being restricted to 6.00pm to 6.00am seven days per week, with no public services provided between 6.00am to 6.00pm. The brothel premises is not be used or occupied by sex workers, employees, cleaners etc. prior to 5:00pm or after 7:00am.

The modification is requested in order to enable the business to operate consistent with the industry practice and the other brothels within Tweed Shire as well as fulfilling a stated demand for services.

Presently, the hours of operation for the brothel are on a 24 hour per day, seven days per week basis as per the provisions of condition 43C above, which identifies it as a trial period which concludes on 11 May 2018. This trial period was provided in order to enable monitoring of the operation of the brothel with respect to compliance with development consent conditions, including the Plan of Management, and substantial complaints received by NSW Police.

The proposed modification was placed on public exhibition for a period of 14 days. During this time no submissions were received. The application has been referred to a Council meeting for determination given the Council's and the community's interest in the original application.

RECOMMENDATION:

That Development Application DA10/0020.07 for an amendment to Development Consent DA10/0020 for the establishment of a brothel at Lot 2 SP 84405 No. 2/36 Enterprise Avenue, Tweed Heads South be approved subject to the following amended condition:

- 1. Condition No. 43C is to be DELETED and REPLACED with Condition No. 43D which reads as follows:**

43D. The hours of operation of the brothel premises are 24 hours per day, seven days per week.

REPORT:

Applicant: Huxham Superannuation Fund
Owner: Mr Michael J Huxham & Mrs Beverley A Huxham
Location: Lot 2 SP 84405 No. 2/36 Enterprise Avenue, Tweed Heads South
Zoning: IN1 General industrial

Background:

This application is to modify the consent for DA10/0020 which relates to the establishment of a brothel which was approved by the Land and Environment Court of New South Wales on 22 November 2010. Previously, at the full Council Meeting of 18 May 2010, Council had determined the application by way of refusal, against the officer recommendation.

The subject site has an area of 2008m², with frontage to Enterprise Avenue, Tweed Heads South. The site incorporates a three unit factory development and associated car parking.

Specifically, the development is located in Unit 2 on this site and covers two levels, with a gross floor area of 432m². The development as approved includes the following:

- Lower floor: Foyer; reception; waiting area; office; staff room; laundry; Executive room; and two work rooms.
- Mezzanine floor: Four work rooms.

The proposal incorporates 15 car parking spaces on site which are shared with two other businesses.

The application as originally submitted proposed to operate 24 hours per day, however this was amended during the Court proceedings by the applicant and the eventual Court approval limited the hours of operation to between 6pm and 6am, for a period of one year. The hours of operation condition (No. 43) approved by the Court stated the following:

43. *The hours of operation of the brothel premises are from 6.00 pm to 6.00 am seven (7) days a week for a one (1) year trial period commencing on the operation of this consent.*

The brothel premises is not to be used or occupied by sex workers, employees, cleaners etc prior to 5 pm or after 7 am.

A further application may be lodged to continue the hours of the use outlined above before the end of the trial period. Council's consideration of the continuance of the operating hours will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, including the Plan of Management, any substantial complaints received and any views expressed by the Police.

The one year period outlined above expired and the proponent submitted a modification application to remove the one year period. This was considered by Council officers in light of the stipulations of the above condition as well as the statutory assessment requirements and the modification was approved on 18 December 2013 with the following condition 43A replacing the above condition:

43A. *The hours of operation of the brothel being restricted to 6.00 pm to 6.00 am seven (7) days per week, with no public services provided between 6.00 am to 6.00 pm. The brothel premises is not be used or occupied by sex workers, employees, cleaners etc. prior to 5 pm or after 7 am.*

Subsequent to this, the consent was further modified by Tweed Shire Council in July 2014, to enable 24 hour operation of the brothel for a trial period of one year, which lapsed in July 2015. The consent was again modified in May 2017, with a similar one year trial period restriction applied, as per the below:

43C. *The hours of operation of the brothel premises are 24 hours per day seven (7) days a week for a one (1) year trial period commencing on the operation of DA10/0020.06 (11/05/2017).*

*A further application may be lodged to continue the hours of the use outlined above before the end of the trial period (11/05/2018). Council's consideration of the continuance of the operating hours will be based on, among other things, the performance of the **new** operator in relation to the compliance with development consent conditions, including the Plan of Management, any substantial complaints received and any views expressed by the Police.*

At the end of the one year trial period, unless otherwise amended as outlined above, the hours of operation of the brothel are to revert to being restricted to 6.00pm to 6.00am seven days per week, with no public services provided between 6.00am to 6.00pm. The brothel premises is not be used or occupied by sex workers, employees, cleaners etc. prior to 5:00pm or after 7:00am.

It is noted that these previous applications requested that the brothel operate on a 24 hours basis in perpetuity without a trial period, with Council applying the trial period restriction, originally (2014) as per the officer recommendation, and more recently (2017) as an amendment to the officer recommendation which did not propose a trial period.

Proposed Amendment

Council is now in receipt of an application to further modify the hours of operation of the proposal to allow 24 hours per day operation on a seven day per week basis, without a trial period restriction.

Assessment of Proposed Amendment

It is unclear from the submitted application as to whether the brothel operated on a 24 hour basis for the entirety of the previous trial periods. The applicant was requested to provide additional information in this regard, and has confirmed that *'the premises has not operated on a 24 hour basis during the past year's trial period'*.

In any event, it is considered appropriate to consider this request relevant to previous NSW Land and Environment Court advice. In the matter of Mavrik Pty Ltd v Tweed Shire Council the NSW Land and Environment Court provided the following with regard to limiting the hours of operation of a brothel:

“The limiting of operating hours to preclude those times when a significant portion of business is likely to occur may have a detrimental impact on the economic viability of the business. By comparison the viability of the brothel in terms of operating hours is not dissimilar to many fast food outlets, service stations and restaurants, which are generally permitted to operate beyond the stated hours of operation and within the same 4(a) Industrial zone. Whilst these land uses activities may not attract the same intensity of moral objection they do nonetheless provide similar impacts to that likely to occur as a result of the proposal.

Therefore I consider the proposed 24-hour operation of the brothel is satisfactory and consistent with the zone objectives”.

It is considered that the proposed location of the premise is relatively discreet and is not largely exposed to the general public. Based on the above, the principle of 24 hour operation of a brothel in the IN1 General Industrial zone is considered to be appropriate.

The application was also forwarded to NSW Police for comment with respect to the proposed modification with the following advice being provided:

Tweed/Byron Local Area Command

‘Police had had previous involvement when at least one violent incident took place there. There was a suggestion that persons involved in the business operation including the one time manager were not of good character and as such attracted an undesirable element. There is no recorded noise related matters mainly due to the location. Weekends saw the most traffic in and around the location however it was not significant. There is no Liquor Licence attached to the business and any such application would be dealt with via this office and Council. I would support a trial period so as Police from this office could monitor the operation. It would be my intention to meet with any future operator to ensure he/she is aware of the requirements from a Policing point of view and that he could expect business inspections to ensure there is no breach of the Liquor Act ie supply alcohol without a licence. It was my belief that the business did operate 24 hours a day however mainly on selected dates.’

And;

‘The Police would like to see the trial period extended as there will be new untested management. Police will support Council on any time frame they set re the trial.’

Further to this, it is noted that there are no recent complaints relating to the operation of the brothel in Council records. There were complaints received dating back to 2014 and 2015 which are understood to have coincided with the issues raised in the Police comments above.

In any event, based on the previous Land and Environment Court ruling regarding hours of operation and existing conditions on the consent which address the operation of the brothel (including requirements that the use be conducted so as not to cause disruption to the amenity of the locality and also that the premises be operated in accordance with the approved plan of management), it is considered that the proposal is consistent with the proper planning of the area. Similar to any other land use, in the event that Council

becomes aware of the brothel not operating in accordance with the consent, compliance action would be undertaken.

A statutory assessment of the proposed modification is outlined in detail elsewhere in this report with is being considered that a 24 hour operation of the premises on the site would be acceptable.

SITE DIAGRAM:



Locality Plan

Lot 2 SP 84405
No. 2/36 Enterprise Avenue, Tweed Heads South

<p>Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representation or warranties expressed or implied, statutory or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation liability in negligence) for all expenses, losses, damages (including indirect or consequential damages) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general public and is to be considered indicative and illustrative only. It should not be used for the purposes of construction purposes and prior to any excavations or "dig before you dig" enquiries must be made by calling 1100. The information contained on this document remains valid for 30 days only from the date of supply.</p>	<p>Cadastral 30/04/2014 Land and Property Information (LPI) & Tweed Shire Council. Boundaries shown should be considered approximate only.</p>	<p>0 0.5 1 Km 1:50,000 @ A4 Portrait DO NOT SCALE COPY ONLY - NOT CERTIFIED</p> <p> Map Projection: Universal Transverse Mercator Geoidal Datum: Geoidetic System of Australia 1984 Zone: 56 East of Australia, Zone 56</p>	<p> Civic and Cultural Centre 3 Tumbulgin Road Murrumbidgee NSW 2484 PO Box 316 Murrumbidgee NSW 2484 T (02) 6670 2400 1300 292 872 F (02) 6670 2429 W www.tweed.nsw.gov.au E planning@tweed.nsw.gov.au</p>	<p>TWEED SHIRE COUNCIL</p>
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Considerations under Section 4.15 of the Environmental Planning and Assessment Act 1979:

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

Tweed Local Environmental Plan 2014

The original development application was assessed by Council Officers against the provisions of the Draft Tweed LEP 2010 under the original assessment of this application. This assessment noted that the subject site is zoned IN1 – General Industrial. The proposed development would be defined as a “Sex Services premises”. A sex services premises is permissible with consent within the IN1 General Industrial zone.

The Draft Tweed LEP 2010 was superseded by the Draft Tweed LEP 2012 which itself was subsequently gazetted (as amended) on 4 April 2014 as the Tweed Local Environmental Plan 2014.

The IN1 General Industrial zoning has been maintained on the site as well as the permissibility of a “Sex Services Premises” within this zone as outlined below.

Clause 1.2 – Aims of the Plan

The proposed development is considered to be generally in accordance with the aims of this plan having regard to its nature, permissible in the subject zone.

Clause 2.3 Zone objectives and Land Use Table

The subject site is zoned IN1 General Industrial under the provisions of the LEP. The objectives of this zone are:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To enable land uses that provide facilities or services to meet the day to day needs of workers in the area.*

The proposed development is defined as a ‘sex services premises’ under the provisions of the LEP, which is permissible with consent and is considered to be consistent with the objectives of the zone as the proposal facilitates economic activity and employment as well as being a non-industrial development which is not considered appropriate in another zone. The proposed modification is not considered to contravene this clause.

Clause 7.14 – Location of sex services premises

The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.

This clause goes on to further state that in deciding whether to grant development consent to development for the purposes of sex services premises, Council must consider the following:

- (a) *whether the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land:*
 - (i) *in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or*
 - (ii) *used for the purposes of a child care centre, a community facility, a school or a place of public worship,*
- (b) *the impact of the development and its hours of operation on any place likely to be regularly frequented by children:*
 - (i) *that adjoins the development, or*
 - (ii) *that can be viewed from the development, or*
 - (iii) *from which a person can view the development.*

In this regard, it is noted that the subject application relates to the hours of operation of a previously approved brothel. In any event, the property at 36 Enterprise Avenue does not adjoin, nor is directly opposite or is separated only by a local road from any residential or public recreation zoned land or land used as a child care centre, community facility, school or place of public worship.

Further to this, it is not considered that the brothel's hours of operation would impact upon places frequented by children which, adjoins, can be viewed from, or from which a person could view the development given any such nearby land uses are mainly commercial/industrial in nature, and do not cater specifically for or are likely to be regularly frequented by children.

Having regard to this, the proposed development is considered to be generally acceptable having regard to the requirements of this clause.

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

Tweed Development Control Plan

Section A2-Site Access and Parking Code

At present the subject site provides 15 car parking spaces in accordance with the parking layout established through the Court approval for the brothel on-site. As the current approval for the brothel relates to operating between the hours of 6pm and 6am it is considered that cross utilisation of these car spaces have been allowed given the factory uses would be expected to be closed between 6am and 6pm.

However as the application now proposes to operate 24 hours per day on a permanent basis it is considered necessary to calculate car parking requirements for all uses on the site concurrently.

This is outlined in the table below:

Use	Parking Rate	Spaces Required
Unit 1 – Industrial Factory (300m²)*	1 space / 120m ²	2.5
Unit 2 – Sex services premises (432m²)	1 space / 50m ²	8.64
Unit 3 – Industrial Factory – (400m²)*	1 space / 120m ²	3.33
Total Spaces Required		14.47 (15)
Total Spaces Provided		15

* This car parking rate applies to Light, General and Heavy Industry uses under DCP Section A2.

The table above indicates that the proposed development complies with the required parking provisions of DCP Section A2. It is considered cumulatively the required parking spaces for all development uses on the site can be accommodated within the 15 spaces provided. The proposal is considered to be acceptable having regard to the provisions of this policy.

Section A8-Brothels Policy

Tweed Shire Council adopted the above DCP policy at Council Meeting on 19 April 2011, with the DCP effective from 4 May 2011. The original application, presented to Council for determination in 2010 was assessed under the provisions of a Brothels Policy.

The aims of the section are as follows:

- To enable the development of a brothel in the local government area of Tweed Shire Council; and,
- To ensure that a development for a brothel does not adversely or unnecessarily impact on any resident community; and,
- To ensure that the existing and future character and amenity of the locality is not significantly impacted by any aspect of or associated with a brothel; and,
- To ensure that a brothel is located away from other land-uses that would, or visitors to that land-use would, likely be adversely impacted by a brothel; and,
- To limit the exposure of the Tweed community to a brothel; and,
- To limit the cumulative impact of brothels in any single locality or localities; and,
- To ensure the safety and security of employees and visitors to a brothel.
- To promote a safe and healthy environment for sex workers, other employees, clients and visitors.

The submitted application is not considered to contravene any of the above aims, which has been located on land where such a use is permissible, away from a residential area. It is noted that the application now lodged with Council relates to a modification of a condition of consent of a previously approved brothel which has been assessed as having generally operated in an appropriate manner.

Part B- Initial Limits on Development Consents

This DCP outlines that *'Development consents granted to brothel applications may be initially limited to a period of twelve (12) months. At the completion of this period, Council will re-evaluate the proposal in terms of any complaints received regarding the approval operations, and compliance with any conditions of development consent.'*

The Court Approval for this brothel was limited to a one year operation period, which was subsequently amended to allow operation between the hours of 6pm and 6am in perpetuity.

The application currently before Council proposes to allow the brothel to operate 24 hours a day, seven days per week in perpetuity.

Part C- Granting Consent

This DCP outlines that the Council may grant consent to a brothel only if it is satisfied that the development is consistent with the aims of this section, and the following:

- i. There is no likelihood of there being a significant or adverse impact on the operation of other land-use in the locality; and,*

The brothel has operated from this site previously and based on comments from Tweed/ Byron Local Area Command (NSW Police) and a review of Council records it is considered that there has not been a significant or adverse impact on other land uses in the locality which would warrant refusal of this application.

- ii. There is unlikely to be any adverse impact on any adjoining, neighbouring or nearby residential community; and,*

It is considered unlikely that there would be any adverse impact on any adjoining, neighbouring or nearby residential community. Whilst the nearest residential area to the site is located approximately 350m from the brothel, however the closest any residential area is to the brothel by public road is in excess of 500m. This spatial separation is considered to ensure that it is unlikely that there would be any adverse impacts on surrounding residential properties.

- iii. The development as proposed will not have an adverse or significant impact on the existing and future character of the area; and,*

The subject application relates to a previously approved brothel which is currently operational on this site. In this regard, it is considered that the modification would not impact on the existing or future character of the area.

- iv. If doing so, is not contrary to the public interest.*

The submitted application is not considered to be contrary to the public interest, given that the brothel has been previously approved by the Land and

Environment Court, and has been assessed as having operated in a generally appropriate manner subsequent to the approval.

Part D- Planning Controls

This part of the DCP outlines that there are specific planning controls with mandatory requirements with respect to streetscape and character, building setback, building design and layout, car parking, signage, location, operational safety and security, disability access, hours of operation, health and waste.

Of relevance to this application is the control relating to Hours of Operation (11.0) which states that '*A brothels' hours of operation is 6pm to 6am, with no public services provided between 6am to 6pm.*'

The objective for this control states that the reason for this control is '*To ensure the operation of a brothel is compatible with adjoining and neighbouring land-uses.*'

It is noted that the proposed modification relates to extending the hours of operation to 24 hour per day, seven days per week on a permanent basis which contravenes the above control. Part B (4.0) of this DCP outlines details with respect to varying planning controls and states the following:

Planning controls (PCs) have been provided to assist in the attainment of the aims of this section with the purpose of ensuring that the public interest is protected from inappropriate development.

Development control plans are not statutory however; the PCs are nonetheless binding in effect where a variation to one or more does not satisfactorily demonstrate the attainment of the aims of this section. Tweed Council does not take lightly to the variation of PCs developed to protect the public interest.

A variation to any PC in this section will be considered on its merit, and must be made in a statement that clearly identifies the PC being varied, the reason for the variation, and how the aims of this section will be attained notwithstanding the variation.

A variation to any PC under this section requires the approval of Tweed Council.

The following information has been provided by the applicant with respect to the objective of control 11.0:

'The stated objective of the PC (11.0 hours of operation) is to "ensure the operation of a brothel is compatible with adjoining and neighbouring land uses". In that regard it is commented as follows:

- *The premises is part of a complex containing three (3) units in a U-shaped configuration. Unit 2 is the middle unit and the subject of this application. Units 1 & 3 are occupied by South Tweed Fencing, Timber*

& Aluminium (Unit 1) and Tweed Powder Coating (Unit 3). Those uses have not in any way been adversely impacted by the operations of the brothel to date and no issue of conflict or incompatibility is likely to arise as a consequence of this proposal. It is noted that both businesses have previously provided letters of support for the extended operating hours (refer Section 96 Application DA10/0020.05);

- *It is understood that the business has operated to date (including during the extended hours trial period) in a satisfactory manner and has not been the subject of any verified complaints;*
- *The current restriction on daytime operation is discriminatory, especially in that other approved brothels within the Tweed Shire operate with unrestricted hours. More generally there is a legitimate client demand and expectation for daytime operating hours; and*
- *In this case the restriction of hours does not serve any necessary planning purpose and moreover it is a commercially unreasonable constraint on the business.'*

Council Officer Comment:

In respect of the above it is considered that to adequately assess the appropriateness of the proposed variation, consideration must be given to: the Tweed Local Environmental Plan 2014 - zone objectives; and the Land and Environment Court Judgement - Mavrik Pty Ltd v Tweed Shire Council.

In terms of the IN1 General Industrial zone objectives, the proposal is considered to be consistent with the objectives of the zone as the proposal facilitates economic activity and employment as well as being a non-industrial development which is not considered appropriate in another zone. However, to achieve a level of viability and sustainability the operating environment must, as with any other business activity, be tailored to the proposed development. In this regard the variation sought in respect of the hours of operation is not considered contrary to the objectives of the zone for the following reasons:

- extending operating times will have no effect on the land-use zoning in facilitating further economic activity;
- extending the operating times will assist in securing the sustainability and viability of the business, which in turn secures employment positions; and
- extending the operating times of the proposed development is not likely to have an impact on the employment generation capability of other businesses in the locality or on the land-use zoning.

Council has determined, via the adoption of prohibitive exclusion in other zones as provided by TLEP 2014, that brothels are only suited to the IN1 General Industrial zoned land.

In light of the above, it is concluded that the variation being sought to the operating hours of the proposed development is not contrary to the stated objectives of the Tweed LEP 2014. In this regard it must be noted that unnecessarily restricting the operating hours would act as a further prohibition to the development and which may undermine the zoning objectives.

There has previously been consideration, under a different application, in the NSW Land and Environment Court of hours of operation which is considered relevant to this proposal. In the matter of Mavrik Pty Ltd v Tweed Shire Council the NSW Land and Environment Court provided the following with regard to limiting the hours of operation from 6pm to 6am:

“The limiting of operating hours to preclude those times when a significant portion of business is likely to occur may have a detrimental impact on the economic viability of the business. By comparison the viability of the brothel in terms of operating hours is not dissimilar to many fast food outlets, service stations and restaurants, which are generally permitted to operate beyond the stated hours of operation and within the same 4(a) Industrial zone. Whilst these land uses activities may not attract the same intensity of moral objection they do nonetheless provide similar impacts to that likely to occur as a result of the proposal.

Therefore I consider the proposed 24-hour operation of the brothel is satisfactory and consistent with the zone objectives”.

It is considered that the proposed location of the premise is relatively discreet and is not largely exposed to the general public. Based on the information held in previous Council's records, there exists no significant evidence to suggest that unruly or detrimental activities will occur as a result of extending operating hours to include ordinary business hours.

Having considered the applicant's justification for the proposed variation and having considered the merits of the case it is concluded that the hours of operation provided in the DCP are both unnecessary and unreasonable in this instance. In this regard it is proposed that the hours of operation be extended to include the hours between 6.00am and 6.00pm as requested by the applicant.

The proposed modification is considered to be generally in accordance with this DCP and the proposed modification is supported.

Section A13-Socio-Economic Impact Assessment

DCP Section A13 identifies a brothel as a land use which requires a Socio-Economic Impact Assessment. In this regard it is noted that the subject application relates to a modification of an existing Court approved brothel rather than the establishment of a new brothel. A socio-impact assessment was prepared for the proposed brothel under the original application which concluded that there was justification for the proposed development on social and economic grounds.

It is not considered that a Socio-Economic Impact Assessment is required for the proposed modification given that it relates to an existing brothel which was approved by the Land and Environment Court for which the social/economic impacts were previously assessed as being acceptable. Proposal is considered to be acceptable having regard to this policy.

Section B3-Banora Point West- Tweed Heads South

The subject site is located with Precinct 4 – Commerce & Trade / Industrial. The DCP provides guidelines for new development, but has no specific requirements for the use of those buildings. The DCP requires development to be in accordance with Council's car parking (DCP Section A2) and signage (DCP Section A4) provisions. The DCP also requires Council to be satisfied that the proposed development does not result in noise impact. Council's Environmental Health Unit has previously raised no concerns with regard to noise impact. The proposal is considered to be consistent with the provisions of DCP B3.

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

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

The subject site is located within the Coastal Zone and as such the provisions of the Coastal Policy apply to the site. The subject modification application relates solely to an amendment of hours of operation on the site and does not include physical development works. The proposed development is consistent with the objectives of the Coastal Policy.

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

It is considered that the proposed modification does not impact upon any of the coastal zone management plans applicable within Tweed Shire given the site spatial separation from areas covered by these plans and the fact that this application solely relates to the modification of a condition of consent and does not propose any physical works.

(c) Suitability of the site for the development

The subject site has been determined as being suitable for a brothel use under the Court approval for the original application. The application has been previously assessed against the planning principles outlined in the Land & Environment Court of New South Wales for the location of brothels, the proposed brothel is considered to be suitable for the subject site. As this application relates to a modification of hours of operation only, it is not considered that the proposal would impact of the suitability of the site for the proposed development, being located on appropriately zoned land.

Considerations under Section 4.56(1) of the Environmental Planning and Assessment Act:

This Section of the Environmental Planning and Assessment Act states that a consent authority may, modify a consent granted by the Court if the below criteria are satisfied (in *italics*):

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was*
-

originally granted and before that consent as originally granted was modified (if at all), and

The proposed modification is essentially the same development as originally approved, with the proposed amendment not considered likely to result in any significant changes to the originally approved development as it relates solely to a condition of consent regarding hours of operation.

- (b) *it has notified the application in accordance with:*
- (i) *the regulations, if the regulations so require, and*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (c) *it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and*

The proposed modification was notified to surrounding properties and persons who have previously made submissions on the original application for a period of 14 days from Wednesday 18 April 2018 to Wednesday 2 May 2018. This is considered to satisfy the provisions requiring the Section 4.56(1) applications to be exhibited in accordance with the DCP Section A11 provisions and the members of the public who have previously made submissions.

- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

The proposed modification was placed on public exhibition for a period of 14 days as outlined above. During this time no submissions were received.

Conclusion

The Section 4.56(1) application has been assessed having regard to the matters for consideration under Section 4.15 and Section 4.56(1) of the Environmental Planning and Assessment Act, 1979. The proposed amendment is recommended for approval as detailed below.

(e) Public interest

The proposed modification to Development Consent DA10/0020 is considered to be acceptable in terms of public interest.

Recommendation

The request to vary Condition 43C as outlined by the applicant is supported. Therefore the following amendment to Notice No. DA10/0020 is recommended. Condition No. 43C is to be DELETED and REPLACED with Condition No. 43D which reads as follows:

43D. The hours of operation of the brothel premises are 24 hours per day, seven days per week.

OPTIONS:

1. Approve the amendment of the development consent as outlined above; or
2. Refuse the application for stated reasons.

Council officers recommend Option 1.

CONCLUSION:

It is considered that the development is compatible with the existing industrial development and local environment. The assessment has had regard for the issues raised by the public submissions, as well as advice from NSW Police. As a result, the proposed modification to the trading hours of the brothel is considered to be acceptable.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

If the applicant is dissatisfied with Council's determination an appeal may be lodged with the NSW Land & Environment Court. Council would incur legal fees in defending any such appeal.

c. Legal:

If the applicant is dissatisfied with Council's determination an appeal may be lodged with the NSW Land & Environment Court. Council would incur legal fees in defending any such appeal.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

19 [CNR-CM] Allocation of Community Sponsorship

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:

Council adopted the Community Sponsorship Policy Version 1.1 on 16 November 2017 which offers assistance to local community organisations ensuring priority is given to the objectives that were identified by the community through the Community Strategic Plan (2017-2027).

Council has \$40,151 available for donations to eligible community organisations in the 2017/2018 Budget.

RECOMMENDATION:

That:

1. Council endorses the following recommendations for the allocation of the 2017/2018 Community Sponsorship Policy.

Applicant	Amount
Brunswick Valley Kennel Club Inc	\$896
Open Men's Group	\$1,793
Centaur Netball Club	\$2,241
Cudgen Headland Surf Life Saving	\$2,689
Tweed Valley Early Childhood Intervention Service Inc	\$2,689
Tweed Valley Woodcraft Association Inc	\$2,689
Green Heroes	\$3,227

Applicant	Amount
Agape Outreach Inc	\$4,210
Murwillumbah Community Centre	\$4,481
Positive Change for Marine Life	\$4,481
Uki Public School P&C Association	\$4,481
Cabarita Youth Service Inc	\$6,274
Total	\$40,151

2. **Successful applicants are required to:**
 - a) **Acknowledge the contribution to the project by Council in all printed, written and promotional items including media releases and social media; and**
 - b) **Sign a sponsorship agreement with Council and at the completion of their project must complete the official Acquittal and Project Finalisation Report Form.**

3. **ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
 - (a) **personnel matters concerning particular individuals (other than councillors).**

REPORT:

Council has \$40,151 in the 2017/2018 Budget for donations to eligible community organisations. Nineteen applications were received totalling requested funds of \$80,622.

Eligibility for funding was assessed against the following criteria:

1. Projects, initiatives or services must be delivered to residents in the Tweed Shire Council Local Government Area.
2. Applicants must be not for profit meaning they are a non-government, not for profit, community based group or organisation that is not operating for the profit or gain of its individual members whether these gains would be direct or indirect.
3. No financial assistance will be given to privately owned businesses/companies. Applications must be from incorporated organisations or associations. Unincorporated not-for-profit community organisations can apply for assistance through eligible incorporated sponsor organisations. Sponsor organisations must agree to take responsibility for the receipt, application and acquittal of the assistance provided.
4. No financial assistance will be given to projects, services or initiatives that are receiving Council funding or resources.
5. No financial assistance will be given to Government Departments or agencies or for support of Government or Council owned facilities/fixed assets.
6. No financial assistance will be given to reimburse groups or organisations for Council fees and charges.
7. No financial assistance will be given to competitive sporting activities or clubs.
8. Council will not support/fund applications that are specifically fundraising for donations and charities.
9. The funds are not to be used for a social activity for members of the organisation exclusively.
10. For applications which include a public/community celebration component, evidence of adequate public liability insurance and/or other relevant insurance cover must be provided.
11. Applicants must have formally and fully acquitted any previous grants provided by Tweed Shire Council.
12. Applicants must submit applications on the official application form.
13. Applications must be received by Close of Business (4.30pm) on the advertised closing date.

OPTIONS:

1. Allocate the funds in accordance with Councillor recommendations based on the criteria set out in the Community Sponsorship Policy Version 1.1.
2. Not allocate the funds in accordance with Councillor recommendations and request further information.

CONCLUSION:

The objective of the Community Sponsorship Policy is to provide financial assistance by way of a sponsorship agreement to local community groups and organisations. These funds are for activities and projects that benefit the health and wellbeing of Tweed Shire residents. The sponsorship agreement acknowledges the contribution Council makes to local community groups and organisations that contribute to community life in the Tweed Shire and respond to local needs and issues. Applications were assessed against priorities identified in the Community Strategic Plan (2017-2027).

COUNCIL IMPLICATIONS:

a. Policy:

Community Sponsorship v1.1.

b. Budget/Long Term Financial Plan:

A0018.1208 Donations has a 2017/18 budget of \$52,151 with \$40,151 available for 2017/18 applications and \$12,000 for outstanding allocations agreed in the 2016/17 community sponsorship round processed in 2017/18 financial year.

In relation to the \$12,000 allocated from the 2016/2017 Community Sponsorship Policy that was paid in July/August 2017:

Applicant	Amount
Creative Caldera	\$5,000
Beachside Communicare	\$5,000
Safer Communities Alliance	\$2,000
	\$12,000

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

The funding round, open between 14 December 2017 and 22 February 2018 was advertised in the *Tweed Link* on 12 December 2017 and through Council's social media channels inviting applications from community organisations. Applications were initially reviewed by Council in a confidential workshop on 26 April 2018.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Community Sponsorship Policy 2017-2018 - Applications Assessment Table (following Council Workshop held Thursday 26 April 2018) (ECM 5255940).

(Confidential) Attachment 2 Memo to Mayor and Councillors - Allocation of Community Sponsorship. (ECM5254187).

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

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: **Provider** **Leader**

SUMMARY OF REPORT:

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

This report details the overall action status at the end of the second year (February 2017 – February 2018) of implementation and specific outcomes against each of the plan theme areas.

Key outcomes for the reporting period include the state government acquisition of koala habitat at Pottsville, public exhibition of the draft Biodiversity and Habitat Management DCP, successful implementation of the online koala sightings database, inclusion of koalas, koala habitat and habitat plantings as assets in the Far North Coast Bushfire Risk Management Plan 2017 and ongoing creation and improvement of additional habitat.

A number of key issues and challenges have been identified and include securing necessary approvals to undertake prescribed burning as an essential management tool for the prevention of high intensity wildfire and encouraging new landholders to participate in the habitat restoration program.

The multi-disciplinary approach to koala conservation and recovery continues to deliver outcomes in accordance with the Tweed Coast Comprehensive Koala Plan of Management.

In addition to significant outcomes in relation to habitat restoration, community engagement initiatives have been delivered that enable direct community involvement in the koala recovery program. Innovative responses to management of the threats of road mortality and

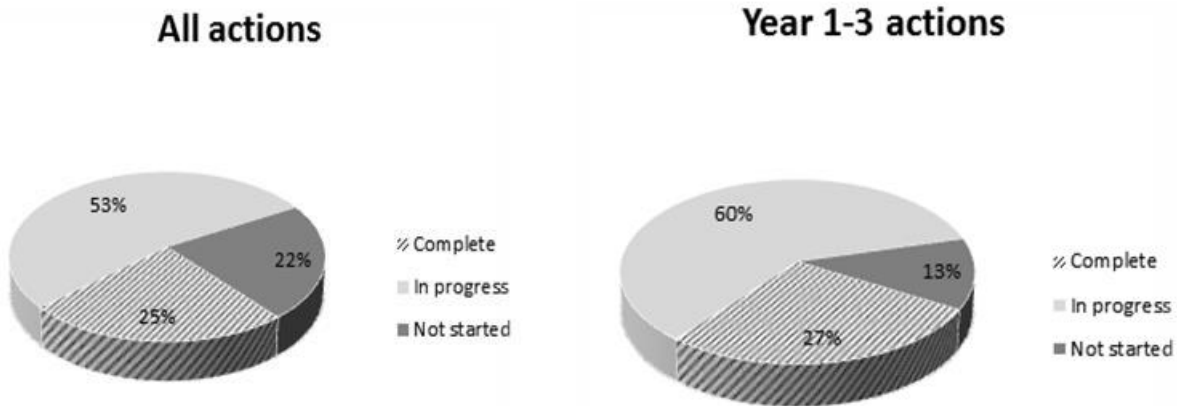
fire management continue to demonstrate positive outcomes and are now being implemented in other locations in NSW.

RECOMMENDATION:

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

REPORT:

Overall action implementation status (February 2018)



General plan implementation actions

- The Tweed Coast Koala Management Committee commenced operation in March 2017 and held five meetings during the reporting period. The committee includes representatives of Council, Friends of the Koala, Team Koala and Tweed Coast community members.
- A refresher workshop regarding the operation and development provisions of the plan was held with the Building Services Unit in June 2017.

Strategic planning

- The draft Biodiversity and Habitat Management DCP has been publicly exhibited. The DCP incorporates the relevant provisions of the KPOM and is anticipated to be adopted by June 2018.
- Preparation of draft environmental zones in accordance with the KPOM and the Far North Coast E Zone Review is underway with intent to finalise for the Tweed Coast in 2018.

Koala habitat restoration

- 2.25 ha of new koala habitat were established during Year 3. This consisted of the planting of 4,360 trees at eight sites.
- These plantings result in a cumulative outcome to date of 34,460 trees planted providing 23.25 ha of new habitat. This contributes to the KPOM target of the creation and ongoing maintenance of a minimum of 300 ha of additional koala habitat on the Tweed Coast.
- Monitoring of planting sites (February 2017) has revealed that koalas have started utilising koala habitat plantings at 66% of sites surveyed within two to three years of their establishment.
- Primary and follow-up bush regeneration works are continuing at Koala Beach, Pottsville Environment Park and Pottsville Wetland and on private land at Round Mountain, contributing towards the KPOM target of maintaining and improving existing preferred koala habitat.

- Council successfully proposed that the NSW Government acquire 100 ha of koala habitat at Pottsville. The site was purchased in August 2017 and provides a critical opportunity for the creation of additional habitat, protection and improved connectivity of existing habitat and improved management of threats to koalas including high intensity bushfire.
- Koala habitat restoration outcomes have been compiled and published as publicly accessible maps. The interactive mapping tool enables viewing of koala habitat plantings, habitat restoration and KPOM management precincts at a property scale.
- The Environmental Trust funded project “Investing in the future of Pottsville’s Koalas” is in its second year with actions relating to revegetation, restoration, community engagement, vertebrate pest control and responsible pet ownership all on target. A community engagement highlight was the well-attended “Wild About Pottsville” event.
- \$200,000 grant funding was received from the Australian Government for the planting of 8,000 koala food trees and restoration of 15 ha of existing habitat. All site plans, landholder agreements and works contracts are in place. Site preparation, fencing and planting will be complete by June 2018.
- An additional \$20,000 was provided by the NSW state government through the Saving Our Species program for the planting of 1,200 koala food trees on private property. Two sites have been secured and planting will be complete by June 2018.



Image: Lot 919 at Pottsville was purchased by the NSW state government in August 2017 and provides a unique opportunity to create new koala habitat and protect and improve existing habitat.



Image: Publicly accessible mapping has been prepared to display the koala habitat restoration outcomes of the KPOM. Areas of planting (red) and habitat restoration (blue) throughout the Tweed Coast can be viewed together with koala sightings and koala activity survey outcomes.

Reducing koala road mortality

- Ongoing traffic monitoring and maintenance of Clothiers Creek and Coronation Avenue 'koala roads'. Monitoring data indicates continuing value of koala zones at both locations as measured by the increased proportion of drivers travelling at or below the speed limit.
- Information regarding the intent, operation and outcomes of the koala zones has been provided on request to other councils and consultants investigating koala road mortality mitigation measures throughout NSW.
- Monitoring and reporting of koala use of the Pacific Highway fauna overpass near the Pottsville interchange has continued throughout the reporting period.
- Formal liaison with NSW RMS was established through written correspondence and a subsequent meeting. The outcomes of the meeting included confirmation of a single point of contact for defect reports and vertebrate pest management issues. Agreement was also made to investigate recommended additional fence locations and to hold periodic meetings to maintain contact and issues management.

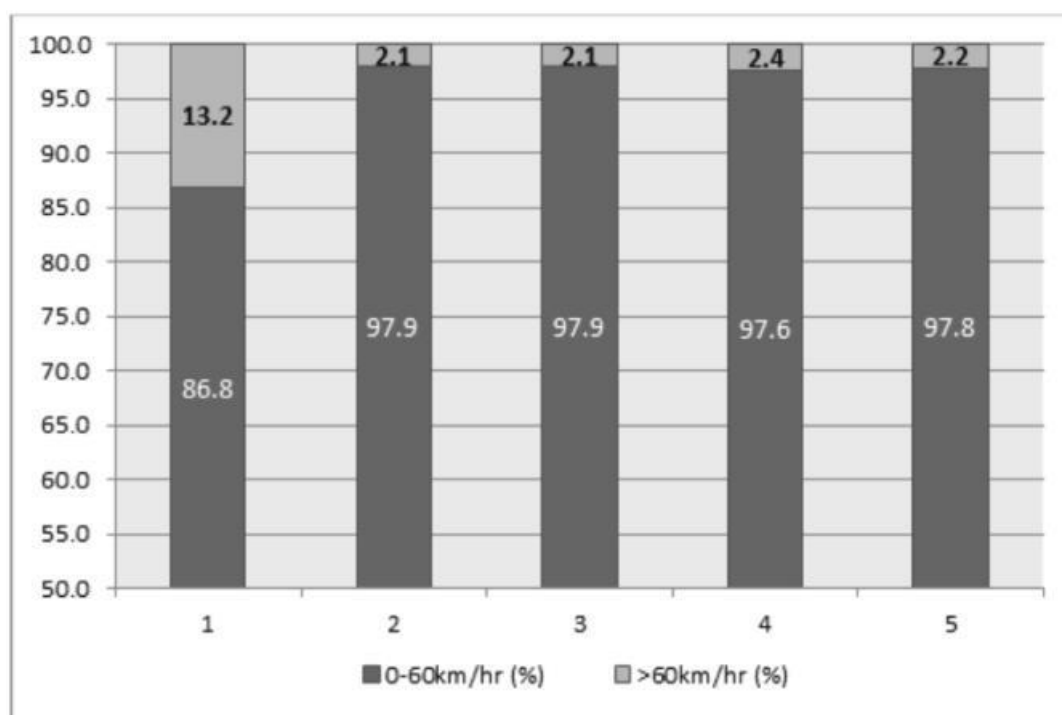


Image: Traffic monitoring data demonstrates a positive impact from the installation of koala zones. This data from Coronation Avenue at Pottsville shows that the installation of the koala zone has resulted in a 10% increase in the percent of drivers travelling at or below the speed limit.

Reducing the risk of dog attack

- Remote camera monitoring throughout the Southern Koala Management Area of the KPOM has continued and used to inform vertebrate pest control programs.
- Remote camera monitoring within the reporting period has shown that wild dog activity remains low and accordingly, control is not currently warranted. Two 1080 baiting control programs in the Round Mountain / Pottsville area were undertaken that focussed on control of foxes. This program was supplemented by site specific trapping programs in the Pottsville area, again targeting foxes.
- NSW NPWS continue to undertake 1080 baiting programs to control wild dog and fox biannually (spring and autumn) in Cudgen Nature Reserve and Mooball National Park.
- Council adopted a Wildlife Protection Area Policy in November 2017. This policy provides the framework for the justification, proposal and declaration of public land in which dogs and cats are prohibited for the purpose of wildlife protection under the Companion Animals Act 1998.
- A review of the current off leash areas for dogs is underway, including the development of criteria for suitable location of off leash areas and assessment of the existing areas against these criteria.
- A Draft Operational Management Plan for the management of foxes on the Tweed Coast has been prepared. This Plan details a strategic management approach to provide for sustainable fox control to deliver biodiversity benefits on the Tweed Coast.
- Monitoring has been completed to inform the NSW Saving our Species program funded project aimed at reducing the risk of dog attacks in bushland reserves. The monitoring has identified the key audiences for a subsequent community engagement campaign.

Fire management

- The methods and outcomes to date of the Tweed Coast Koala Fire Management Plan (TCKFMP) and Guidelines for Hazard Reduction Burns in Koala Habitat were presented at the Nature Conservation Council Bushfire conference in Sydney in May 2017. The presentation was delivered as a joint analysis and comparison of the approaches taken in the far north and far south of NSW to the issue of fire and koalas.
- Continued participation and provision of advice to relevant land managers including the Northern Rivers Fire and Biodiversity Consortium and on request to specific stakeholder groups. This included participation in a scoping workshop considering the relative merit of initiating a model similar to that used on the Tweed Coast in the Port Macquarie-Hastings area.
- A Review of Environmental Factors was prepared to address required planning approvals for proposed prescribed burns in Pottsville Environment Park. This site was identified in the TCKFMP as a high priority for hazard reduction and as a land management zone, requiring hazard reduction treatment, in the Far North Coast Bushfire Risk Management Plan.
- A trial of the use of koala detector dogs to evaluate effectiveness for determining relative levels of koala activity to assist the prescribed burn planning process was undertaken in Pottsville Environment Park. At this site, the prevalence of koala scats and density of understorey vegetation precluded the successful application of this method.
- Koalas, koala habitat and koala habitat plantings have been integrated to the Far North Coast Bushfire Risk Management Plan 2017. The recognition of these values as assets in the plan are significant and an essential element of improved outcomes for koalas with regard to fire suppression, hazard reduction and habitat maintenance.



Image: A joint presentation with NSW NPWS was delivered at the Nature Conservation Council Bushfire Conference in June 2017. The presentation compared and contrasted approaches to managing the issue of fire and koalas in the far north and far south of the state.

Koala care and welfare

- A key aspect of the proposal for the acquisition of Lot 919 at Pottsville by the NSW state government was to enable the construction of a koala holding facility, soft release site and koala food tree plantation. This facility was proposed in response to a need identified by Currumbin Wildlife Sanctuary to hold rehabilitated koalas for inclusion in the current chlamydia vaccine research project. Whilst the land has been acquired, further progress on these proposals remains subject to resolution of the tenure of the land by NSW NPWS and Tweed Shire Council.
- Annual financial contribution of \$3000 provided to Friends of the Koala Inc.
- Improvement of koala data management and additional community engagement activities that benefit koala care and welfare have also been undertaken and are reported below.
- Two NRM officers attended the National Koala Conference in June 2017, enabling staff to gain insight into the complexities of koala disease and knowledge of the current state of koala disease research, results and future work.



Image: A koala holding facility is required to hold rehabilitated koalas for inclusion in the chlamydia vaccine project. Construction of a facility similar to the one pictured above was proposed as part of the recommendation to acquire Lot 919 at Pottsville.

Community awareness and engagement

- Council is an active member of a regional group seeking to improve communications and engagement throughout the north coast area. The group is convened by Friends of the Koala and involves all north coast councils. Preparation of consistent messaging, development of education campaigns and engagement with NSW Office of Environment and Heritage has been completed to date.
- This group is also collaborating on the Koala Watch project, funded by the NSW government through the Environmental Trust. An extensive series of community

workshops and supporting educational materials are being delivered throughout the project area.

- Council staff continue to engage with, and provide support to, Tweed Coast landholders, the local community and community groups (i.e. Team Koala, Friends of Cudgen NR) to collaboratively pursue conservation of Tweed Coast koalas.
- “Wild About Pottsville” was held in June 2017, promoting conservation of koalas, koala habitat and other local native fauna in the Pottsville area. It was well attended, attracting over 300 people. The event also enabled Council to collaborate with numerous community groups like Tweed Valley Wildlife Carers, Team Koala, Tweed Landcare, Birdlife Northern Rivers, Pottsville District Lions Club and Pottsville District Men’s Shed.



Image: Kooee Koala and Jenny Hayes (Team Koala) at the *Wild about Pottsville* event in June 2017.

Monitoring, reporting and review

- An online koala sightings database has been established as a project under the Atlas of Living Australia. This database enables direct input of sightings data, including through a smartphone application. More than 100 verified koala sightings from throughout the Tweed Shire have been submitted within the first six months of operation. These sightings will be incorporated into the Tweed Coast monitoring program and inform broader regional research projects.
- A collaborative research project was completed to evaluate the potential use of unmanned aerial vehicles (drones) for detecting koalas and determining koala activity. The project was led by the Queensland University of Technology and involved Tweed Shire Council, City of Gold Coast and Logan City Council. The outcomes of the study included verification that drones can detect koalas in some situations and that further work is required to address limitations associated with dense vegetation and real time processing of data.
- Field surveys to detect koala activity and an online survey are underway to inform the Australian Research Council Linkage Project funded project. This project is led by

University of Queensland with partners Sydney University, Southern Cross University, Friends of the Koala and Tweed, Ballina, Byron and Lismore councils. The outcomes of the two assessment components from throughout the four council areas will be combined to prepare a regional koala conservation strategy.



Image: The koala sightings online database has recorded more than 100 sightings from throughout Tweed Shire in the first six months of operation.



Image: The koala sightings database allows for uploading of photographs that assist with data verification, early reporting of diseased animals and possible identification of individual koalas.

Issues and challenges

Koalas and fire

Securing the necessary approvals to undertake prescribed burns is challenging and impacts on the ability to complete burns within the short available timeframe. Implementing the burns is also dependent on the availability of others (NSW Rural Fire Service) which can further limit the ability to complete the burns. Three sectors within Pottsville Environment Park are currently proposed for low intensity prescribed burns. The burns are intended to reduce the existing fuel hazard and the risk of destructive wildfire, as well as maintain the ecological process of fire crucial to the health and function of existing vegetation communities and threatened species habitat. The burns were initially planned for 2017 but were unable to be completed due to the inability to finalise all approvals before the commencement of the fire danger period. This issue is being considered with relation to determining the most efficient manner to address the extensive remaining areas of council managed bushland on the Tweed Coast that have also been identified as high priority for hazard reduction.

A wildfire occurred as a result of accidental ignition in January 2018 on private land at Kings Forest. The vast majority of the area burnt was paddocks and heath. Some areas of potential koala habitat were burnt, mainly through the understorey but with some areas of crown scorching. Inspection on the first day after the fire was completed in an attempt to identify any immediate direct impacts to koalas. The inspection was limited to the edges of vegetated areas as there were some patches still alight and occasional branches dropping. Whilst it was determined in this instance that there was a low likelihood of koala occurrence in the areas burned, the capacity to respond to wildfire incidents remains problematic. Continuing liaison with the NSW RFS brigades including provision of direction on what to do if a koala is sighted during wildfire suppression remains the best available action at this time.

Wildfire events also generate a significant level of community concern, including in relation to any possible impact on koalas and their habitat. Council's role as a conduit of information during and after the event is highly significant in this regard and measures to improve the effectiveness of this role will continue to be identified and implemented.

Koala habitat restoration program

Encouraging new landholders to participate in Council's koala habitat restoration program has continued to be slow and will make it difficult to reach KPOM targets for new koala habitat creation. Council recently initiated a media campaign to promote Council's koala habitat restoration program to Tweed Coast landholders. There was a good response to the media campaign but all landholders that did respond were outside of the KPOM area. This is a key challenge for delivery of KPOM habitat restoration actions. There appears to be a range of barriers to Tweed Coast landholders participating in a Council-led koala habitat restoration program. These barriers and more effective means of communicating with landholders need further analysis to address this challenge.

The KPOM requires the "identification of a long term mechanism by which restoration areas on privately-owned land are to be retained and managed for the benefit of koala recovery in perpetuity". This has not yet been progressed but the need for this to be explored has been highlighted with a number of participating properties being sold and with new land owners not fully engaged in koala conservation initiatives. In pursuing a long-term mechanism for protection of koala habitat restoration on private land, there will need to be a balance

between not deterring private land owners from participating in the program, the current legislative framework and ensuring publicly funded habitat restoration works are protected.

Year 4 priority actions

- Reassessment of koala activity throughout the Tweed Coast will be completed in 2018. This is a three-yearly action of the KPOM and will also involve reporting on the results and provision of any recommendations for amendment of the KPOM. In addition to reassessment of sites from the previous two surveys, it is proposed to include some extra sites where new koala habitat has been established.
- Additional promotion of the koala sightings database will be completed through print, radio and social media. Ongoing database maintenance, including seeking to ensure that coordination and data sharing is functioning effectively and efficiently between key databases (BioNet and Atlas of Living Australia) is occurring, will also be continued. It is hoped that this will generate additional contemporary sighting data for incorporation into monitoring and research programs.
- Finalise tenure arrangements for Lot 919 with NSW NPWS. This will enable progress on the full range of potential koala recovery activities for this location. This includes the development of a detailed site plan and commencement of detailed planning for a soft release site, koala holding facility and koala food tree plantation.
- Identification of additional sites for the creation of new koala habitat and the improvement of existing habitat will be continued throughout the KPOM area. Any significant maintenance requirements for sites worked to date will also be continued.
- Continuing development of koala communications strategy in order to better communicate activities being done under the KPOM works program, the results of the 2018 koala activity reassessment and encourage community understanding and participation.
- Opportunities to supplement the ongoing Council investment in the KPOM works program through external funding opportunities will be identified. Based on information from NSW OEH, it is anticipated that there may be further funding available for koala recovery actions through the Saving our Species program.
- Three Wildlife Protection Areas will be initially proposed for declaration in accordance with the Wildlife Protection Area policy and Companion Animals Act 1998, providing additional awareness and compliance ability in these bushland reserves. Further areas will also be considered for declaration.
- Assessment and planning work will be commenced for a prescribed burn program for the Koala Beach estate bushland reserve. This work will include fuel hazard assessments to assist in prioritising hazard reduction works throughout the 175 ha of Koala Beach reserve identified as high priority by the Tweed Coast Koala Fire Management Plan.
- Finalisation of draft Tweed Coast environmental zones in accordance with the KPOM and the Far North Coast E Zone Review and adoption of the draft Biodiversity and Habitat Management DCP.
- Finalise the off leash areas for dogs review to enable implementation.

CONCLUSION:

The multi-disciplinary approach to koala conservation and recovery continues to deliver outcomes in accordance with the Tweed Coast Comprehensive Koala Plan of Management. In addition to significant outcomes in relation to habitat restoration, community engagement initiatives have been delivered that enable direct community involvement in the koala

recovery program. Innovative responses to management of the threats of road mortality and fire management continue to demonstrate positive outcomes and are now being implemented in other locations in NSW.

COUNCIL IMPLICATIONS:

a. Policy:

Tweed Coast Comprehensive Koala Plan of Management 2015

b. Budget/Long Term Financial Plan:

Council's annual budget allocation of \$138,000 (2018-19) is used to implement the actions of the plan. External funding through grants and other relevant programs are accessed to supplement these funds. \$220,000 in external funding was secured during the reporting period.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

The framework for reporting on implementation of the works program is detailed in the plan and includes an overall five yearly review and reporting on scheduled population reassessments. Annual updates as per this report will also be provided and subsequently made available to the general community on Councils website. Significant milestones and achievements are routinely publicised through the Tweed Link and media releases. The Tweed Coast Koala Management Committee was established in March 2017 and provides a direct two way communication opportunity between Council and key stakeholders including Friends of the Koala, Team Koala and other individuals involved in koala conservation.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

21 [CNR-CM] Sustainability Awards

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: **Provider** **Leader**

SUMMARY OF REPORT:

There are a range of existing awards locally, state wide and nationally that recognise sustainability leadership, achievements and projects from the Tweed. These awards provide an opportunity to recognise, support and inspire sustainability leadership in our community.

There is broad support for high profile Tweed sustainability awards across Council's sustainability-related programs. Unfortunately there are limited resources in existing Council program budgets to cover related costs. It has been difficult to evaluate the comparative value of redirecting staff and funds into awards compared to existing engagement, on-ground works and delivery programs.

A range of options and a high-level review of potential actions, resource requirements, effectiveness and broader considerations in the establishment of a sustainability awards program is provided.

RECOMMENDATION:

That Council:

1. **Receives the options report on Sustainability Awards.**
2. **Notes the availability of funding and supports the establishment of a Sustainable Agriculture Award in conjunction with a local event, subject to discussion with relevant event organisers.**

REPORT:

At its March 2018 meeting Council called for a report on developing a range of sustainability awards. The lack of high profile local sustainability awards, and lack of community knowledge and appreciation for local sustainability achievements are considered to be councillors' main drivers for seeking an investigation into awards.

Approach

To prepare this report, a list of sustainability awards active in the shire and region has been compiled in Attachment 1. The list highlights positive recognition of Tweed initiatives across prestigious state and national sustainability awards.

A collection of other councils' sustainability awards is summarised in Attachment 2.

A brief online search for academic papers was conducted to evaluate the effectiveness of awards to raise community awareness and provide recognition for sustainability leadership. Limited relevant material was found. A quote from an article in environmentjournal.online highlights the potential value of awards:

"While awards will always be a subjective thing – one group perception of the value of another's work – they do serve a purpose by highlighting if only momentarily the incredible efforts that are being made by people and organisations all round the world to improve the life of the planet. And if in some small way that boosts the morale of those working to achieve these goals, making the job that little bit easier, then their value cannot be dismissed."

A potential range of sustainability awards has been developed with relevant Council officers. Attachment 3 provides a high level assessment of benefits, challenges and resources required to develop sustainability awards.

General findings and questions

Officers were supportive and recognised the merit of the sustainability awards concept. A range of possible limitations/questions were raised:

- Tweed businesses, community groups and Council programs are well recognised in existing awards programs.
- The majority of existing sustainability-related delivery programs and resourcing do not have additional capacity to include an awards program
- The value of awards in increasing community knowledge and appreciation for local sustainability achievements is difficult to quantify. It is a challenge to assess the relative value of investing in an awards program compared to supporting current actions being undertaken through various Council's programs and promotion of these Council and community programs and projects.

Potential awards identified in current Council strategies and programs

Sustainable Agriculture Award Program

The Tweed Sustainable Agriculture Strategy identifies the need to showcase and recognise best practice farmers through an awards program. This action has not commenced as it has not been a priority action to date. Staff resources are available to investigate the feasibility of an award for agricultural best-practice, with scope to embed the awards in relevant local

events such as the Murwillumbah Agricultural Show. The scope for a long-term awards program of this kind could be constrained by limited numbers of eligible participants.

Tweed Built Environment Design Award

A two-yearly event was proposed to encourage, reward and promote quality design in new buildings, extensions, renovations, landscape schemes, conversions or adaptive reuse within the Tweed was proposed as a Strategic Planning and Urban Design team initiative.

Objectives included:

- encourage excellence from the development industry
- promote the creative strengths of building design professionals and to publicise the positive results of their efforts
- raise public awareness of building work and the benefits of good site, contextual and environmentally responsive design within the Shire.

A judging panel comprising of a member representative from the Royal Australian Institute of Architects, Master Builders Association, Tweed Shire Councillor (Mayor), Tweed Shire Executive Representative, Planning and Regulation representative, University (Bond, Griffith) representative and a member of the general public would review and judge the entries. The project must comply with Council and statutory regulations.

The proposal suggested winners of the award would receive a certificate and a plaque to be displayed on the winning building, presented at a Council-hosted awards function. The awards program could culminate in an 'open house' weekend where all entrants are encouraged to invite members of the general public to visit.

The winning buildings would also be promoted via Council and other local media channels, and potential displays at Council offices and libraries.

This award has not been further developed or delivered due to competing demands for staff time in high impact areas such as strategic planning, planning regulation and compliance.

Other potential award categories

A brief review of other councils' sustainability awards in Attachment 2 outlines a range of award categories that aren't already addressed in local awards:

- Biodiversity conservation and land management
- Sustainable food: to recognise companies or individuals working in the food industry (or related area) to create a more sustainable economy.
- Sustainable schools/student: encourage greater involvement and recognition of Tweed schools in the Keep Australia Beautiful Eco-Schools program and awards.
- Community group or project: recognising groups and organisations that have made a significant contribution to sustainability.
- Sustainable Household and Garden.
- Sustainable energy: contribution to a sustainable energy economy: individuals/householders, communities, organisations or companies who have

designed, developed, integrated or installed any form and scale of sustainable energy into a site or building. This could include new sources of energy, new ownership modules or ultra-efficiency methods.

- Heritage: sustaining our local heritage recognising and celebrating our culture to maintain the uniqueness and resiliency of our community.
- Resource efficiency: companies that have developed a product, service, campaign or who are operating their organisation using the waste hierarchy principle of reducing, re-using and recycling
- Arts: Media and Communication: Recognising media and communications (including film) that effectively communicate and engage the public about sustainability and community resilience in creative ways.
- Innovation
- Individual /Hero
- Mayor's Choice

Key considerations

Awards organisers recommend key considerations to ensure successful awards programs:

1. Clarifying objectives: Increasing community knowledge and appreciation for local sustainability achievements was noted as a key driver for Council's inquiry into sustainability awards. Further development of the goals and objectives of an awards program would be required.
2. Testing assumptions: Collecting feedback directly from the community about whether awards or other awareness programs would improve knowledge and appreciation for local sustainability achievements is advisable to ensure any investment of time and resources is effective.
3. Being able to evaluate awards' effectiveness in achieving their objectives: Reviewing the time, effort, expense and outcomes of any recognition program is recommended. Determining a baseline and showing improvement in that baseline should be an important component of any awards program design.
4. Having an ongoing 'pipeline' of applicants may require capacity building and investment in the medium to long term.
5. Providing suitable and sustainable prizes and rewards: One awards program asks applicants to outline what they will do with the prize money to influence sustainability outcomes, and asks for a report back within one year about what has been achieved.

OPTIONS:

To help Council decide whether to develop a range of sustainability awards, Attachment 3 contains a range of options and provides a high-level review of potential actions, resource requirements, effectiveness and broader considerations:

- Option 1.** Better celebrate Tweed sustainability achievements in others'/existing awards programs.
- Option 2.** Build greater awareness and capacity for Tweed sustainability initiatives to seek recognition in existing awards programs where the Tweed is not well represented e.g. Eco Schools.
- Option 3.** Build on the existing framework of local awards and events, subject to discussions with organisers, such as:
- 3A: Australia Day
 - 3B: Murwillumbah Agriculture Show
 - 3C: Home Expo
 - 3D: World Environment Day
- Option 4.** Develop a dedicated Sustainability Awards program and showcase.

Option 3B is recommended due to the availability of funding, subject to discussions with relevant event organisers. Options 3C and 3D could offer an effective outcome, subject to funding availability and discussions with relevant event organisers.

CONCLUSION:

Awards programs bring important recognition and promotion to leaders in their fields, and help to reinforce social norms about the behaviour and outcomes celebrated in our community and society.

The benefits outlined by the Blue Star Awards could also apply to future Tweed Sustainability Awards:

- Bring your community together around a common goal, boosting morale and civic pride.
- Engage people from your community in your project or program.
- Spread education about environmental awareness, and specifically your own hard work.
- Tell your story to other groups across the state.
- Get your project into local media and gain publicity.

Establishing clear objectives, appropriate resourcing, effective delivery and regular review of any investment in sustainability awards will support successful outcomes.

COUNCIL IMPLICATIONS:

a. Policy:

Donations and Subsidies v1.3

b. Budget/Long Term Financial Plan:

Up to \$2,000 is available within the Sustainable Agriculture budget for prize and promotion costs for a potential Sustainable Agriculture prize, as per Option 3B outlined in Attachment 3.

c. Legal:

Consistency with regulations governing the operation of awards and prizes will need to be checked and adhered to.

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.

Intercept surveys are recommended to gather community perspectives about local knowledge and appreciation for sustainability achievements in the Tweed, and test ideas about how to effectively enhance community knowledge and appreciation for local sustainability initiatives.

UNDER SEPARATE COVER/FURTHER INFORMATION:

- | | |
|---------------|---|
| Attachment 1. | Existing awards overview (ECM 5254246) |
| Attachment 2. | Other councils' sustainability awards (ECM 5254476) |
| Attachment 3. | Potential approaches (ECM 5254550) |
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REPORTS FROM THE DIRECTOR ENGINEERING

22 [E-CM] RFO2018014 2017/2018 Asphalt Resurfacing Program

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 RFO2018014 was called to engage a suitably qualified and experienced organisation for the milling, supply and laying of asphalt surfacings to urban streets at various locations within Tweed Shire. These works require 4300 tonnes of asphalt pavements and resurfacings to existing roads, including all traffic control and ancillary works, to streets in various locations in Banora Point, Chinderah, Hastings Point, Tweed Heads and Tweed Heads South, as part of the 2017-2018 Asphalt Resurfacing Program managed by Works Unit.

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

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

RECOMMENDATION:

That in respect to Contract RFO2018014 2017/2018 Asphalt Resurfacing Program:

1. **Council awards the offer to East Coast Asphalt and Concrete Edging Pty Ltd ABN 51 755 877 285 for the amount of \$1,357,685.34 (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 in the Contracts Quarterly Report at finalisation of the contract.**

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

REPORT:

Offer Background

Request for Offer RFO2018014 was called to engage a suitably qualified and experienced organisation for the milling, supply and laying of asphalt surfacings to urban streets at various locations within Tweed Shire. These works require 4300 tonnes of asphalt pavements and resurfacings to existing roads, including all traffic control and ancillary works, to streets in various locations in Banora Point, Chinderah, Hastings Point, Tweed Heads and Tweed Heads South, as part of the 2017-2018 Asphalt Resurfacing Program managed by Works Unit.

Offer Advertising/Distribution

The Offer was invited in accordance with the provisions of the Local Government Act 1993, the NSW Local Government (General) Regulation 2005 and the Tendering Guidelines for NSW Local Government. The Offer was officially advertised in The Sydney Morning Herald on Tuesday 6 March and also in Brisbane Courier Mail on Saturday 3 March 2018.

Offer Submissions

Offer submissions closed at 4:00pm (local time) on 28 March in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

The Tender Box was opened by Councils delegated Officers after 4:00pm (local time) and the following Offers were recorded:

Bidder	ABN
East Coast Asphalt and Concrete Edging Pty Ltd	51 755 877 285
Fulton Hogan Pty Ltd	54 000 538 689
Boral Resources Qld Pty Ltd	46 009 671 809

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.

Offer Evaluation Panel

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

Position
Project Manager - Contracts
Engineer -Construction
2 x Engineers – Assets and Maintenance

Evaluation Criteria

Offers were evaluated based on the criteria noted in the attached confidential Offer Evaluation Report.

Evaluation Discussion

All Bidders were considered suitably qualified and capable with the necessary products and plant to undertake the works.

East Coast Asphalt provided the most competitive price. Whilst they don't have ISO certified management systems, they do have management systems suitable for the purpose of the works.

Fulton Hogan provided a competitive price though did not provide a detailed works program.

Boral Resources provided the least competitive price and included a schedule of departures detailing changes to the RFO standard contract clauses. These amended contract clauses are considered unacceptable to Council.

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

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

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

Evaluation Summary

East Coast Asphalt and Concrete Edging Pty Ltd provided the most competitive price and achieved the highest overall assessment. East Cost is considered the most advantageous option for Council.

Recommendation

It is recommended that the Offer from East Coast Asphalt and Concrete Edging Pty Ltd ABN 51 755 877 285 be accepted for the amount of \$1,357,685.34 (exclusive of GST).

OPTIONS:

That Council:

1. Awards the offer to East Coast Asphalt and Concrete Edging Pty Ltd ABN 51 755 877 285 for the amount of \$1,357,685.34 (exclusive of GST).
2. Awards the Contract to a different Bidder, including reasons for this course of action.
3. Declines to accept any of the Offers, including reasons for this course of action.

CONCLUSION:

East Coast Asphalt and Concrete Edging Pty Ltd achieved the highest overall assessment score and is therefore deemed as the most advantageous option for Council.

COUNCIL IMPLICATIONS:

a. Policy:

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

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

b. Budget/Long Term Financial Plan:

Provision for RFO2018014 2017-2018 Asphalt Resurfacing Program is included in the 2017/2018 Roads Maintenance Budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. RFO2018014 - Offer Evaluation Report (ECM 5254705).

(Confidential) Attachment 2. RFO2018014 - Offer Evaluation Scoring Sheet (ECM 5254452).

23 [E-CM] RFO2016066 Supply of Water Treatment Chemicals

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:

Contract RFO2016066 Supply of Water Treatment Chemicals was approved at Council's Meeting held 16 June 2016. The contract had an original two (2) year contract period set to expire 30 June 2018.

Contract documents for RFO2016066 included a clause stating the contract was valid for a period of two (2) years with an option, subject to an agreement of both parties, to extend the Contract up to 2 x 12mth additional terms.

This Report identifies that the work under contract has been completed satisfactorily to date and seeks Council endorsement to allow officers to extend the contract for an additional 1 year term until 30 June 2019. Contractors were notified of Council's intention to extend the contract and given the opportunity to provide their updated rates. Council officers have assessed these updated rates as being acceptable for the period 1 July 2018 to 30 June 2019. The offered rates for the extension period for each contractor are included in Confidential Attachment 2.

RECOMMENDATION:

That, in respect to Contract RFO2016066 Supply of Water Treatment Chemicals:

- 1. Council grants a 12 month extension to the contract up to 30 June 2019 to the following organisations for the adjusted contract rates included in the Confidential Attachment 2:**

Schedule/Chemical	Contractor	Contractor's ABN
A - Aluminium Chlorohydrate B - Aluminium Sulphate D - Citric Acid Solution G - Sodium Bisulphite Solution	Chemprod Nominees Pty Ltd trading as Omega Chemicals	32 982 143 022
C - Chlorine Gas H - Magnesium Hydroxide Liquid I - Potassium Permanganate	Ixom Operations Pty Ltd	51 600 546 512
E - Hydrated Lime	Sibelco Australia Limited	20 000 971 844
L - Sodium Hydroxide M - Sodium Hypochlorite	Ionics Australasia Pty Ltd T/as Elite Chemicals	54 009 985 326

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. The General Manager be granted delegated authority to extend the contract for a further 12 month term from 1 July 2019 to 30 June 2020 as based on the terms of Contract.
4. 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

This Offer was called to engage suitably qualified and experienced organisations to supply and deliver to Council's water and wastewater treatment plants and swimming pools various bulk chemicals used for water treatment purposes.

Contract RFO2016066 Supply of Water Treatment Chemicals was approved at Council's Meeting held 16 June 2016. The contract had an original two (2) year contract period set to expire 30 June 2018.

Contract documents for RFO2016066 included a clause stating the contract was valid for a period of two (2) years with an option, subject to an agreement of both parties, to extend the Contract up to 2 x 12mth additional terms.

At the time of the original Council resolution to enter into the contract, delegation to extend the contract was not delegated to the General Manager. Therefore this report requests Council to accept the contractual one year extension.

OPTIONS:

That Council:

1. Council grants a 12 mth extension to the contract up to 30 June 2019 to the following organisations for the adjusted contract rates included in the Confidential Attachment 2:

Schedule/Chemical	Contractor	Contractor's ABN
A - Aluminium Chlorohydrate B - Aluminium Sulphate D - Citric Acid Solution G - Sodium Bisulphite Solution	Chemprod Nominees Pty Ltd trading as Omega Chemicals	32 982 143 022
C - Chlorine Gas H - Magnesium Hydroxide Liquid I - Potassium Permanganate	Ixom Operations Pty Ltd	51 600 546 512
E - Hydrated Lime	Sibelco Australia Limited	20 000 971 844
L - Sodium Hydroxide M - Sodium Hypochlorite	Ionics Australasia Pty Ltd T/as Elite Chemicals	54 009 985 326

2. Declines to accept any contract extension, including reasons for this course of action.

CONCLUSION:

It is recommended that in respect to Contract RFO2016066 Supply of Water Treatment Chemicals, Council grants a 12 mth extension to the contract to the following organisations for the adjusted contract rates included in the Confidential Attachment 2:

Schedule/Chemical	Contractor	Contractor's ABN
A - Aluminium Chlorohydrate B - Aluminium Sulphate D - Citric Acid Solution G - Sodium Bisulphite Solution	Chemprod Nominees Pty Ltd trading as Omega Chemicals	32 982 143 022

Schedule/Chemical	Contractor	Contractor's ABN
C - Chlorine Gas H - Magnesium Hydroxide Liquid I - Potassium Permanganate	Ixom Operations Pty Ltd	51 600 546 512
E - Hydrated Lime	Sibelco Australia Limited	20 000 971 844
L - Sodium Hydroxide M - Sodium Hypochlorite	Ionics Australasia Pty Ltd T/as Elite Chemicals	54 009 985 326

COUNCIL IMPLICATIONS:

a. Policy:

The Contract extension and evaluation have been conducted in accordance with the provisions of:

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

b. Budget/Long Term Financial Plan:

Provision for the RFO2016066 Supply of Water Treatment Chemicals is included in the 2018/2019 Budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. RFO2016066- Contract Award Action Item from Council meeting held 16 June 2016 (ECM 4103386).

(Confidential) Attachment 2. RFO2016066- Adjusted Rates for 12mth Contract Extension Period to 30 June 2019 (ECM 5256571).

24 [E-CM] B-Double Applications - Meeting held 19 April 2018

SUBMITTED BY: Director

mhm



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

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Advocate

SUMMARY OF REPORT:

The Minutes of the B-Double Routes Agency Advisory Group meeting held 19 April 2018 are reproduced in the body of this report for the information of Council.

Nineteen metre B-Double truck combinations do not require specific route approval from the road authority unless a request is received to exceed the general Gross Combination Mass (GCM) of 50t.

Approval with or without conditions can be given for the GCM to be increased to 55t and that approval can be granted for the road generally or apply specifically to an operator.

Nineteen metre B-Double truck combinations can travel on roads that have approval for 26m B-Doubles, such as the section of Tweed Valley Way connecting to the Pacific Highway (north) to Buchanan Street, Murwillumbah.

Note that the recommendation to support Item 2 on the agenda was not supported by two of the Advisory Group members.

RECOMMENDATION:

That:

1. **The Minutes of the B-Double Routes Agency Advisory Group meeting held 19 April 2018 be received and noted.**

2. **19mB-Double (50t-55t) to Kyogle - NHVR Consent Request Number 1435501r2v1**

That the application (NHVR Consent Request Number 1435501r2v1) for the use of a 19m B-Double truck up to 55t on Kyogle Road **not be approved** as some sections of Kyogle Road south of Kunghur may not be suitable for vehicles in excess of 50t.

3. **19m B-Double (50t-55t) to Dulguigan Quarry - NHVR Consent Request Number 143550r1v1**

That the application (NHVR Consent Request Number 143550r1v1) for the use of a 19m B-Double up to 55t on Riverside Drive, Tumbulgum, Terranora Road, Dulguigan Road, North Tumbulgum, Dulguigan **be approved**.

REPORT:

The Minutes of the B-Doubles Agency Advisory Group Meeting held Thursday 19 April 2018 are reproduced as follows for the information of Councillors.

Venue:

Mt Warning Meeting Room, Murwillumbah Civic & Cultural Centre, Tumbulgum Road, Murwillumbah

Time:

9:30am

Present:

Cr Pryce Allsop, Cr Chris Cherry, Sgt Luke Blissett (NSW Police), Mr Rod Bates on behalf of Mr Geoff Provest MP, (Member for Tweed), Mr Col Brooks on behalf of Mr Thomas George MP, (Member for Lismore), Mr Peter Stevens, (via video conference) (Roads and Maritime Services of NSW Representative).

Informal:

Mr Ray Clark (Chairperson), Alana Brooks, Judith Finch (Minutes).

Apologies:

Mr Thomas George MP, Member for Lismore, Cr James Owen, Mr Geoff Provest MP, (Member for Tweed) Nick Tzannes.

Minutes of Previous Meeting:

RESOLVED that the Minutes of the B-Doubles Agency Advisory Group Meeting held Thursday 22 March 2018 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

Nil.

Agenda Items:

1. 19mB-Double (50t-55t) to Kyogle - NHVR Consent Request Number 1435501r2v1

Kyogle Road, Mount Burrell, Kunghur, Terragon, Uki, Dum Dum, Byangum, Murwillumbah, Bray Park; Riverview Street, Murwillumbah; Wollumbin Street, Murwillumbah; Wollumbin Street, South Murwillumbah; Alma Street, South Murwillumbah; Tweed Valley Way, South Murwillumbah

An application has been received to use a 19m B-Double semi-trailer carrying greater than 50t up to 55t from Kyogle using Kyogle Road through Uki and Murwillumbah to access the Condong Cogeneration Plant.

The truck will be carrying mulch and the applicant has advised that utilising the heavier mass trucks would result in an overall reduction of heavy vehicles on the road network, however Kyogle Council has advised that it would not support the use of 19m B-Double trucks using Kyogle Road within their shire. There are also concerns that sections of Kyogle Road south of Mount Burrell may not be suitable for a 19m truck within the Tweed Shire.

Therefore, the application for the use of a 19m B-Double truck up to 55t on Kyogle Road should not be supported.

Snr Constable Luke Blisset arrived at 09:40am.

RECOMMENDATION TO COMMITTEE:

That the application (NHVR Consent Request Number 1435501r2v1) for the use of a 19m B-Double truck up to 55t on Kyogle Road should not be supported as some sections of Kyogle Road south of Kunghur may not be suitable for vehicles in excess of 50t.

2. 19m B-Double (50t-55t) to Dulguigan Quarry - NHVR Consent Request Number 143550r1v1

Riverside Drive, Tumbulgum, Terranora Road, Dulguigan Road, North Tumbulgum, Dulguigan

An application has been received for a 19m B-Double truck up to 55t to access the Hy-Tec Quarry on Dulguigan Road from Tweed Valley Way. Currently the roads are used by higher mass limited trucks and there are no structural concerns. It is noted that 19m B-Doubles have better manoeuvrability than 19m semi-trailers that are able to use this road without approvals. This application allows the applicant to carry an extra five tonne beyond what is allowed to be carried by the truck without Council approval.

Currently Dulguigan Road from Tweed Valley Way to the Hy-Tec Quarry is approved for PBS heavy vehicles up to 57.5t. The road's alignment and structural integrity indicates that it is suitable for a 19m b-double up to 55t to travel on. There is no significant heavy vehicle crash history on this section of road. The North East Weight of Loads Group (NEWLOG) has carried out inspections on this section of road with no breaches reported to Council. This section of road is currently limited to 60km/h for heavy vehicles. Council staff have carried out inspections on the road on the heavy vehicle operations, which indicated the heavy vehicles are maintaining their lanes without intrusion on to the oncoming lane. Therefore there are no impediments to the application.

Cr C Cherry raised concerns and did not support this application.

Sgt Luke Blissett did not support this application.

RECOMMENDATION TO COMMITTEE:

That the application (NHVR Consent Request Number 143550r1v1) for the use of a 19m B-Double up to 55t on Riverside Drive, Tumbulgum, Terranora Road, Dulguigan Road, North Tumbulgum, Dulguigan be supported.

General Business:

Nil.

Next Meeting:

The next meeting of the B-Doubles Agency Advisory Group Meeting will be held as and when required.

The meeting closed at 10:35am.

DIRECTOR ENGINEERING RECOMMENDATIONS:

1. 19mB-Double (50t-55t) to Kyogle - NHVR Consent Request Number 1435501r2v1

That the application (NHVR Consent Request Number 1435501r2v1) for the use of a 19m B-Double truck up to 55t on Kyogle Road not be approved as some sections of Kyogle Road south of Kunghur may not be suitable for vehicles in excess of 50t.

2. 19m B-Double (50t-55t) to Dulguigan Quarry - NHVR Consent Request Number 143550r1v1

That the application (NHVR Consent Request Number 143550r1v1) for the use of a 19m B-Double up to 55t on Riverside Drive, Tumbulgum, Terranora Road, Dulguigan Road, North Tumbulgum, Dulguigan be approved.

OPTIONS:

Council has the option to approve or not approve B-Double higher mass limit applications however it must provide reasons if the application is not approved.

CONCLUSION:

Officers have reviewed the B-Doubles Agency Advisory Group recommendations and concur with their advice. The non-support of Item 2 by the Police Representative will require further explanation and it is therefore proposed that the RMS and NHVR provide advice to Council and the Advisory Group on this matter.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Nil.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM THE EXECUTIVE MANAGER FINANCE, REVENUE AND INFORMATION TECHNOLOGY

25 [FRIT-CM] Quarterly Budget Review - March 2018

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:

This is the third quarter statutory budget review for this financial year and summarises the estimated expenditure and income changes to the 2017/2018 Budget.

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

RECOMMENDATION:

That the:

- 1. Quarterly Budget Review Statement as at 31 March 2018 be adopted.**
- 2. Expenditure and income, as summarised below and detailed within the report, be voted and adjusted in accordance with the revised total expenditure and income for the year ending 30 June 2018.**

Description	Change to Vote	
	Deficit	Surplus
General Fund Expenses		
Employee costs	0	118,910
Materials & Contracts	14,367,292	0

Description	Change to Vote	
	Deficit	Surplus
Interest	0	0
Other Operating costs	0	0
Capital	3,762,906	0
Loan Repayments	0	0
Transfers to Reserves	0	200,000
	<u>18,130,198</u>	<u>318,910</u>
Income		
Rates and Annual Charges	0	0
Interest revenue	0	0
Operating Grants & Conts	0	13,172,479
Capital Grants & Conts	0	4,695,751
User Charges & Fees	0	136,551
Other Operating Revenue	0	595,091
Loan Funds	776,000	0
Recoupments	0	40,000
Transfers from Reserves	52,584	0
Asset Sales	0	0
	<u>828,584</u>	<u>18,639,872</u>
Net Surplus/(Deficit)		<u>0</u>
Sewer Fund		
Expenses		
Employee costs	0	0
Materials & Contracts	0	80,000
Interest	0	0
Other Operating costs	0	0
Capital	0	2,105,207
Loan Repayments	0	0
Transfers to Reserves	756,707	0
	<u>756,707</u>	<u>2,185,207</u>
Income		
Rates and Annual Charges	0	0
Interest revenue	0	0
Operating Grants & Conts	0	0
Capital Grants & Conts	0	0
User Charges & Fees	0	0
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	840,500	0
Transfers from Reserves	588,000	0
Asset Sales	0	0
	<u>1,428,500</u>	<u>0</u>
Net Surplus/(Deficit)		<u>0</u>
Water Fund		
Expenses		
Employee costs	0	0
Materials & Contracts	0	0
Interest	0	0

Description	Change to Vote	
	Deficit	Surplus
Other Operating costs	0	0
Capital	0	1,633,600
Loan Repayments	0	0
Transfers to Reserves	197,000	0
	<u>197,000</u>	<u>1,633,600</u>
<u>Income</u>		
Rates and Annual Charges	0	0
Interest revenue	0	0
Operating Grants & Conts	0	0
Capital Grants & Conts	0	0
User Charges & Fees	0	0
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	1,079,000	0
Transfers from Reserves	357,600	0
Asset Sales	0	0
	<u>1,436,600</u>	<u>0</u>
Net Surplus/(Deficit)		<u><u>0</u></u>

REPORT:

Budget Review 31 March 2018 (Quarterly Budget Review)

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

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

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

Report by Responsible Accounting Officer – Quarterly Budget Review Statements

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

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

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

This information is presented in the following reports:

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

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

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

Description	\$	\$
	Net Effect on 2017/2018 Budget	Net Effect on LTFP
General Fund		
NRM salaries change in funding	100,000	100,000
Legal Fees - DA/Compliance	200,000	220,000
Workers compensation adjustments	-300,000	
	0	320,000

Detailed list of changes

In/Ex	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
		1. Proposed Variations				
		General Fund				
Ex	1	Ex-Op	Lower Tweed Management Plan	670,341	-40,000	Restructure Waterways budget
Ex	1	Ex-Op	Catchment Water Quality	254,396	40,000	Restructure Waterways budget
Ex	1	Ex-Op	Tweed Coastal Zone Management	93,029	-35,000	Restructure Waterways budget
Ex	1	Ex-Op	Tweed Coast Estuary Management	50,599	35,000	Restructure Waterways budget
Ex	2	Ex-Op	Rail trail project development	168,226	50,000	Temporary funding pre-emptive of grant
Ex	2	Ex-Op	Cycleways program	107,830	-50,000	Temporary funding for above
Ex	3	Ex-Capital	Cudgen Creek bridge	776,000	-776,000	Project completed
In	3	In-Loan	Loan funding	-776,000	776,000	No longer required
Ex	4	Ex-Op	NRM Salaries	997,317	100,000	Discontinue funding from Lower Tweed Management Plan
Ex	5	Ex-Op	Legal Fees - DA/Compliance	832,535	200,000	Ongoing legal fees for Assessment and Compliance
Ex	6	Ex-Op	Dave Burns Field cricket nets		5,975	Grant funded project
In	6	In-OG&C	Infrastructure and Regional Development		-5,975	Funding for above
Ex	7	Ex-Op	Rail trail project development	218,226	13,036,000	Rail Trail
In	7	In-OG&C	Federal and State grant funding		-13,036,000	Funding for above
Ex	8	Ex-Capital	Anchorage Boardwalk		885,000	Replacement
In	8	In-CG&C	RMS Grant funding		-685,000	Funding for above
Ex	8	Ex-TTR	Coastal Landscape recurrent costs	200,000	-200,000	Funding for above
Ex	9	Ex-Op	Legal Fees - Environmental Health	22,456	10,000	Revised projections
In	9	In-Fees	Skin penetration registration & inspection	-9,119	-4,000	Revised projections
In	9	In-Fees	Approvals to Operate (Caravan Parks)	-54,182	10,000	Revised projections
In	9	In-Fees	Annual food premises admin fee	-111,706	-30,000	Revised projections
In	9	In-Fees	Food premises fit-out plan processing fee		-6,000	Revised projections

In/Ex	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
Ex	9	Ex-Op	Sundry Health Admin expenses	11,228	-10,000	Revised projections
In	9	In-Fees	Plumbing inspection fee	-261,293	-20,000	Revised projections
In	9	In-Fees	Plumbing/drainage Permits	-28,202	20,000	Revised projections
In	9	In-Fees	Building DA application fees	-509,205	50,000	Revised projections
In	9	In-Fees	Building construction certificates	-153,217	-50,000	Revised projections
In	9	In-Fees	Footpath Usage Licence	-128,991	30,000	Revised projections
Ex	10	Ex-Capital	Depot Improvements Tweed Heads	15,167	35,000	Emulsion tank replacement
Ex	10	Ex-Op	Depot Murwillumbah	232,768	-20,000	Funding for above
Ex	10	Ex-Op	Depot Tweed Heads	118,614	-15,000	Funding for above
Ex	11	Ex-Capital	KFMP foreshore protection	3,928,515	-10,000	Budget transfer for project management
Ex	11	Ex-Capital	KFMP holiday park upgrade	6,737,838	-10,000	Budget transfer for project management
Ex	11	Ex-Capital	KFMP central park	3,612,369	-10,000	Budget transfer for project management
Ex	11	Ex-OpEmp	Recreation Services management	1,303,218	30,000	Budget transfer for project management
Ex	12	Ex-Op	Tweed Heads Museum Precinct Redevelopment		31,549	Grant funded project
In	12	In-OG&C	Office of Environment and Heritage		-31,549	Funding for above
Ex	13	Ex-Capital	Social Enterprise Café and Cultural Plaza Tweed Heads		1,128,000	New project
In	13	In-CG&C	Building Better Regions grant		-564,000	Potential funding for above
In	13	In-OpOther	Insurance payment Bray Park Community Centre		-564,000	Potential funding for above
Ex	14	Ex-Op	Border Art Prize - current budget	3,000	-3,000	Adjustments to Gallery Budget
Ex	14	Ex-Op	Border Art Prize - rollovers	9,015	-9,015	Adjustments to Gallery Budget
In	14	In-TFR	Works Carried Forward Reserve	-9,015	9,015	Reverse funding for above
In	14	In-OpOther	Artworks acquisitions (donations)		-14,300	Adjustments to Gallery Budget
Ex	14	Ex-Capital	Artworks acquisitions		56,300	Adjustments to Gallery Budget
Ex	14	Ex-OpEmp	Art Gallery Salaries	663,910	66,090	Adjustments to Gallery Budget
In	14	In-OpOther	Contribution to salaries		-16,791	Adjustments to Gallery Budget
Ex	14	Ex-Op	Exhibition signage	4,912	6,879	Adjustments to Gallery Budget
Ex	14	Ex-Op	Hockney exhibition		21,508	Adjustments to Gallery Budget
Ex	14	Ex-Op	Security	13,620	-5,000	Adjustments to Gallery Budget
Ex	14	Ex-Op	Working expenses	53,732	-14,435	Adjustments to Gallery Budget
Ex	14	Ex-Op	Margaret Olley Art Centre	31,967	-8,000	Adjustments to Gallery Budget
In	14	In-Fees	Sales Shop income	-240,000	-25,664	Adjustments to Gallery Budget
Ex	14	Ex-Op	Artwork sales expenses	33,000	2,640	Adjustments to Gallery Budget
In	14	In-Fees	Artwork sales	-40,298	-4,000	Adjustments to Gallery Budget
In	14	In-Fees	Workshops income	-10,000	5,000	Adjustments to Gallery Budget
In	14	In-OG&C	Art gallery donations	-15,000	-42,000	Adjustments to Gallery Budget
Ex	14	Ex-Op	Collection expenses - Valuations	1,852	2,148	Adjustments to Gallery Budget
Ex	14	Ex-Op	Collection expenses - Installation Photography	0	500	Adjustments to Gallery Budget
Ex	14	Ex-Op	Collection expenses - Freight / Cartage / Courier	832	3,168	Adjustments to Gallery Budget
Ex	14	Ex-Op	Collection expenses - Conservation	6,771	5,229	Adjustments to Gallery Budget
Ex	14	Ex-Op	Collection expenses - Framing	1,000	14,500	Adjustments to Gallery Budget
Ex	14	Ex-Op	Olive Cotton Prize - current budget	30,945	-30,945	Adjustments to Gallery Budget
Ex	14	Ex-Op	Olive Cotton Prize - rollovers	36,940	-16,940	Adjustments to Gallery Budget
In	14	In-TFR	Works Carried Forward Reserve	-16,940	16,940	Reverse funding for above

In/Ex	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
Ex	14	Ex-Op	Border Art Prize	10,000	12,015	Adjustments to Gallery Budget
In	14	In-Fees	Gallery Hire income	-7,120	3,000	Adjustments to Gallery Budget
Ex	14	Ex-Op	Gallery construction - rollovers	12,129	-12,129	Adjustments to Gallery Budget
In	14	In-TFR	Community facilities reserve	-12,129	12,129	Reverse funding for above
In	14	In-Fees	Artist in Residence hire fees	-3,000	3,000	Adjustments to Gallery Budget
Ex	14	Ex-Op	Artist in Residence fees	5,000	4,000	Adjustments to Gallery Budget
In	14	In-Fees	Artist in Residence artist fees income		-9,000	Adjustments to Gallery Budget
Ex	14	Ex-Capital	Artist in Residence Studio Covered Walkway	20,000	10,000	Adjustments to Gallery Budget
Ex	14	Ex-Op	Artwork valuation - rollovers	15,000	-14,500	Adjustments to Gallery Budget
In	14	In-TFR	Works Carried Forward Reserve	-15,000	14,500	Reverse funding for above
In	14	In-Fees	Other Income - Contribution From Others		-1,326	Adjustments to Gallery Budget
In	14	In-Fees	Other Income - Postage	-500	-500	Adjustments to Gallery Budget
In	14	In-Fees	Other Income - Mail inserts income	-2,641	2,641	Adjustments to Gallery Budget
In	14	In-Fees	Other Income - AIRS Hire fees & income	-7,500	7,500	Adjustments to Gallery Budget
In	14	In-Fees	Other Income - Sundry Income	-15,000	15,000	Adjustments to Gallery Budget
In	14	In-Fees	Other Income - Freight / Cartage / Courier		-454	Adjustments to Gallery Budget
In	14	In-Fees	Other Income - Public Programs	-600	-8,400	Adjustments to Gallery Budget
In	14	In-Fees	Other Income - Gallery Hire Income	-5,000	5,000	Adjustments to Gallery Budget
In	14	In-Fees	Other Income - Border Art Prize	-2,000	0	Adjustments to Gallery Budget
In	14	In-Fees	Other Income - Education Income	-6,000	-4,000	Adjustments to Gallery Budget
In	14	In-Fees	Other Income - Lease of Cafe	-23,152	-17,848	Adjustments to Gallery Budget
In	14	In-Fees	Other Income - Hockney Exhibition		-21,500	Adjustments to Gallery Budget
In	14	In-OG&C	Grant income	-63,660	-46,955	Adjustments to Gallery Budget
Ex	14	Ex-Op	Art Exhibition - Experimenta		15,000	Adjustments to Gallery Budget
Ex	14	Ex-Op	Art Exhibition - Abstract Women		10,000	Adjustments to Gallery Budget
Ex	14	Ex-Op	Art Exhibition - Andrew Antoniou		3,000	Adjustments to Gallery Budget
Ex	15	Ex-Op	Flood recovery stories and projects	122,546	10,000	Additional funding
In	15	In-OG&C	Northern Rivers Community Recovery Fund	-122,546	-10,000	Grant funding
Ex	16	Ex-Capital	Art gallery disabled toilet & walkway	10,000	133,830	Stronger Country Communities project
Ex	16	Ex-Capital	Museum solar		64,372	Stronger Country Communities project
Ex	16	Ex-Op	Coastal cycleway lighting		992,145	Stronger Country Communities project
Ex	16	Ex-Capital	TRAC solar		198,202	Stronger Country Communities project
Ex	16	Ex-Capital	Knox Park toilet	163,985	198,202	Stronger Country Communities project
In	16	In-CG&C	Stronger Country Communities grant		-1,586,751	Grant funding
Ex	17	Ex-Capital	Murwillumbah art precinct		887,000	Grant funded project
Ex	17	Ex-Capital	Captain Cook memorial and lighthouse		973,000	Grant funded project
In	17	In-CG&C	Regional growth, environment and tourism grant		-1,860,000	Grant funding
In	18	In-Fees	Workers compensation incentive payment	-45,000	-85,000	Payment received
Ex	19	Ex-OpEmp	Workers compensation insurance	1,011,418	-215,000	Revised projections
					0	
			Sewer Fund			
Ex	20	Ex-Op	Operations		-80,000	Revisions and deferrals
Ex	20	Ex-Capital	Capital works		-2,105,207	Revisions and deferrals

In/Ex	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
In	20	In-TFR	Transfers from reserves		588,000	Funding adjustments
In	20	In-Recoup	Recoupment from s64		840,500	Funding adjustments
Ex	20	Ex-TTR	Transfers to reserves		756,707	Funding adjustments
					0	
			Water Fund			
Ex	21	Ex-Capital	Capital works		-1,633,600	Revisions and deferrals
In	21	In-TFR	Transfers from reserves		357,600	Funding adjustments
In	21	In-Recoup	Recoupment from s64		1,079,000	Funding adjustments
Ex	21	Ex-TTR	Transfers to reserves		197,000	Funding adjustments
					0	
		2. Variations Arising from Council Resolutions				
Ex	22	Ex-Op	Community Development Strategy		45,000	Resolution 22 March Item 27
Ex	22	Ex-Op	Youth Strategy and Action Plan		-40,000	Resolution 22 March Item 27
Ex	22	Ex-Op	Age Friendly Community Policy		-5,000	Resolution 22 March Item 27
Ex	23	Ex-Op	Community Infrastructure Framework		40,000	Resolution 19 March Item 12
In	23	In-Recoup	Contribution Plan 15		-40,000	Resolution 19 March Item 12
		Summary of Votes by Type				
			2017/18 Variations		0	
			Council Resolutions		0	
					0	
		Key to Category codes				
		Ex-OpEmp	Employee costs			
		Ex-Op	Materials & contracts			
		Ex-Interest	Interest on loans			
		Ex-OpOther	Other operating expenses			
		Ex-Capital	Capital works			
		Ex-Loan Reps	Repayment on principal on loans			
		Ex-TTR	Transfers to reserves			
		Ex-Dep	Depreciation			
		Ex-Deprev	Depreciation reversal			
		In-Rates	Rates & annual charges			
		In-Interest	Interest income			
		In-OG&C	Operating grants & contributions			
		In-CG&C	Capital grants & contributions			
		In-Fees	User charges & fees			
		In-OpOther	Other operating income			
		In-Loan	Loan funds			
		In-Recoup	Recoupment from s64 & s94 funds			
		In-TFR		-80		
		In-Sales	Proceeds from sale of assets			
			<u>Expenses</u>			
			Employee costs		-118,910	
			Materials & Contracts		14,287,292	
			Interest		0	
			Other Operating costs		0	
			Capital		24,099	
			Loan Repayments		0	
			Transfers to Reserves		753,707	

In/Ex	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
					14,946,188	
			<u>Income</u>			
			Rates and Annual Charges		0	
			Interest revenue		0	
			Operating Grants & Conts		-13,172,479	
			Capital Grants & Conts		-4,695,751	
			User Charges & Fees		-136,551	
			Other Operating Revenue		-595,091	
			Loan Funds		776,000	
			Recoupments		1,879,500	
			Transfers from Reserves		998,184	
			Asset Sales		0	
					-14,946,188	
			Net		0	
			Summary of Votes - by Division			
			Corporate Services		-85,000	
			Planning & Regulation		200,000	
			Community & Natural Resources		-1,107,145	
			Engineering		992,145	
			General Manager		0	
					0	

Results by fund:

General Fund

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

Water Fund

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

Sewer Fund

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

Quarterly Budget Review Statements

Income and Expense - Consolidated Budget Review Statement for the quarter ended 31 March 2018

	Original Budget (000's)	Previously approved			Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
		Sep Review (000's) *	Dec Review (000's)	Revised Budget (000's)			
Income							
Rates and Annual Charges	106,898	68	200	107,166	-	107,166	81,167
User Charges and Fees	42,491	2,232	60	44,783	137	44,920	35,547
Interest and Investment Revenue	9,084	2,788	(20)	11,852	-	11,852	7,397
Other Revenues	2,651	13	2,533	5,197	595	5,792	4,995
Grants & Contributions - Operating	17,583	209	319	18,111	13,172	31,283	17,083
Grants and Contributions - Capital	3,070	3,505	(2,325)	4,250	4,696	8,946	5,492
- Contributions (S94)	14,079	-	-	14,079	-	14,079	9,537
Net gain from the disposal of assets	-	-	-	-	-	-	-
Total Income	195,856	8,815	767	205,438	18,600	224,038	161,218
Expense							
Employee costs	54,269	202	(148)	54,323	(119)	54,204	40,925
Borrowing Costs	12,153	186	-	12,339	-	12,339	6,125
Materials & Contracts	47,069	22,823	(374)	69,518	14,286	83,804	35,666
Depreciation	41,503	-	-	41,503	-	41,503	31,127
Legal Costs	463	-	-	463	-	463	1,076
Consultants	436	-	-	436	-	436	179
Other Expenses	16,093	(32)	989	17,050	-	17,050	11,074
Net Loss from Disposal of Assets	-	-	-	-	-	-	73
Total Expenses	171,986	23,179	467	195,632	14,167	209,799	126,245
Net Operating Result	23,870	(14,364)	300	9,806	4,433	14,239	34,973
Net Operating Result before capital items	6,721	(17,869)	2,625	(8,523)	(263)	(8,786)	19,944

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

Funding Statement - Consolidated - Source & Application of Funds

Operating Result (Income Statement)	23,870	(14,364)	300	9,806	4,433	14,239
Add Back non-funded items:						
Depreciation	41,503	-	-	41,503	-	41,503
		-	-	-	-	-
Add non-operating funding sources						
Transfers from Externally Restricted Cash	33,346	4,233	119	37,698	(1,880)	35,818
Transfers from Internally Restricted Cash	9,074	41,860	1,503	52,437	(999)	51,438
Proceeds from sale of assets	2,174	-	(175)	1,999	-	1,999
Loan Funds Utilised	1,976	2,710	20	4,706	(776)	3,930
Repayments from Deferred Debtors	-	-	-	-	-	-
Funds Available	111,943	34,439	1,767	148,149	778	148,927
Funds were applied to:						
Purchase and construction of assets	57,110	30,609	(89)	87,630	24	87,654
Repayment of principal on loans	8,453	-	-	8,453	-	8,453
Transfers to Externally Restricted Cash	42,243	-	-	42,243	-	42,243
Transfers to Internally Restricted Cash	4,137	3,830	1,856	9,823	754	10,577
Funds Used	111,943	34,439	1,767	148,149	778	148,927
Increase/(Decrease) in Available Working Capital	-	-	-	-	-	-

* Includes Carried Forward Works revotes

Income & Expense- General Fund Budget Review Statement for the quarter ended 31 March 2018

Original Budget (000's)	Previously approved			Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
	Sep Review (000's) *	Dec Review (000's)	Revised Budget (000's)			
Income						
Rates and Annual Charges	71,968	68	200	72,236	-	55,410
User Charges and Fees	17,556	100	60	17,716	137	14,746
Interest and Investment Revenue	5,145	-	(20)	5,125	-	4,012
Other Revenues	2,335	13	2,533	4,881	595	4,667
Grants & Contributions - Operating	16,693	209	319	17,221	13,172	16,367
Grants and Contributions - Capital	3,070	3,505	(2,325)	4,250	4,696	5,492
- Contributions (S64/S94)	1,824			1,824		4,175
Net gain from the disposal of assets				-		-
Total Income	118,591	3,895	767	123,253	18,600	104,869
Expense						
Employee costs	42,233	202	(148)	42,287	(119)	31,804
Borrowing Costs	5,682	-	-	5,682	-	2,860
Materials & Contracts	25,773	21,853	227	47,853	14,366	28,881
Depreciation	24,043			24,043		18,032
Legal Costs	463			463		1,050
Consultants	128			128		120
Other Expenses	12,012	(32)	989	12,969	-	8,679
Net Loss from Disposal of Assets				-		73
Total Expenses	110,334	22,023	1,068	133,425	14,247	91,499
Net Operating Result	8,257	(18,128)	(301)	(10,172)	4,353	13,370
Net Operating Result before capital items	3,363	(21,633)	2,024	(16,246)	(343)	3,703

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

Funding Statement - General Fund - Source & Application of Funds

Operating Result (Income Statement)	8,257	(18,128)	(301)	(10,172)	4,353	(5,819)
Add Back non-funded items:						
Depreciation	24,043			24,043	-	24,043
Add non-operating funding sources						
Transfers from Externally Restricted Cash	10,842	3,257		14,099	40	14,139
Transfers from Internally Restricted Cash	9,074	41,558	1,064	51,696	(53)	51,643
Proceeds from sale of assets	2,174	-	(175)	1,999	-	1,999
Loan Funds Utilised	1,976	2,710	20	4,706	(776)	3,930
Internal charges				-		-
Repayments from Deferred Debtors				-		-
Funds Available	56,366	29,397	608	86,371	3,564	89,935
Funds were applied to:						
Purchase and construction of assets	42,145	29,397	(271)	71,271	3,763	75,034
Repayment of principal on loans	4,234			4,234	-	4,234
Transfers to Externally Restricted Cash	5,850			5,850		5,850
Transfers to Internally Restricted Cash	4,137		879	5,016	(200)	4,816
Funds Used	56,366	29,397	608	86,371	3,563	89,934
Increase/(Decrease) in Available Working Capital	-	-	-	-	1	1

* Includes Carried Forward Works revotes

Income & Expense- Sewer Fund Budget Review Statement for the quarter ended 31 March 2018

Original Budget (000's)	Previously approved			Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
	Sep Review (000's)	Dec Review (000's)	Revised Budget (000's)			
Income						
Rates and Annual Charges	29,433		29,433	-	29,433	21,467
User Charges and Fees	1,437	2,132	3,569	-	3,569	2,647
Interest and Investment Revenue	2,296	1,713	4,009	-	4,009	1,918
Other Revenues	16		16	-	16	48
Grants & Contributions - Operating	491		491	-	491	502
Grants and Contributions - Capital			-		-	
- Contributions (S64/S94)	4,021		4,021	-	4,021	1,881
Net gain from the disposal of assets			-		-	
Total Income	37,694	3,845	-	41,539	-	41,539
Expense						
Employee costs	6,908		6,908	-	6,908	5,389
Borrowing Costs	2,124	186	2,310	-	2,310	1,073
Materials & Contracts	9,666		9,893	(80)	9,813	2,884
Depreciation	10,112		10,112	-	10,112	7,584
Legal Costs			-	-	-	
Consultants	154		154	-	154	6
Other Expenses	2,673		2,673	-	2,673	1,479
Net Loss from Disposal of Assets			-		-	
Total Expenses	31,637	186	227	(80)	31,970	18,415
Net Operating Result	6,057	3,659	(227)	80	9,569	10,048
Net Operating Result before capital items	2,036	3,659	(227)	80	5,548	8,167

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

Funding Statement - Sewer Fund - Source & Application of Funds

Operating Result (Income Statement)	6,057	3,659	(227)	9,489	80	9,569
Add Back non-funded items:						
Depreciation	10,112	-	-	10,112	-	10,112
Add non-operating funding sources						
Transfers from Externally Restricted Cash	9,799	406	119	10,324	(841)	9,483
Transfers from Internally Restricted Cash		385	159	544	(588)	(44)
Proceeds from sale of assets				-	-	-
Loan Funds Utilised				-	-	-
Repayments from Deferred Debtors				-	-	-
Funds Available	25,968	4,450	51	30,469	(1,349)	29,120
Funds were applied to:						
Purchase and construction of assets	7,278	922	396	8,596	(2,105)	6,491
Repayment of principal on loans	2,772	-		2,772	-	2,772
Transfers to Externally Restricted Cash	15,918	-		15,918	-	15,918
Transfers to Internally Restricted Cash		3,528	(345)	3,183	757	3,940
Internal charges				-		-
Funds Used	25,968	4,450	51	30,469	(1,348)	29,121
Increase/(Decrease) in Available Working Capital	-	-	-	-	(1)	(1)

Income & Expense- Water Fund Budget Review Statement for the quarter ended 31 March 2018

Original Budget (000's)	Previously approved			Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
	Sep Review (000's)	Dec Review (000's)	Revised Budget (000's)			
Income						
Rates and Annual Charges	5,497		5,497	-	5,497	4,290
User Charges and Fees	23,498		23,498	-	23,498	18,154
Interest and Investment Revenue	1,643	1,075	2,718	-	2,718	1,467
Other Revenues	300		300	-	300	280
Grants & Contributions - Operating	399		399	-	399	214
Grants and Contributions - Capital			-		-	
- Contributions (S64/S94)	8,234		8,234	-	8,234	3,481
Net gain from the disposal of assets			-		-	
Total Income	39,571	1,075	-	40,646	-	27,886
Expense						
Employee costs	5,128		5,128	-	5,128	3,732
Borrowing Costs	4,347		4,347	-	4,347	2,192
Materials & Contracts	11,630	970	(828)	11,772	-	11,772
Depreciation	7,348		7,348	-	7,348	5,511
Legal Costs			-	-	-	26
Consultants	154		154	-	154	53
Other Expenses	1,408		1,408	-	1,408	916
Net Loss from Disposal of Assets			-		-	
Total Expenses	30,015	970	(828)	30,157	-	16,331
Net Operating Result	9,556	105	828	10,489	-	11,555
Net Operating Result before capital items	1,322	105	828	2,255	-	8,074

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

Funding Statement - Water Fund - Source & Application of Funds

Operating Result (Income Statement)	9,556	105	828	10,489	-	10,489
Add Back non-funded items:						
Depreciation	7,348	-	-	7,348	-	7,348
Add non-operating funding sources						
Transfers from Externally Restricted Cash	12,705	570		13,275	(1,079)	12,196
Transfers from Internally Restricted Cash		(83)	280	197	(358)	(161)
Proceeds from sale of assets				-	-	-
Loan Funds Utilised				-	-	-
Repayments from Deferred Debtors				-	-	-
Funds Available	29,609	592	1,108	31,309	(1,437)	29,872
Funds were applied to:						
Purchase and construction of assets	7,687	290	(214)	7,763	(1,634)	6,129
Repayment of principal on loans	1,447	-		1,447	-	1,447
Transfers to Externally Restricted Cash	20,475	-		20,475	-	20,475
Transfers to Internally Restricted Cash		302	1,322	1,624	197	1,821
Internal charges				-	-	-
Funds Used	29,609	592	1,108	31,309	(1,437)	29,872
Increase/(Decrease) in Available Working Capital	-	-	-	-	-	-

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 31 March 2018 and should be read in conjunction with other documents in the QBRs.

Capital Budget Review Statement - Consolidated - for the quarter ended 31 March 2018

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

Capital Funding **

Rates and other untied funding	30,207		2,089	32,296	215	32,511	15,502
Capital Grants & Contributions	4,226	3,505	(2,325)	5,406	3,759	9,165	4,370
Internal Restrictions (Reserves)	21,178	22,148	305	43,631	(1,820)	41,811	19,936
External Restrictions		237	(102)	135		135	64
- s64 & s94 funds	5,801	2,682	119	8,602	(1,919)	6,683	3,187
Other Capital Funding Sources					564	564	
- loans	1,976	2,037		4,013	(776)	3,237	1,543
Income from sale of assets							
- plant and equipment	2,174		(175)	1,999		1,999	953
- Land,Buildings,Furniture,Fittings							
Total Capital Funding	65,562	30,609	(89)	96,082	23	96,105	45,555

Capital ExpenditureNew Assets

- Plant and Equipment	78	93		171		171	432
- Land,Buildings,Furniture,Fittings	9,854	2,731		12,585	1,138	13,723	1,445
- Roads, Bridges, Footpaths	2,500	1,969	(2,602)	1,867		1,867	966
- Drainage							
- Water & Sewer Infrastructure	6,663	74	217	6,954	(2,026)	4,928	2,950
- Other	9,860	737		10,597	56	10,653	86

Renewals (Replacement)

- Plant and Equipment	7,537		1,777	9,314	35	9,349	7,555
- Land,Buildings,Furniture,Fittings	100	1,779		1,879	2,454	4,333	2,262
- Roads, Bridges, Footpaths	10,982	9,377	250	20,609	(776)	19,833	10,801
- Drainage	436			436		436	34
- Water & Sewer Infrastructure	3,085	1,080	(318)	3,847	(531)	3,316	1,922
- Other		7,634		7,634	885	8,519	6,663

Upgrades

- Plant and Equipment							
- Land,Buildings,Furniture,Fittings		154	230	384		384	56
- Roads, Bridges, Footpaths	2,064	4,194		6,258		6,258	3,267
- Drainage	950	426		1,376		1,376	1,288
- Water & Sewer Infrastructure	3,000	59	283	3,342	(1,182)	2,160	765
- Other		302	74	376	(30)	346	328
Loan Repayments (principal)	8,453			8,453		8,453	5,004
Total Capital Expenditure	65,562	30,609	(89)	96,082	23	96,105	45,824

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 31 March 2018 and should be read in conjunction with other documents in the QBRs.

* Note: Includes Carry over works

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

Cash and Investments Budget Review Statement for the quarter ended 31 March 2018

Original Budget (000's)	Previously approved			Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual * YTD (000's)
	Sep Review (000's)	Dec Review (000's)	Revised Budget (000's)			
Unrestricted	10,240		10,240		10,240	9,982
Externally restricted						
RTA Contributions			0		0	
Developer contributions	39,608	(3,257)	36,351		36,351	39,914
Domestic waste management	7,662		7,662		7,662	8,000
Special Rates	240		240		240	264
Unexpended grants & contributions	5,626	(5,626)	0		0	5,000
Water Supplies	64,900	(185)	64,715		64,715	63,000
Sewerage Services	91,069	2,738	93,807		93,807	88,000
Other	23,301		23,301		23,301	20,000
Total Externally restricted	232,406	(6,330)	226,076	0	226,076	224,178
Internally restricted						
Employee Leave entitlements	8,274		8,274		8,274	8,274
Unexpended untied grants	3,779	(3,779)	0		0	3,000
Unexpended loans	3,760	(2,710)	1,050		1,050	3,000
7 Year Plan	2,528	(2,392)	136		136	2,500
Works Carried Forward	8,274	(6,464)	1,810		1,810	8,000
Replacement of Plant and Vehicles	2,723		2,723		2,723	2,500
Tip improvements	5,857		5,857		5,857	6,000
Asset renewals	31,038	(10,983)	19,311		19,311	31,000
Other	13,533	(12,312)	1,110		1,110	13,000
Total Internally restricted	79,766	(38,640)	40,271	0	40,271	77,274
Total Restricted	312,172	(44,970)	266,347	0	266,347	301,452
Total cash and investments	322,412	(44,970)	276,587	0	276,587	311,434
Available cash	10,240	0	10,240	0	10,240	9,982

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

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

Statement of compliance with investment policy:

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

Reconciliation of restricted funds with current investment report:

	(000's)
Total restricted funds	301,452
Total invested funds as per March Investment Report	310,262
Note, some restricted funds are held as cash as they will be utilised in the current period.	

Statement of bank reconciliation:

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

Reconciliation of cash and investments:

	(000's)
Cash and investments as per above	311,434
Cash on hand and at bank	1,172
Investments	<u>310,262</u>
	311,434

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 31 March 2018 and should be read in conjunction with other documents in the QBRS.

Key Performance Indicators Budget Review Statement for the quarter ended 31 March 2018

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

These ratios should therefore be viewed with caution.

	Amounts	Indicator
1. Unrestricted Current Ratio		
	(000's)	
<u>Current assets less all external restrictions</u>	<u>63,299</u>	2.2:1
Current liabilities	28,713	
Target:		2:1

Purpose:

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

	Amounts	Indicator
2. Debt Service Ratio		
	(000's)	
Debt Service Cost	11,129	8.31%
Selected operating income	133,963	

Target: 15%

Purpose:

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

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 31 March 2018 and should be read in conjunction with other documents in the QBRs.

Budget Review Contracts and Other Expenses for the quarter ended 31 March 2018

PART A-Contracts Listing

Contractor	Contract Title	Contract Value \$	Award Date	Duration of Contract	Budgeted (Y/N)
East Coast Asphalt and Concrete Edging Pty Ltd	RFO2017185 - Supply, Place and Supply, Place and Compact Asphaltic Concrete AC10M at Terranora Road, Terranora	\$49,547.00	19-Jan-18	4 Weeks	Y
Workshop Solutions Pty Ltd	RFO2017163 - Supply and Installation of an In Ground Multi-Function Weighbridge and Brake Tester - P898001	\$52,900.00	23-Jan-18	Supply	Y
East Coast Asphalt and Concrete Edging Pty Ltd	RFO2017158 - Asphalt Resurfacing Marine Parade Kingscliff	\$242,493.64	06-Feb-18	4 Weeks	Y
Stabilised Pavement of Australia Pty Ltd	RFO2017179 - Tweed Shire Council Road Pavement Stabilisation Program 2017/2018	\$700,438.75	19-Feb-18	2 years	Y
East Coast Asphalt and Concrete Edging Pty Ltd	RFO2017199 - Tweed Shire Council Road Rehabilitation Program 2017/2018 Asphalt Work	\$722,530.45	19-Feb-18	2 Years	Y
Australian Marine and Civil Pty Ltd	RFO2017187 - Major Flod Repair Work - Landslips by Soil Nails or Other	\$606,136.36	20-Feb-18	28 Weeks	Y
Eco Logical Australia Pty Ltd	RFO2017182 - Environmental Flows Assessment - Raising of Clarrie Hall Dam	\$124,510.00	26-Feb-18	30 Weeks	Y
Hunter Valley Signs Pty Ltd t/as Hi-Vis Group	RFO2017186 - Supply and Install 4x Vehicle Activated (Solar) Curve Warnings Signs	\$66,485.45	28-Feb-18	Supply	Y
Australian Marine and Civil Pty Ltd	RFO2017191 - Major Flood Repair Work - Various Bridge and Culvert Related Works Bundle 2	\$637,818.18	01-Mar-18	20 Weeks	Y
Safegroup Automation Pty Ltd	RFO2017162 - Bray Park Water Treatment Plan Upgrade to Clear SCADA 2017	\$128,092.27	01-Mar-18	16 Weeks	Y
AssetVal Pty Ltd	RFO2017177 - Operational Land and Building Asset Valuation	\$58,000.00	02-Mar-18	4 Months	Y

PART A-Contracts Listing

Contractor	Contract Title	Contract Value \$	Award Date	Duration of Contract	Budgeted (Y/N)
East Coast Asphalt and Concrete Edging Pty Ltd	RFO2017174 - Wollumbin and Brisbane Street Pavement Rehabilitation	\$1,342,290.59	22-Mar-18	8 Weeks	Y
Roman Contractors Pty Ltd	RFO2018002 - Major Flood Repair Work - Landslip Repairs Bundle 6	\$665,390.91	22-Mar-18	20 Weeks	Y

PART B - Consultancy and Legal expenses

Expense	Expenditure YTD \$	Budgeted (Y/N)
Consultancies	272,694	Y
Legal expenses	1,009,468	Y

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 31 March 2018 and should be read in conjunction with other documents in the QBRS.

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

202 Responsible accounting officer to maintain system for budgetary control

The responsible accounting officer of a council must:

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

203 Budget review statements and revision of estimates

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

Statutory Statement

It is my opinion that the Quarterly Budget Review Statement for Tweed Shire Council for the quarter ended 31 March 2018 indicates that Council's projected financial position at 30 June 2018 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.



M A Chorlton 30 April 2018

“Responsible Accounting Officer”

**Executive Manager Finance, Revenue and Information Technology
Tweed Shire Council**

OPTIONS:

Not Applicable

CONCLUSION:

Refer to Statutory Statement above

COUNCIL IMPLICATIONS:

a. Policy:

Not Applicable

b. Budget/Long Term Financial Plan:

As detailed within the report.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

26 [FRIT-CM] Corporate Quarterly Performance Report as at 31 March 2018

SUBMITTED BY: Executive Manager - Finance, Revenue and Information Technology

mhm



Behind the scenes
Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Collaborator Provider Advocate Leader

SUMMARY OF REPORT:

The Corporate Quarterly Report as at 31 March 2018 is presented to Council for consideration.

This report and accompanying attachments detail the progress of the 2017/2018 Operational Plan activities up to 31 March 2018.

RECOMMENDATION:

That Council receives and notes the Corporate Quarterly Performance Report as at 31 March 2018.

REPORT:

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



Leaving a legacy: *Looking out for future generations*

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

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

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



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

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

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

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



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

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

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

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



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

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

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

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

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

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

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

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

OPTIONS:

Not Applicable.

CONCLUSION:

That Council receives and notes the Corporate Quarterly Performance Report as at 31 March 2018.

COUNCIL IMPLICATIONS:

a. Policy:

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

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

In line with the impacts of the adopted Operational Plan.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Operational Plan - Quarterly Performance Report as at 31
March 2018 (ECM5250970)

27 [FRIT-CM] Monthly Investment Report for period ending 30 April 2018

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 Executive Manager Finance, Revenue and Information Technology, 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 **\$300,446,551** invested as at **30 April, 2018** and the actual net return on these funds was **\$514,923** or **2.06%** annualised for the month.

RECOMMENDATION:

That in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 30 April, 2018 totalling \$300,446,551 be received and noted.

REPORT:

The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested. The Executive Manager Finance, Revenue and Information Technology, 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 **\$300,446,551** invested as at **30 April, 2018** and the accrued net return on these funds was **\$514,923** or **2.06%** annualised for the month.

1. Ethical Investments

■ Ethical Financial Institutions
\$156,098,207 which represents 51.96% of the total portfolio

Source: Australian Ethical

2. Economic Commentary

Australian and World Economy and Cash Rate

At its 1 May 2018 meeting, the Reserve Bank Board decided to leave the cash rate unchanged at 1.50 per cent.

The global economy has strengthened over the past year. A number of advanced economies are growing at an above-trend rate and unemployment rates are low. The Chinese economy continues to grow solidly, with the authorities paying increased attention to the risks in the financial sector and the sustainability of growth. Globally, inflation remains low, although it has increased in some economies and further increases are expected given the tight labour markets. As conditions have improved in the global economy, a number of central banks have withdrawn some monetary stimulus and further steps in this direction are expected.

Long-term bond yields have risen over the past six months, but are still low. Equity market volatility has increased from the very low levels of last year, partly because of concerns about the direction of international trade policy in the United States. Credit spreads have also widened a little, but remain low. Financial conditions generally remain expansionary. Conditions in US dollar short-term money markets have, however, tightened over the past few months, with US dollar short-term interest rates having increased for reasons other than the increase in the federal funds rate. This has flowed through to higher short-term interest rates in a few other countries, including Australia.

The price of oil has increased recently, as have the prices of some base metals. Australia's terms of trade are expected to decline over the next few years, but remain at a relatively high level.

The Bank's central forecast for the Australian economy remains for growth to pick up, to average a bit above 3 per cent in 2018 and 2019. This should see some reduction in spare capacity in the economy. Business conditions are positive and non-mining business investment is increasing. Higher levels of public infrastructure investment are also supporting the economy. Stronger growth in exports is expected. One continuing source of uncertainty is the outlook for household consumption, although consumption growth picked up in late 2017. Household income has been growing slowly and debt levels are high.

Employment has grown strongly over the past year, although growth has slowed over recent months. The strong growth in employment has been accompanied by a significant rise in labour force participation, particularly by women and older Australians. The unemployment rate has declined over the past year, but has been steady at around 5½ per cent for some months. The various forward-looking indicators continue to point to solid growth in employment in the period ahead, with a further gradual reduction in the unemployment rate expected. Notwithstanding the improving labour market, wages growth remains low. This is likely to continue for a while yet, although the stronger economy should see some lift in wages growth over time. Consistent with this, the rate of wages growth appears to have troughed and there are reports that some employers are finding it more difficult to hire workers with the necessary skills.

Inflation remains low. The recent inflation data were in line with the Bank's expectations, with both CPI and underlying inflation running marginally below 2 per cent. Inflation is likely to remain low for some time, reflecting low growth in labour costs and strong competition in retailing. A gradual pick-up in inflation is, however, expected as the economy strengthens. The central forecast is for CPI inflation to be a bit above 2 per cent in 2018.

The Australian dollar has depreciated a little recently, but on a trade-weighted basis remains within the range that it has been in over the past two years. An appreciating exchange rate would be expected to result in a slower pick-up in economic activity and inflation than currently forecast.

The housing markets in Sydney and Melbourne have slowed. Nationwide measures of housing prices are little changed over the past six months, with prices having recorded falls in some areas. In the eastern capital cities, a considerable additional supply of apartments is scheduled to come on stream over the next couple of years. APRA's supervisory measures and tighter credit standards have been helpful in containing the build-up of risk in household balance sheets, although the level of household debt remains high.

The low level of interest rates is continuing to support the Australian economy. Further progress in reducing unemployment and having inflation return to target is expected, although this progress is likely to be gradual. 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 76.66% 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 continue to wane as investors seek alternatives with higher returns due to an uncertain interest rate outlook. The imposition of mortgage lending restrictions is also crimping bank demand for depositors' funds. Banks are also using debt issuance (bonds) as a less expensive source of funds than term deposits and offshore wholesale funding.

Conversely, new Australian Prudential Regulation Authority regulations increasing the amount of capital required to be held by banks is marginally increasing bank demand for depositors' funds.

Many "cash at call" rates remain at levels below the RBA cash rate. The historic low cash rate is still translating to lower total investment yields. This continues to present difficulties obtaining reasonable investment income without risking capital.

All investment categories 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 0.92% pa** above the 90 day UBS bank bill index for the last month.

Source: RBA Monetary Policy Decision

3. Investment Summary

GENERAL FUND

CORPORATE FIXED RATE BONDS	8,100,720.00	
FLOATING RATE NOTES	62,045,832.00	
ASSET BACKED SECURITIES	0.00	
FUND MANAGERS	0.00	
TERM DEPOSITS	76,999,999.00	
CALL ACCOUNT	2,300,000.00	149,446,551.00

WATER FUND

TERM DEPOSITS	63,000,000.00	
FUND MANAGERS	0.00	63,000,000.00

SEWERAGE FUND

TERM DEPOSITS	88,000,000.00	
FUND MANAGERS	0.00	88,000,000.00

TOTAL INVESTMENTS		300,446,551.00
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It should be noted that the General Fund investments of **\$149 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

Executive Manager
Finance, Revenue & Information Technology
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:

Attachment 1.

Investment Report Pack - 1 April 2018 to 30 April 2018
(ECM5252561).

REPORTS FROM THE EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE

28 [PCG-CM] Mayor and Councillors Annual Fees 2018/2019

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: **Provider** **Leader**

SUMMARY OF REPORT:

The Local Government Remuneration Tribunal has made a determination under Section 241 of the Local Government Act 1993 in relation to fees payable to mayors and councillors for the 2018/2019 financial period.

The Tribunal has determined that an increase of 2.5 per cent in the minimum and maximum fee for the mayoral office and councillors is applicable for the 2018/2019 financial period.

Therefore, Council needs to determine the fees payable for the 2018/2019 period, which are effective on and from 1 July 2018.

RECOMMENDATION:

That the fees payable for the Mayor and Councillors for the 2018/2019 financial period be the maximum fees payable to members of the Regional Rural category council as determined by the Local Government Remuneration Tribunal, being:

Mayor	\$43,170
Councillor	\$19,790

It is noted that the Mayoral Fee is payable in addition to the fee paid to the Mayor as a Councillor in accordance with Section 249(2) of the Local Government Act 1993, which collectively equates to a maximum annual amount of \$62,960.

REPORT:

The Local Government Remuneration Tribunal has made a determination under Section 241 of the Local Government Act 1993 in relation to fees payable to mayors and councillors for the 2018/2019 financial period.

The Tribunal has determined that an increase of 2.5 per cent in the minimum and maximum fee for the mayoral office and councillors is applicable for the 2018/2019 financial period. The proposed increase equates to an additional annual amount in the maximum fee payable to the mayor of \$1,050 and councillor of \$480, over those fees paid in the 2017/2018 financial period.

Council is included in the Regional Rural Category which is defined as follows:

"Councils categorised as Regional Rural will typically have a minimum population of 20,000.

Other features which distinguish them from other non-metropolitan councils include:

- a major town or towns with the largest commercial component of any location in the surrounding area*
- a significant urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages or may be located on or close to the coast with high levels of population and tourist facilities*
- provide a full range of higher-order services including business, office and retail uses with arts, culture, recreation and entertainment centres*
- regional services to the wider community through principal referral hospitals, tertiary education services and major regional airports*
- these councils may also attract large visitor numbers to established tourism ventures."*

In accordance with Section 241 of the Local Government Act 1993, the Tribunal has determined the minimum and maximum fees for the Regional Rural category as follows:

	2018/2019		2017/2018	
	Minimum	Maximum	Minimum	Maximum
Councillor	\$8,970	\$19,790	\$8,750	\$19,310
Mayor*	\$19,100	\$43,170	\$18,630	\$42,120

*It is noted that the Mayoral Fee is payable in addition to the fee paid to the Mayor as a Councillor in accordance with Section 249(2) of the Local Government Act 1993, which collectively equates to a maximum annual amount of \$62,960.

The Tribunal has again considered requests for fees to be paid to the role of Deputy Mayor and they have concluded the following:

"Councils have raised the matter of separate fees for deputy mayors on previous occasions and the Tribunal notes that it has previously determined that there is no provision in the LG Act to empower the Tribunal to determine a separate fee or fee

increase for deputy mayors. The method for determining separate fees, if any, for a deputy mayor is provided in section 249 of the LG Act as follows:

249 Fixing and payment of annual fees for the mayor

- (1) A council must pay the mayor an annual fee.*
- (2) The annual fee must be paid in addition to the fee paid to the mayor as a councillor.*
- (3) A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
- (4) A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*
- (5) A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee."*

In determining the fees payable for the 2017/2018 financial period, it was resolved that the maximum fees of \$19,310 for Councillors and \$42,120 for the Mayor would be payable.

OPTIONS:

Council can determine the fees applicable for the Mayor and Councillors across the range from the minimum to the maximum within the Regional Rural category.

CONCLUSION:

That Council determines the applicable fees payable to the Mayor and Councillors for the 2018/2019 period.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable
Local Government Act 1993

b. Budget/Long Term Financial Plan:

Due allowance is provided within the appropriate budget for the payment of the annual fees to the Mayor and Councillors.

The proposed increase to the maximum fees for the mayor and seven councillors totals \$4,410 over the financial period.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Local Government Remuneration Tribunal Annual Report
and Determination of Fees for 2018/2019 dated 17 April
2018 (ECM 5242226)

29 [PCG-CM] Land Negotiation Program - Crown Lands

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: Collaborator Provider Advocate Leader

SUMMARY OF REPORT:

Following Council's successful participation in the Local Land Pilot a formal invitation has now been extended by Department of Industry – Lands to participate in the Land Negotiation Program comprehensive negotiation.

The comprehensive negotiation program will include negotiation between Council, Tweed Byron Local Aboriginal Land Council, New South Wales Aboriginal Land Council and the Department of Industry – Lands.

Any Crown Land that offers significant benefit to Council will, after suitable negotiation be able to be transferred to Council.

This invitation offers an opportunity for Council to have land transferred to its care and control that it currently maintains, which is currently classified as Crown Land.

RECOMMENDATION:

That Council agrees to the invitation from Department of Industry - Lands to participate in the Land Negotiation Program.

REPORT:

Following Council's successful participation in the Local Land Pilot a formal invitation has now been extended by Department of Industry - Lands to participate in the Land Negotiation Program comprehensive negotiation.

The comprehensive negotiation program will include negotiation between Council, Tweed Byron Local Aboriginal Land Council, New South Wales Aboriginal Land Council and the Department of Industry – Lands.

This invitation offers an opportunity for Council to have land transferred to its care and control that it currently maintains, which is currently classified as Crown Land.

Department of Industry – Lands have provided the following information:

"Parties undertake a thorough assessment of land they are interested in, while considering the Local Land and State criteria, with this process expected to take a 6 to 12 month period. The parties will then formally negotiate to determine which party is best placed to own and manage land for optimal local and state benefits. For local Councils, outcomes of these negotiations are formalised in form of a Local Land Agreement.

Participation in the Program offers significant benefits to local Councils. Land that meets local land criteria will be available to transfer to local Councils under the new Crown Lands Management Act 2016.

Councils will then own and manage the land under the Local Government Act 1993. This will reduce red tape and the regulatory burden, and provide Councils with greater autonomy to manage local land and providing the services the community needs.

Any transfer of Crown land under the Program will be entirely voluntary and with Council's consent.

A local Council will have the opportunity to consider the values of the land, including any resourcing implications, before agreeing to any voluntary land transfers."

An internal working group drawn from staff across all Divisions of Council was integral in undertaking the initial Pilot Program and it is intended that this working group will continue the formal review process of the Crown Land and then report to Council on the outcomes of these reviews. It should be noted that staff do not carry any delegations to enable the finalisation of the negotiation process and therefore all decisions will be ultimately made by resolution of Council.

Department of Industry - Lands have advised that both the New South Wales Aboriginal Land Council and Tweed Byron Local Aboriginal Land Council have advised the Department of their willingness to participate in the Land Negotiation Program (and specifically a negotiation in the Tweed area) and if Council does not participate, this would preclude the opportunity for the Local and State Aboriginal Land Councils to participate in the Program.

One of the benefits that will arise from participating would be open discussions with these groups regarding those parcels where Aboriginal Land Claims have been lodged. This

could facilitate the inclusion of the affected parcels, and if full agreement is reached, land claims could be withdrawn, which cannot occur outside the Program as no actions can be taken on the affected parcels until the land claim has been assessed, in most cases, taking several or many years, which effects to sterilise their use during that period.

OPTIONS:

1. That Council agrees to the invitation from Department of Industry – Lands to participate in the Land Negotiation Program.
2. That Council advises the Department of Industry – Lands that it does not wish to participate in the Land Negotiation Program.

CONCLUSION:

That Council agrees to the invitation from Department of Industry – Lands to participate in the Land Negotiation Program.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable
Crown Lands Management Act 2016 and Local Government Act 1993

b. Budget/Long Term Financial Plan:

There are implications from the transfer of land including survey costs, preparation of plans of management for community land and any associated purchase costs, which are currently not budgeted.

Staff resources will need to be allocated to this program to enable suitable negotiations to proceed to finalisation.

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.

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

Inform - We will keep you informed.

A workshop providing an overview of the land classification process was conducted with councillors on Friday 20 April 2018.

Appropriate Consultation will be held with the community, Department of Industry - Lands, Tweed Byron Aboriginal Land Council and NSW Aboriginal Land Council in considering any transfer of Crown Land through this process.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Land Negotiation Program - Invitation to participate in Tweed Comprehensive negotiation – Department of Industry Lands (ECM 5223872)

Attachment 2. Land Negotiation Program – Fact Sheet – Department of Industry lands (ECM 4998846)

30 [PCG-CM] Legal Services Register Report for the Period 1 January to 31 March 2018

SUBMITTED BY: Corporate Governance

mhm



Behind the scenes
Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

SUMMARY OF REPORT:

The Legal Services Register Report 1 January to 31 March 2018 provides the status of legal instructions for the current or recently completed matters which have been issued to legal panel providers. This Report includes payments to various legal providers, as well as payments for barristers and consultants where applicable.

The amount paid for legal services for the period 1 January to 31 March 2018 is \$201,127, with the total amount paid for the period 1 July 2017 to 31 March 2018 \$979,757.

The principal legal instructions that relate to this quarter include:

Legal Matter	Amount
• 2795 – Soorley Street – Unauthorised Works	\$27,258
• 2801 – Tanglewood Estate Sewerage Treatment Plant	\$1,076
• 2802 – 3222 Kyogle Road – Unauthorised Activities	\$676
• 2814 – Barneys Point SEPP14 – Vegetation Clearing Agreement	\$4,474
• 2815 – DA15/1064 – 1-3 Tweed Coast Road – Waterslide	\$4,897
• 2817 – DA16/0527 – 204 Marine Parade – Residential flat building	\$18,631
• 2821 – DA16/0059 – Tweed Valley Way Service Station	\$227
• 2822 – DA16/0355 – 26 Tringa Street – 60 Lot Subdivision	\$27,503
• 2824 – Zara Road – Unauthorised Works	\$21,434
• 2825 – 1110 Urliup Road- Unauthorised Works	\$11,330
• 2826 - DA16/0742 – 2 Cambridge Court- 2 Lot Subdivision	\$136
• 2835 – DA03/0445 – 447 Urliup Road – Class 1 Appeal	\$18,539

Legal Matter	Amount
• 2837 – DA17/0084 – 128 Leisure Drive - Class I Appeal	\$5,835
• 2838 – 6 Beason Court – Short Term Rental Accommodation	\$4,208
• 2839 – 337 Round Mountain Road – Legal advice	\$8,474
• 2840 – 656 Upper Crystal Creek Road – Penalty Infringement Notice	\$4,394
• 2842 – DA16/0274 – 42 North Arm Road – Class 1 Appeal	\$8,621
• 2843 – DA17/0572 – 606 Pottsville Road – Class 1 Appeal	\$18,296
• 2844 – DA17/0498 – 26 Marine Parade – Class 1 Appeal	\$8,896
• 2845 - 74-76 Pearl Street Kingscliff	\$3,526
• Cobaki Development - Water and Sewerage Advice	\$200
• Adani Mine - Tender Assessment/Procurement Advice	\$2,496

RECOMMENDATION:

That Council receives and notes the Legal Services Register Report for the period 1 January to 31 March 2018.

REPORT:

Expenditure incurred on legal instructions for the period 1 January to 31 March 2018 follows:

Category 1 Planning and Environmental Law	Category 2 Local Government Law	Category 3 Commercial/Property Law	Category 4 District/Local Court
\$194,037	\$2,696	\$0	\$4,394

A summary of payments to each of the Legal Service Providers including barristers and consultants where applicable, for current or recently completed matters is as follows:

Category 1 Planning and Environmental Law	Year to Date	Current Period 1 January to 31 March 2018
DLA Piper Australia	\$58,664	\$23,193
HWL Ebsworth Lawyers	\$71,068	\$8,848
Lindsay Taylor Lawyers	\$122,311	\$50,450
Maddocks Lawyers	\$671,757	\$54,761
Marsdens Law Group	(\$20,349)	\$18,539
Sparke Helmore Lawyers	\$20,142	\$13,780
Wilshire Webb Staunton Beattie Lawyers	\$30,690	\$24,466
Sub Total	\$954,283	\$194,037

Category 2 Local Government Law (litigation and advice)	Year to Date	Current Period 1 January to 31 March 2018
DLA Piper Australia	\$0	\$0
Lindsay Taylor Lawyers	\$18,584	\$200
Local Government Legal	\$0	\$0
Maddocks Lawyers	\$0	\$0
Marsdens Law Group	\$0	\$0
Prevention Partners NSW	\$2,496	\$2,496
Sub Total	\$21,080	\$2,696

Category 3 Commercial/Property Law	Year to Date	Current Period 1 January to 31 March 2018
HWL Ebsworth Lawyers	\$0	\$0
Local Government Legal	\$0	\$0
Maddocks Lawyers	\$0	\$0
Marsdens Law Group	\$0	\$0
Sparke Helmore Lawyers	\$0	\$0
Stacks /The Law Firm	\$0	\$0
Wilshire Webb Staunton Beattie Lawyers	\$0	\$0
Sub Total	\$0	\$0

Category 4 District/Local Court	Year to Date	Current Period 1 January to 31 March 2018
Category 4 District/Local Court	Year to Date	Current Period 1 January to 31 March 2018
Attwood Marshall Lawyers	\$0	\$ 0
Minter Ellison – Gold Coast	\$4,394	\$4,394
Peter O'Donnell	\$0	\$ 0
Sub Total	\$4,394	\$4,394
Total	\$979,757	\$201,127

LEGAL SERVICES MATTERS INITIATED PRIOR TO 1 NOVEMBER 2016

Category 1 - Planning and Environmental Law					
Provider (Reference)	Description	General instructions	Costs	Comments	Current Status as at 30 April 2018
Marsdens Law Group (2794)	DA15/0201 40 Creek Street, Hastings Point – 17 Lot Subdivision.	Council at its Meeting held on 6 August 2015 resolved to defend the Class 1 Appeal in the Land & Environment Court.	Prev. Years \$203,459 17/18 (\$63,373) Total \$140,086	Proceedings were listed for a directions hearing on 10 September and 21 December 2015, where applicant was requested to provide further information.	Completed. Court at a directions hearing on 24 May 2016, listed the appeal for a hearing on 17, 18, 21, 22, 23 November 2016. Notice of Discontinuance was filed in the Land and Environment Court on 22 November 2016. Applicant advised that it is prepared to enter into negotiations in relation to payment of Council's costs in the proceedings. Applicant has paid the settlement offer of \$70,000, recommended by Council Solicitors.

Category 1 - Planning and Environmental Law					
Provider (Reference)	Description	General instructions	Costs	Comments	Current Status as at 30 April 2018
Maddocks Lawyers (2795)	Unauthorised works - Existing use rights - Soorley Street, Tweed Heads South.	Provide legal opinion on existing use rights.	<p>Prev. Years \$156,725 17/18 \$348,831 Total \$505,556</p>	Letter was sent to solicitors for property owner seeking an answer to existing use rights questions. - No answer was received. Council at its meeting held on 7 April 2016 resolved to commence legal proceedings to stop unauthorised activities and seek any punitive measures.	In Progress. Class 4 proceedings in the Land and Environment have commenced to remedy and restrain further unauthorised works. Documentation has been produced; matter partly heard. Further documentation required to be produced. Council at its meeting held on 5 April 2018, resolved that it instructs its solicitors with Reysson solicitors to seek an adjournment of six months for the current proceedings.
Lindsay Taylor Lawyers (2801)	Tanglewood Estate Sewerage Treatment Plant (2801)	Provide advice in respect to the potential resolution of the issues concerned with the Sewerage Treatment Plant.	<p>Prev. Years \$6,781 17/18 \$8,102 Total \$14,883</p>	Solicitor drafted settlement proposal, which was sent to property owner's Solicitor. Ongoing discussions and negotiations in progress between all parties.	Completed Settlement Deed agreed and now executed by all parties.

Category 1 - Planning and Environmental Law					
Provider (Reference)	Description	General instructions	Costs	Comments	Current Status as at 30 April 2018
Sparke Helmore Lawyers (2802)	3222 Kyogle Road Mt Burrell – Unauthorised activities.	Council at its Meeting held on 7 April 2016 resolved to engage solicitors to commence proceedings pertaining to unauthorised activities and seek legal advice regarding options for punitive action.	<i>Prev. Years</i> \$115,691 17/18 \$7,038 Total \$122,729	Significant correspondence has occurred. Council has now commenced legal proceedings, through issuing a summons in the Land and Environment Court against the property owner for breaches of the Environment and Assessment Act 1979.	In Progress A number of directions hearings have been conducted during the months of October, November and on 9 December 2016. The Registrar of the Land and Environment Court on 7 April 2017, made “consent orders” to resolve the unlawful occupation of the property- now completed. Council awarded costs of \$101,257, have not been paid, property owner has now been placed into Administration.
Lindsay Taylor Lawyers (2814)	Barneys Point SEPP14 vegetation clearing.	Review minor amendments variation to the agreement for vegetation clearing.	17/18 \$4,474	Minor amendments reviewed, Incorporated into agreement, approved and executed.	Completed
LEGAL SERVICES MATTERS INITIATED PRIOR TO 1 NOVEMBER 2016					
TOTAL 2017/2018			\$305,072		

COUNCIL INITIATED LEGAL SERVICES AFTER 1 NOVEMBER 2016

Category 1 - Planning and Environmental Law					
Provider (Reference)	Description	General instructions	Costs	Comments	Current Status as at 30 April 2018
DLA Piper Lawyers (2815)	DA15/1064 1-3 Tweed Coast Road Hastings Point - Redevelopment of Waterslide Playground.	Council at its meeting of 15 December 2016 resolved that it refuses the Review of Determination and advises the applicant in writing of its determination and defends any appeal lodged by the applicant in the Land and Environment Court.	Prev. Years \$120,190 17/18 \$40,368 Total \$160,558	Class 1 Appeal lodged by the applicant in the Land and Environment Court – Solicitors engaged to defend the appeal.	Completed Directions hearing held on 10 February 2017. Case was heard on 10 & 11 May 2017, commencing with an onsite inspection. On 2 March 2018, the Court made orders that the applicant is granted leave to rely on amended plans and that the appeal is upheld and DA15/1064 is determined by the grant of consent subject to conditions.
Lindsay Taylor Lawyers (2816)	DA15/0641 Two Lot subdivision at 768- 770 Casuarina Way Casuarina.	Council at its meeting held on 7 July 2016 resolved to refuse the development application.	Prev. Years \$24,914 17/18 \$1,798 Total \$26,712	Council at its meeting held on 2 February 2017, resolved that it engages solicitors and consultant experts (if required) to defend the Class 1 Appeal. Solicitors engaged to defend the appeal.	Completed Directions hearing conducted on 21 February 2017, draft consent conditions prepared and filed with the Land and Environment Court. Appeal heard on 12 May. On 31 August 2017 appeal was upheld, with development application being approved, with conditions of consent.

Category 1 - Planning and Environmental Law					
Provider (Reference)	Description	General instructions	Costs	Comments	Current Status as at 30 April 2018
Wilshire Webb Lawyers (2817)	DA16/0527 204 Marine Parade Kingscliff - Erection of a residential flat building (7 units).	Council at its meeting held on 1 December 2016, resolved to refuse the development application.	Prev. Years \$16,607 17/18 \$24,855 Total \$41,462	Solicitors engaged to defend the appeal. Directions hearing held on 13 February 2017, S34 conciliation conference on site conducted on 30 May 2017, with a further directions hearing conducted on 5 June 2017.	Completed Amended plans filed with the Land and Environment Court on 14 July 2017. Appeal heard on 25 and 26 September 2017, which commenced with an onsite inspection. 16 October 2017, Court upheld the appeal, with amended DA16/0527 being approved. Council costs of \$5,000 thrown away as a result of amended plans to be paid by applicant.
HWL Ebsworth Lawyers (2821)	DA16/0059 Erection of Service Station in Tweed Valley Way and Roadworks in Alma Street, Hayes Lane and Tweed Valley Way, South Murwillumbah.	Council at its Meeting held on 16 March 2017 resolved that Council's solicitors be instructed and consultants engaged to defend the Class 1 Appeal against Council's refusal of DA16/0059. External consultants will be required to defend the appeal as the officers recommended approval of the	Prev. Years \$20,704 17/18 \$60,872 Total \$81,576	Solicitors engaged to defend the Appeal, now commenced in the Land and Environment Court, documentation produced.	Completed Directions hearing held 4 May 2017. Appeal heard on 1 and 2 August 2017, which commenced with an onsite inspection. 12 December 2017, appeal was upheld, with DA16/0059 being approved subject to conditions of consent.

Category 1 - Planning and Environmental Law					
Provider (Reference)	Description	General instructions	Costs	Comments	Current Status as at 30 April 2018
		application.			
Maddocks Lawyers (2822)	DA16/0355 26 Tringa Street Tweed Heads West - 60 Lot subdivision	Development Application lodged on 28 April 2016, refused by Council at its meeting held on 15 December 2016, appeal filed in Land and Environment Court on 8 March 2017 against Council's refusal of the development application. Council at its Meeting held on 16 March 2017 resolved that it instructs solicitors to defend the Class 1 Appeal in the Land and Environment Court.	Prev. Years \$49,392 17/18 \$322,318 Total \$372,318	Solicitors engaged to defend the appeal. Appeal commenced, documentation filed with the Court. Court ordered the Applicant to pay Council costs of \$6,000 thrown away through the lodgement of amended stormwater plans.	Completed Amended plans and reports served on Council on 12 July 2017, S34 conciliation conference was conducted on 19 July 2017, and matter was heard on 12 to 15 December 2017. 6 March 2018, Court directed that the applicant is to file and serve by 30 March 2018, settled documentation to reflect the Commissioner's determinations.
Lindsay Taylor Lawyers (2824)	Unauthorised Works at the Crown Road off Zara Road Limpinwood.	Council at its Planning Committee Meeting held on 6 April 2017, resolved that it engages solicitors to provide advice regarding the continuing investigation of the unauthorised works.	Prev. Years \$14,889 17/18 \$36,214 Total \$51,103	Solicitors engaged and have provided appropriate advice. Advice being reviewed by Council Officers.	In Progress Council at its meeting held on 1 March 2018, resolved that it continues to pursue the alleged offence of Section 76A of the EP&A Act including the engagement of experts to support the action.

Category 1 - Planning and Environmental Law					
Provider (Reference)	Description	General instructions	Costs	Comments	Current Status as at 30 April 2018
Lindsay Taylor Lawyers (2825)	Unauthorised Works at 1110 Urliup Road Urliup.	Council at its Planning Committee Meeting held on 6 April 2017, resolved that it engages solicitors to provide advice regarding the continuing investigation of the unauthorised works.	Prev. Years \$8,008 17/18 \$20,235 Total \$28,243	Solicitors engaged and have provided appropriate advice.	In Progress Council has requested Solicitor for property owner to respond to a S119J Notice under the EP & A Act 1979. Matter to be reported to a future Council Meeting.
Lindsay Taylor Lawyers (2826)	DA16/0742 2 Cambridge Court Kingscliff 2 Lot Subdivision.	Council at its Meeting held on 18 May 2017, refused the DA 16/0742. Council also resolved to engage legal representation in relation to the Land and Environment Court appeal proceedings.	Prev. Years \$4,949 17/18 \$10,055 Total \$15,004	Solicitors engaged, documentation lodged with the Land and Environment Court, s34 joint planning conference was held on 28 June 2017.	Completed Matter heard on 23 August 2017, appeal was upheld. Development application was approved, with conditions of consent.
Marsdens Law Group (2827)	DA10/0737 Alterations to Existing Highway Service Centre Chinderah.	Council at its Meeting held on 20 April 2017 resolved that it engages legal representation to the Land and Environment Court Class 1 Appeal.	Prev. Years \$5,625 17/18 \$14,031 Total \$19,656	Solicitors engaged in relation to the appeal, which commenced in the Land and Environment Court. At first directions hearing on 10 May 2017, Court directed that it would be appropriate for the matter to proceed to a s34 conciliation conference.	Completed S34 conciliation conference held on 14 August, which started with an onsite inspection. 18 August parties reached an agreement as to the terms of a decision. Formal orders were issued on 24 August by the Court, appeal upheld, development application was approved, with conditions of

Category 1 - Planning and Environmental Law					
Provider (Reference)	Description	General instructions	Costs	Comments	Current Status as at 30 April 2018
					consent.
Lindsay Taylor Lawyers (2830)	DA17/0358- Manufactured Home Estate 136 Dry Dock Road Tweed Heads South.	Provide preliminary advice on the permissibility of the proposal.	17/18 \$4,499	Solicitor engaged, advice provided on 13 July 2017, DA17/0358 application lodged on 22 December 2017, currently being assessed.	Completed
Marsdens Law Group (2835)	DA03/0445.03 447 Urliup Road Urliup. Council at its meeting held on 11 May 2017 resolved to refuse the development application for an amendment to DA03/0445.	Council at its Meeting held on 2 November 2017 resolved that it engages legal representation for the Land and Environment Court Class 1 Appeal.	17/18 \$18,538	Solicitors engaged directions hearing held on 13 November 2017. Matter was heard on 22 and 23 March 2018. On 30 April 2018 the Court granted the applicant leave to amend the Class 1 application.	In Progress Adjourned to 30 April 2018 for closing submissions.
Wilshire Webb Staunton Beattie (2837)	DA17/0084 128 Leisure Drive Banora Point. Council at its meeting held on 7 September 2017, resolved to refuse the development application.	Council at its Meeting held on 2 November 2017 resolved that it engages legal representation for the Class 1 Appeal and provides delegation to a Councillor and General Manager to undertake negotiations during any upcoming s34 conference.	17/18 5,835	Solicitors engaged, S34 conferences held on 21 March, 3, 6 and 27 April 2018. On 27 April 2018 the Orders of the Land and Environment Court were that the s34 conference has been terminated and the matter listed for mention on 11 May 2018.	In Progress

Category 1 - Planning and Environmental Law					
Provider (Reference)	Description	General instructions	Costs	Comments	Current Status as at 30 April 2018
Sparke Helmore Lawyers (2838)	6 Beason Court Casuarina.	Council at its Meeting held on 2 November 2017 resolved that legal advice be sought regarding options for options (including but not limited to Orders) to cease the continued unauthorised use.	17/18 4,208	Solicitors engaged, advice received. Proposed order to cease using the property for an unauthorised use has been issued to the property owner.	In Progress Council waiting on a response to the proposed order.
Lindsay Taylor Lawyers (2839)	337 Round Mountain Road Mountain.	Meeting held on 2 November 2017 resolved that legal advice be sought regarding options for enforcement and possible legal action.	17/18 \$16,770	Solicitors engaged to provide appropriate advice.	In Progress Advice received, being reviewed by Council Officers. Report to be prepared for a future Council Meeting.
HWL Ebsworth (2842)	DA16/0274 42 North Arm Road Council at its meeting held on 6 July 2017, resolved to refuse the development application.	Council at its Meeting held on 7 December 2017 resolved that it engages legal representation for the Land and Environment Court Class 1 Appeal and provides delegation to the Mayor and General Manager to undertake negotiations as necessary.	17/18 8,621	Solicitors engaged. Directions hearing held on 11 December 2017, with a s34 conference scheduled for 4 May 2018.	In Progress

Category 1 - Planning and Environmental Law					
Provider (Reference)	Description	General instructions	Costs	Comments	Current Status as at 30 April 2018
DLA Piper (2843)	DA17/0572 606 Pottsville Road Council at its meeting held on 16 November 2017, resolved to refuse the development application.	Meeting held on 13 December 2017 resolved that it engages legal representation for the Land and Environment Court Class 1 Appeal to attend any necessary s34 conference and defend the appeal and delegates the Mayor and General Manager to undertake negotiations as necessary.	17/18 18,296	Solicitors engaged, Directions hearing held on 22 February, matter listed for a hearing on 29 and 30 May 2018.	<i>In Progress</i>
Sparke Helmore Lawyers (2844)	DA17/0498 26 Marine Parade Kingscliff. Council at its meeting held on 15 February 2018, resolved to refuse the development application.	Council at its Meeting held on 7 December 2017 resolved that it provides delegation to Council's General Manager to provide instruction to Council's solicitor in the LEC Class 1 appeal (including in any Section 34 conference).	17/18 \$8,895	Solicitors engaged. Directions hearing held on 29 January 2018, a s34 conference is scheduled for 29 June 2018.	<i>In Progress</i>

Category 1 - Planning and Environmental Law					
Provider (Reference)	Description	General instructions	Costs	Comments	Current Status as at 30 April 2018
Lindsay Taylor Lawyers (2848)	Lot 136 Boormans Road Tyalgum.	Council at its meeting held on 1 March 2018 resolved to pursue an investigation of the apparent offence under section 76A of the EP&A Act and other actions.	17/18 \$13,149	Council Officers have been investigating the matter, sought advice from solicitors. Solicitors now engaged to comply with council resolution.	<i>In Progress</i>
COUNCIL INITIATED LEGAL SERVICES AFTER 1 NOVEMBER 2016					
TOTAL 2017/2018			\$625,668		

LEGAL SERVICES PROTOCOL INITIATED AFTER 1 NOVEMBER 2016

Category 1 - Planning and Environmental Law					
Provider (Reference)	Description	General instructions	Costs	Comments	Current Status as at 30 April 2018
Lindsay Taylor Lawyers (2830)	DA17/0358 Integrated Development Manufactured Home Estate 136-150 Dry Dock Road Tweed Heads South.	Provide preliminary advice to determine permissibility of the proposal.	17/18 \$4,499	Detailed advice received, with development application to be reported to Council.	<i>Completed.</i>
Marsdens Law Group (2833)	DA14/0814 900 Clothiers Creek Road.	Provide a response to a letter from the Environmental Defenders Officer.	17/18 \$1,475	Detailed response provided to EDO on 27 November 2017.	<i>Completed.</i>
Marsdens Law Group (2834)	Enforcement of Illegal Camping.	Provide detail advice on enforcing illegal camping including appropriate signage.	17/18 \$1,970	Detailed advice provided to Council on 25 August 2017.	<i>Completed.</i>

Category 1 - Planning and Environmental Law					
Provider (Reference)	Description	General instructions	Costs	Comments	Current Status as at 30 April 2018
Marsdens Law Group (2835)	DA03/0445 447 Uriup Road Uriup.	Assist with completion of Notice to Produce of documents to the Land and Environment Court.	17/18 \$5,209	Documents produced to the Court on 27 October 2017 by Solicitor.	Completed.
HWL Ebsworth (2836)	Gales Holdings Pty Ltd.	Prepare a response to a letter from Woolf & Associates on behalf of Gales Holdings Pty Ltd.	17/18 \$1,575	Solicitor engaged to prepare response, which was sent to Woolf & Associates on 17 November 2017.	Completed.
Marsdens Law Group (2841)	DA16/0936 350 Rowlands Creek Road Rowlands Creek.	Provide advice on Clause 7.15 of the TLEP 2014, specifically relating to the preparation of a hydrogeological analysis for water extraction.	17/18 \$1,800	Solicitor engaged to prepare advice, which was provided on 13 November 2017.	Completed.
Lindsay Taylor Lawyers	Pottsville Employment Land VPA.	Provide advice on the enforcement of the VPA.	17/18 \$3,489	Solicitor engaged, advice was provided on 22 November 2017.	Completed.
Lindsay Taylor Lawyers (2845)	74-76 Pearl Street Kingscliff.	Provide advice in relation to the pathway for assessing a proposed development application.	17/18 3,526	Solicitor engaged, advice was provided on 6 February 2018.	Completed
LEGAL SERVICES PROTOCOL INITIATED AFTER 1 NOVEMBER 2016					
TOTAL 2017/2018			\$23,543		

LEGAL SERVICES PROTOCOL INITIATED AFTER 1 NOVEMBER 2016

Category 2 - Local Government Law					
Provider (Reference)	Description	General instructions	Costs	Comments	Current Status as at 30 April 2018
Marsdens Law Group	7 Year Special Rate Variation.	Class 4 Appeal Land and Environment Court.	<i>Prev. Years</i> \$493,120	Appeal dismissed by Land and Environment Court 30/12/08. Court of Appeal dismissed 5/2/10 part costs awarded. Application to High Court for special leave dismissed with costs, not assessed.	In Progress. Recovery of assessed costs of \$134,058 being pursued.
Lindsay Taylor Lawyers	Cobaki Development.	Provide advice on the provision of Water & Sewerage Services to a Private Sector Provider.	<i>Prev. Years</i> \$3,009 17/18 \$14,104 Total \$17,113	Detailed letters of advice provided to Council.	Completed.
Lindsay Taylor Lawyers	Landfill Management Contract.	Provide advice on the Landfill Management Contract.	17/18 \$4,480	Solicitor engaged to provide advice, which was received on 18 October 2017.	Completed.
Prevention Partners	Adani Mine Tender Assessment/ Procurement advice.	Provide advice on the proposed implementation of Council's decision of 6 October 2017.	17/18 2,496	Solicitor engaged, advice provided on 4 December 2017	Completed
LEGAL SERVICES PROTOCOL INITIATED AFTER 1 NOVEMBER 2016					
TOTAL 2017/2018			\$21,080		

LEGAL SERVICES PROTOCOL INITIATED AFTER 1 NOVEMBER 2016

Category 3 - Commercial/Property Law					
Provider (Reference)	Description of Matter	General Instructions	Costs to Date	Comments	Current Status as at 30 April 2018
TOTAL 2017/2018			\$0		

LEGAL SERVICES PROTOCOL INITIATED AFTER 1 NOVEMBER 2016

Category 4 – District/Local Court					
Provider (Reference)	Description of Matter	General Instructions	Costs to Date	Comments	Current Status as at 30 April 2018
Minter Ellison (2840)	656 Upper Crystal Creek Road – Defend Penalty Infringement Notice appeal		17/18 4,394	Solicitor engaged. Case notes reviewed	Completed Infringement notice withdrawn upon advice of Solicitor.
TOTAL 2017/2018			\$4,394		

OPTIONS:

Reporting as per Legal Services Procedure requirements.

CONCLUSION:

Legal expenses for the quarter related primarily to actions instigated in previous periods.

COUNCIL IMPLICATIONS:

a. Policy:

Legal Services Procedure

b. Links to Existing Strategic Plans:

Not Applicable

c. Budget/Long Term Financial Plan:

Total legal services budget - \$980,414.

Total legal expenditure 1 July 2017 to 31 March 2018 - \$979,757

	Total Cost 2017/2018
Matters Initiated prior to 1 November 2016	
Category 1 -Planning and Environmental Law	\$305,072
Council Initiated Legal Services after 1 November 2016	
Category 1 - Planning and Environmental Law	\$625,668
Legal Services Protocol Initiated after 1 November 2016	
Category 1 - Planning and Environmental Law	\$23,543
Category 2 - Local Government Law	\$21,080
Category 3 - Commercial/Property Law	\$0
Category 4 - District/Local Court	\$4,394
TOTAL	<u>\$979,757</u>

Councillors should note that the budget allocation for Development Assessment legal expenses comprises \$830,695, with expenditure attributed to this function to date being \$954,283. It is estimated that a reallocation of \$200,000 is required to fund the current shortfall including committed and future legal matters and this reallocation is included in the March Budget review.

d. Legal:

Solicitors engaged from the appointed Legal Services Panel, or engaged for a specific legal matter.

e. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

31 [SUB-TRMAC] Minutes of the Tweed Regional Museum Advisory Committee Meeting held Wednesday 28 February 2018

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 28 February 2018 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 28 February 2018 be received and noted.

REPORT:

The Minutes of the Tweed Regional Museum Advisory Committee Meeting held Wednesday 28 February 2018 are reproduced as follows for the information of Councillors.

Venue:

Tweed Regional Museum Murwillumbah

Time:

4:00pm

Present:

Cr Warren Polglase; Robyn Grigg (Manager Community & Cultural Services); Judy Kean (Museum Director); Gary Fidler (Community); Sandra Flannery (Community); Ian Fox (Community); Christian Ellis (Community); Marion Mewett (Community); Chris Core (Community); Max Boyd (Murwillumbah Historical Society); David Taylor (Murwillumbah Historical Society); Helena Duckworth (Uki & South Arm Historical Society); Ceanne Caine (Tweed Heads Historical Society).

Apologies:

Stewart Brawley (Acting Director Community & Natural Resources); Jayne Parrott (Uki & South Arm Historical Society); Daphne Mellor (Tweed Heads Historical Society).

The President advised members of the Committee of the passing of Dr Betty Marks over the weekend of 24/25 February, and asked that members observe a minute silence in remembrance of Betty Marks and her extraordinary contributions to the Tweed community.

A minute silence was observed.

The President then spoke of Dr Betty Marks' generous financial contributions, her patronage, and her dedication of time to many community organisations including the Tweed Regional Museum, Friends of the Tweed Regional Museum and the Tweed Regional Gallery. The President invited other members of the committee to share their memories of Dr Marks.

Max Boyd commented that Betty Marks contributions were so numerous and sustained over so many years that it was impossible to recount them all – extending across the medical, sporting (hockey in particular) cultural and service organisations.

Max Boyd moved and committee members unanimously agreed that a letter of condolence be forwarded to Dr Marks daughter in Melbourne. Museum Director (MD) Judy Kean agreed to draft a letter for forwarding to the Committee President.

Judy Kean advised that the Museum had undertaken some research into Dr Marks' life and contribution to the Tweed Community and that this may be suitable as some form of public recognition. The Committee supported this idea.

The President then formally opened the meeting.

Minutes of Previous Meeting:

Moved: Max Boyd

Seconded: David Taylor

RESOLVED that the Minutes of the Tweed Regional Museum Advisory Committee meeting held 8 November 2017 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

Nil

Agenda Items:

1. Museum Director's Report

Report distributed prior to the meeting.

Moved: Judy Kean

Seconded: Marion Mewett

RESOLVED that the Museum Director's Report be accepted by the Committee.

2. Proposed Accessions

Report distributed prior to the meeting.

Moved: Max Boyd

Seconded: Chris Core

RESOLVED that the proposed accessions be endorsed by the Committee.

3. Proposed De-accessions

Report distributed prior to the meeting.

Moved: Max Boyd

Seconded: Chris Core

RESOLVED that the proposed de-accessions be endorsed by the Committee and that the 90 day cooling off period be waived.

4. Tweed Regional Museum Strategic and Business Plan 2018 – 2021

Robyn Grigg, Manager Community and Cultural Services (MCCS), tabled a paper outlining the proposed steps and schedule for development of the Museum Plan.

Robyn provided background to Council's Strategic, Delivery and Operational Plan framework, including how these provided the context in which the Museum Plan must sit. She touched on the need to factor in existing commitments, risks, constraints and resource levels (including buildings and staff resources) as well as future plans and directions.

Judy Kean, Museum Director (MD), spoke to some of the broad program directions and opportunities that fall into the next 4-5 year planning cycle for the Museum. These include in the areas of curriculum-based education and public programs, and rich opportunities for the Museum to work with Council colleagues in areas such as Sustainable Agriculture, Natural Resource Management and Heritage, to develop key collection, display and program activities.

Committee members agreed to hold a meeting in April 2018 dedicated to a SWOT analysis (Strengths, Weaknesses, Opportunities, Threats).

MCCS and MD agreed to develop a SWOT template and guide and distribute to all Committee Members to assist their preparation for the meeting, and in particular to allow historical society representatives to reflect the input of their organisations.

It was agreed that a meeting dedicated to this SWOT process be held on Tuesday 17 April between 4pm and 6pm at the Tweed Regional Museum Murwillumbah.

5. Revised 2018 meeting schedule for approval.

Schedule distributed prior to meeting.

The Committee noted the schedule and further agreed not to hold a meeting in May, and instead to hold an ordinary Committee meeting on Wednesday 27 June at 4pm.

General Business:

6. Solar

Max Boyd asked whether Council had considered options for solar panels on the Museum roof. Robyn Grigg advised that Council had done considerable work across its buildings to look at where installation of solar power is an option, and to design appropriate systems and establish an estimate of costs. Council is actively pursuing funding for solar installations.

7. Museum staffing

Max Boyd asked about options for Council to fund a position at the Museum dedicated to key program areas of education and public programs. Councillor Polglase indicated his support for this approach and for options to be pursued. Discussion included how this might form part of Strategic and Business Planning process as well as whether it could be pursued through current operational cycles.

8. Tweed Shire Council Cultural Plan

Hard copies of Council's Cultural Plan (also available on Council's website) were provided and the Plan's basis in extensive consultation with the community and relevance to the broad planning and policy aims of Council and the Museum were briefly discussed.

Next Meeting:

The next meeting of the Tweed Regional Museum Advisory Committee will be held Tuesday 17 April at 4pm at Tweed Regional Museum Murwillumbah.

The meeting closed at 5:10pm.

EXECUTIVE LEADERSHIP TEAM'S COMMENTS:

Nil.

EXECUTIVE LEADERSHIP 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.

32 [SUB-TSYC] Minutes of Tweed Shire Youth Council Meeting Held 28 February 2018

SUBMITTED BY: Community & Natural Resources



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

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

The Minutes of the Tweed Shire Youth Council Committee Meeting held 28 February 2018 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Tweed Shire Youth Council Committee Meeting held 28 February 2018 be received and noted.

REPORT:

The Minutes of the Tweed Shire Youth Council Committee Meeting held 28 February 2018 are reproduced as follows for the information of Councillors.

Venue:

Harvard Room, Tweed Heads Administration Office

Time:

4.00pm

Present:

Josh Carpenter and Jack Lee (Banora Point High School); Jaime Coetzee (Lindisfarne Anglican Grammar); Nava Bergman and Ethan Graham (Murwillumbah High School); Zoe Nethery and Chloe Palin (St Joseph's College); Corey Cox, Matthew Lewis and Jazmine Cook (Tweed River High School); Hannah Carmody and Jessica Maloney (Wollumbin High School)

Guests:

Cr Ron Cooper; Chantelle Howse (Coordinator Community Development) (Tweed Shire Council)

Ex-Officio:

Troy Green (General Manager); Shane Davidson (Executive Officer); Neil Baldwin (Manager Corporate Governance); Stewart Brawley (Acting Director Community and Natural Resources); Sylvia Roylance (Community Development Officer - Families and Youth); Gabby Arthur (CCS Administrative Assistant) (Minutes) (Tweed Shire Council)

Apologies:

Jasper Tiffen (Murwillumbah High School); Cr Katie Milne (Mayor), Cr Pryce Allsop, Tracey Stinson (Director Community and Natural Resources); Robyn Grigg (Manager Community and Cultural Services)

Acknowledgement of Country

Troy Green opened the meeting with a welcome to all present and paid respect to local Aboriginal people of the Bundjalung Nation and Elders past and present.

Minutes of Previous Meeting:

Moved: Nil

Seconded: Nil

Business Arising:

Nil

Agenda Items:

A1. Welcome

Troy welcomed the Youth Council members to the meeting and introduced Cr Ron Cooper to the group. Troy provided an overview of the roles of the Councillors and Council officers

under delegation. The Councillors are passionate about hearing the views of the community and put across their views at the Council meetings.

A2. Housekeeping

Sylvia provided an overview of the amenities and the evacuation procedures for the Harvard Room, Tweed Heads Administration Office.

A3. Introductions - Youth Council, Council Officers, Councillors

Sylvia introduced herself to the Youth Council and advised she will be their main contact at Council throughout the year. Sylvia provided the Youth Council with a folder containing a handbook and information pack which sets out comprehensive information regarding the objectives and aims of the Youth Council and structure of the Council, and encouraged them to read through the material.

Council officers in attendance introduced themselves and provided a brief overview of their roles at Council. Shawn advised that he is assisting Sylvia with the creation of the Youth Council portal on Council's website.

A4. What would you like to gain from your Youth Council involvement - Youth Council

Troy asked that as well as the above question, each member also answer the following question: *If it was possible for one more facility for youth in the Shire, what would it be and where would you put it?*

Jaime advised that she is passionate regarding homelessness and would like to focus on this issue. Jaime would like to see another sports field in Murwillumbah.

Jack advised that he was a member of Youth Frontiers last year and his particular interest was in relation to senior members of the community and the financial pressures they are experiencing due to the cost of electricity. This year he would like to look at university costs and why they are increasing. Jack would like to see a new high school at Pottsville.

Jessica advised that she would like to better understand the functions of council. Jessica would like to see more opportunities of activities and engagement for young people in small towns.

Hannah advised she would like to help those who are feeling depressed and raise suicide awareness in the Tweed area as it is taking a toll on young people and how they feel. Hannah would like to see a centre where young people can get help and see a psychologist for free.

Chloe believes it is important to focus on young people as they are the next generation. She would also like to make a difference eg. climate change. Chloe would like a community hall with youth festivals in less populated areas.

Zoe advised that she has an interest in supporting sexual issues for young people, mental health, particularly depression and anxiety, and climate change. Zoe would like to see better public transport eg. train to Brisbane as there are more activities, universities and opportunities for young people.

Ethan advised he would like to be more involved with young people in the Shire focusing on mental health and the definition of mental health, as many people don't understand how

they feel. Ethan would like to see the clean-up of a facility such as Knox Park and would like a train from Tweed Heads South to Brisbane.

Nava would like to find out more about the community and to fully understand how everything works. She is also interested in mental health and defining what mental health is and has been collaborating to have a 'UROK' day at school looking at depression and anxiety to show the difference between being sad and depression.

Corey advised that he has an interest in local government and sport with a focus on use of the river for kayaking, water sports, fishing and the impact of the floods. Corey would like some of the sporting facilities in Tweed to be improved to draw more carnivals to the area.

Matthew advised he would like to gain an understanding of Council and collaborate with other schools. He sees there is an issue of rubbish going into the waterways. Matthew would like to see the upgrade of existing parks and used the example of the new park in Kingscliff (Rowan Robinson Park).

Jazmine would like to gain knowledge in the running of the Youth Council and Council as she is a Student Representative Council member at school and would like to bring information to the school to improve things both inside and outside of school. She is also interested in homelessness and mental health. Jazmine would like to see a free facility in the Shire for young people to feel open, safe and be supported.

A5. 2017 Youth Council Highlights - Sylvia Roylance

Sylvia advised that six schools participated in the Youth Council in 2017, with eleven students attending.

Student projects and involvement for 2017:

- A member of the 2017 Youth Council attended the Multicultural Conference in Sydney.
- Drug awareness training - Save a Mate, Red Cross
- Teen Mental Health First Aid - similar to first aid but gives skills to help reach out to a person in need and support them as a peer.
- Platform - selling products and live music. Partnered up with market at Recreation Street, Tweed Heads.
- Fishing project - as a result of a project which commenced in 2017, Josh presented at the Gold Coast Marine Network meeting at SeaWorld, where he is raising awareness of his fishing line debris bin project.
- Wear It Purple Day in collaboration with headspace showed the Real Boy movie followed by Q&A panel.
- Regional Library information disseminated.
- Development of the Les Burger Youth Precinct, Cabarita Beach.
- Draft Community Strategic Plan (copy provided).
- 'Tweed the Future is Ours' - looking towards the future of how Council can support its community.
- Cultural Plan.
- Youth transport services in Tweed.
- Council's Youth Strategy and Action Plan finished December 2017. The Youth Council was formed as a result of the Youth Strategy. The idea of the Youth Council came from young people.

Josh Carpenter arrived at 4.49pm

A6. Election of Chairperson and Deputy Chairperson - Youth Council Speeches and Nominations - Sylvia Roylance

Troy explained the process for election of Council's Mayor and Deputy Mayor.

Four members nominated to be Chairperson:

- Corey advised it would be an honour to be the Chairperson of the Youth Council and that it would be good experience as he would like to run for School Captain.
- Nava advised that it would be an honour to be Chairperson of the Youth Council as it was a wonderful opportunity and she enjoyed being part of leadership. Nava advised that she has an agenda of making a more honest community.
- Jazmine advised it would be honour to be Chairperson of the Youth Council. She is currently in Year 11 and hopes to run for School Capital and the Student Representative Council in 2019, so the experience would be beneficial to her.
- Jaime advised that being Chairperson of the Youth Council would be a great opportunity and she would like to help to make the meetings organised and allow everyone to get their point across. She is passionate about homelessness. Jaime quoted a local politician who said 'Together we can make the Tweed Valley great'.

Neil explained the difference between an open and closed ballot. The Youth Council voted that the ballot be run as a closed ballot. Neil explained the process for running the closed ballot and initialled each of the ballot papers for each round of voting.

Jazmine was voted as Chairperson for the 2018 Youth Council.

Neil advised that the Deputy Chairperson will act as the Chairperson for the meetings if Jazmine is not available.

Corey left the meeting at 5.10pm

Jaime was voted as Deputy Chairperson for the 2018 Youth Council.

A7. Code of Conduct - Neil Baldwin

Sylvia reminded the Youth Council that the Terms of Reference of the Youth Council were discussed at their pre-meetings and that they have been provided with a copy.

The Youth Council members were provided with copies of 'Standards of Conduct for Council Officials' and 'Your Obligations as a Council Committee Member'. Neil provided information to the Youth Council in relation to the Code of Conduct and advised that there have been occasions where members of the public have made a complaint against a member of a Committee of Council. The Youth Council members need to ensure that they treat each other fairly, with respect and not display any harassment.

Neil suggested that the Youth Council Chairperson attend Community Access to provide a five minute presentation to Council following each meeting. Community Access is held immediately prior to each Council meeting, with the next meeting to be held on 22 March 2018.

A8. Emerging Youth Issues, Youth Council

- Accessibility for older people and more services to help older people.
- Drug and alcohol abuse in schools.
- Provide young people with knowledge and education in relation to alcohol and drugs.
- Schools being labelled as drug schools.

A9. Tweed Shire Council - What's on Exhibition - Sylvia Roylance

Future Guest Speakers

What's on Exhibition information is available on Council's website. Details of how to access this information is included in the handbook. Currently on Exhibition: Rural Lands Strategy and Proposed Road Closure.

Future Guests - headspace, Youth Engagement Officer will be attending the next meeting.

A10. School Community Project Ideas - Youth Council

Sylvia invited the female members of the Youth Council to attend the Council's International Women's Day events on Tuesday 6 March 2018 and provided details. Sylvia advised that she is able to provide transport to the events.

National Youth Week is from 13 – 22 April and Youth Homelessness Matters day is Wednesday 18 April. Several events are planned for this week.

NAIDOC Week - Sports events are held in Arkinstall Park, Tweed Heads South.

A11. School Community Project Presentation - Fishing Line Debris Bin Project (Josh Carpenter)

Josh presented on his fishing line debris bin project. This project was initiated by Josh when he was part of Youth Frontiers three years ago and then continued through the Youth Council last year. Bins were trialled to collect fishing line, hooks and fishing tackle. There are currently two bins as the third bin was stolen. A \$5000 grant has been received which will be used to buy ten bins and to label and logo them. Volunteers are required to empty the bins and to record the information into an Australia-wide database.

Suggestions of opportunities to raise awareness and attract volunteers:

- Media release.
- Survey.
- Facebook page.
- Display at the Home Expo.
- Spread information of the project through schools.

A12. Q & A Session

GB1. Skatepark proposal for Kingscliff

Cr Cooper advised that he has an interest regarding building a skatepark at Kingscliff however he noted that the Youth Council didn't show any interest in this idea. The Youth Council discussed the following issues regarding skateparks:

- Tweed River High has had some lockdowns as a result of violence in the skatepark at Tweed Heads South which then runs into the school grounds. None of the Youth Council members or their friends use the skatepark.
- The skatepark at Knox Park is well used. They believe this is because it has basketball facilities, a seating area and street elements to it, which makes it a hangout area for kids. The Youth Council members advised they have friends who use the skatepark.
- Cr Cooper commented that skateparks need to be open so that behaviours can be observed, they need the right design and accessible.
- Cr Cooper has observed the number of mothers with young children on scooters who use the Murwillumbah skatepark.

Cr Cooper advised that he would be interested to hear from the Youth Council as to their suggestions of how Council listens to the community and ideas for working with Council officers.

Cr Cooper advised that he is also interested in homelessness which is a State Government issue. Homelessness affects people's health and he believes this needs to stop happening by giving people somewhere to live if they can't afford to pay the rent and keeping them in the community as a household rather than living in a car or couch surfing.

A13. National Youth Event Dates 2018 - Proposed Activities

- Youth Week - Friday 13 April to Sunday 22 April 2018
- Youth Homelessness Matters Day - Wednesday 18 April 2018
- Wear It Purple Day - Friday 31 August 2018
- headspace Day (National Mental Health Week) - October 2018

General Business:

Nil.

Jack Lee left the meeting at 6pm

Next Meeting:

The next meeting of the Tweed Shire Youth Council Committee will be held Wednesday 23 May 2018 at Murwillumbah Civic Centre.

The meeting closed at 6.01pm.

EXECUTIVE LEADERSHIP TEAM'S COMMENTS:

Nil.

EXECUTIVE LEADERSHIP 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.

33 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held 9 April 2018

SUBMITTED BY: Recreation Services

mhm



People, places and moving around

Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.2 Places
- 3.2.9 Sporting Fields - To provide a range of accessible sports facilities and major event venues to promote an active and healthy lifestyle.

ROLE: **Leader**

SUMMARY OF REPORT:

The Minutes of the Sports Advisory Committee Meeting held Monday 9 April 2018 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the minutes of the Sports Advisory Committee Meeting held Monday 9 April 2018 be received and noted.

REPORT:

The Minutes of the Sports Advisory Committee Meeting held Monday 11 December 2017 are reproduced as follows for the information of Councillors.

Venue:

Banora Point Community Hall

Time:

5.30pm

Present:

Cr Warren Polglase, Cr Pryce Allsop, Matt McCann, Linton Alford, Bruce Campbell, Gillian Austin

Apologies:

Rob Nienhuis, Helen Rigney, Dion Andrews

Minutes of Previous Meeting:

In the absence of a quorum at the 26 February 2018 meeting, discussion proceeded with notes being taken. It was noted that the Sports Advisory Committee (SAC) would not be able to make any recommendations/resolutions unless a quorum was achieved.

Business Arising:

1. Merv Edwards submitted his resignation to SAC. The committee accepted Merv's resignation and acknowledged the 16 years' service he has provided to our committee as a long standing Committee Member. It was agreed that a gift in the form of a framed 'Hockey Stick' be presented to Merv in recognition of his contribution to the community with a story highlighting his efforts in the Tweed Link.
 2. Raise the Minimum Public Liability Insurance Coverage from \$10,000,000 to \$20,000.00. The committee was in support of increasing the 'Public Liability' insurance for clubs to \$20,000.00 to help safeguard themselves and more importantly their members/players in event of a serious injury occurring. Will invite Council's insurer StateCover running information sessions for the clubs to explain the overall benefits of increasing the insurance.
1. Assets Reserves Trust Fund

Murwillumbah Cricket Club

An email was sent to Murwillumbah Cricket Club on 5th January 2018 (DWS4959035) requesting specific work quotations to progress this application.

Tweed United Football Club

The information which has been requested by the club hasn't been forthcoming. Matt will contact Tweed United Football club to ensure the club still wants to proceed with their funding support application.

Agenda Items:

1. Tumbulgum Rangers Request for a Sports-field Licence Fee Reduction

The Committee members discussed Tumbulgum Rangers Football Club's request for a fee reduction by 50% for winter season usage of Brian Breckenridge Field. The club has only three or four teams at present, therefore the committee voted unanimously to support the clubs request. The fee will greatly assist the club and its members this season and hopefully numbers will grow and make the Rangers more sustainable.

2. Sports-field usage at Pottsville Oval

Pottsville Oval is not a full size field and in past years Tweed Tigers AFL Club has reduced player numbers down from eighteen (18) to fifteen (15) to allow a competitive game of AFL to take place. The field is too small to hold senior cricket matches as the risk of a ball being hit into adjoining vehicular or pedestrian traffic is too great, that being the reason the ground has only hosted junior cricket matches. The supporting infrastructure i.e. field lighting and amenity facilities/change rooms are not up to an appropriate standard to host competitive sport.

Tweed Tigers AFL Club will play the majority of this seasons games at Sea Breeze Sports-field in view of moving to Barrie Shepherd Field at Round Mountain next season, this decision is dependent on successful funding grants to cover the construction of appropriate lighting and supporting facilities such as change rooms.

All competitive cricket will also cease being played at Pottsville Oval as will all local games being held at either Seabreeze or Black Rocks (please note regular weekly games presently take place at both venues). The committee voted unanimously in support of not using Pottsville Oval for competitive club sport for the reasons mentioned above.

3. Office of Sport list of current topics and programs

The committee noted the list of programs, and were informed that the Office of Sport has confirmed that they will be driving a range of programs within the Tweed Region.

4. Good Sports - Sporting Club Forum

Good Sports is an Alcohol and Drug Foundation program that works with community sports clubs to reduce the harm associated with excessive alcohol use by club members and fans.

There are 7,000 sporting clubs using this program nationally including local clubs here in Tweed. The free forum is being held on Wednesday 9 May at Seagulls Leagues Club in partnership with NSW Office of Sport, invitations have been extended to all our Tweed sports clubs.

General Business:

5. Request for a list of Sports-field Seasonal Licence Holders

Committee members have requested a list and breakdown of the sports-field licence holders with the associated fee structure. List will be distributed to committee members at our next meeting.

6. Inquiry over future use of Border Park

Bruce Campbell has requested contact be made with the owners of Border Park to establish future use intentions, exploring opportunities of it becoming a public sporting venue/complex. A letter of enquiry is to be drafted to the property owner Coolangatta Airport.

7. Request for a Feasibility Study into an Upgrade/Development Stan Sercombe Field, Murwillumbah

Cr Pryce Allsop made mention of the current grant opportunities which has become available through the NSW State Government 'Poles and Wires' sale. He discussed the idea of upgrading the aging Stan Sercombe Field and transforming it into a venue that can host large sporting fixtures and entertainment events. The field currently forms part of the Murwillumbah Sporting Hub, surrounded by hockey, cricket and AFL, which lends to the opportunity of building a venue which may increase tourism and the local business economy. It has been suggested that a Feasibility Study be undertaken to help ascertain whether this would be a viable option for Council and the Tweed community.

Next Meeting:

The next meeting of the Sports Advisory Committee will be held Monday 18 June 2018.

The meeting closed at 6.45pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - adopted 21 August 2012 (ECM2846627).

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

34 [SUB-EAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 18 April 2018

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: Advocate

SUMMARY OF REPORT:

The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 18 April 2018 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Equal Access Advisory Committee Meeting held Wednesday 18 April 2018 be received and noted.

REPORT:

The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 18 April 2018 are reproduced as follows for the information of Councillors.

Venue:

Banora Point Community Centre

Time:

10.00am

Present:

Wendy Gilbertt (Chair), Prospero Aplet, Una Cowdroy, Nathan Quinell, Chris Vannucci (Community Representatives); Cr Warren Polglase, Karen Collins, Chantelle Howse, Robyn Grigg (Tweed Shire Council) (Minutes).

Apologies:

Milena Morrow, Suzanne Hudson (Community Representatives) Alana Brookes, Rob Noakes, Gabby Arthur (Tweed Shire Council).

Minutes of Previous Meeting:

Moved: Chris Vannucci

Seconded: Una Cowdroy

RESOLVED that the Minutes of the Equal Access Advisory Committee meeting held Wednesday 21 February 2018 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

Outstanding Matters Report:

OM1. Future Recruitment Strategy for EAAC Members

Advisory Committees of Council are included in the draft Engagement Strategy so no action is required to be taken until the Strategy is endorsed by Council.

OM2. Accessible parking by Berkleys Lane, Pottsville

Alana and Karen visited the site and Alana has developed a proposal for discussion with the Pottsville Community Association. An update will be provided at the June meeting

Action: Alana Brooks

OM5. NDIS Roll out

Robyn will investigate what is possible on Council's website in supporting the NDIS roll out through information and links.

Action: Robyn Grigg

Community Services staff will be invited to give an update at the June meeting.

Action: Gabby Arthur

Agenda Items:

A1. NDIS roll out

Wendy gave an update on issues relating to the roll out of the NDIS from the perspective of Ability Links. An emerging issue is the difficulty for participants finding out what services are available to help them activate their plans.

A2. Access and Inclusion Planning (Disability Inclusion Action Plan)

Karen gave an update about the consultation for the next plan. Community consultation has commenced via targeted focus groups. *Yoursaytweed* website will be open to the public in the next two weeks where there will be two surveys available, one for the general public and a detailed survey for people with disabilities, their carers and families. People can also register as a *yoursaytweed* contributor and participate in an online discussion group. Karen is also finalising an Easy English version of the survey.

A3. Tweed Link - Access All Areas

The April/May column will focus on the community consultation for the next Access and Inclusion Plan.

A4. Access and Inclusion Awards

Karen provided an update on this year's events for International Day of People with Disabilities. The Access and Inclusion Awards will be held at Seagulls Club on 3 December. The Festival of Belonging will be held to coincide with the Social Markets at Jack Evans Boat Harbour in November.

A5. Access Funds

No change since last meeting

General Business:

GB1. Southern Cross University Lecture Invitation

Karen and committee members gave an update about the lectures delivered to Bachelor of Social Welfare students at Southern Cross University in March. Karen, Una, Prospero, Suzy and Nate delivered a lecture on the issues and barriers experienced by people with disability on 20 March and Karen delivered a lecture on social justice and social inclusion for people with disabilities on 27 March. The feedback from students was very positive.

GB2. QLD Rail and outcome of DDA claim from Human Rights Commission

Correspondence from Bill McKinnarney was tabled alerting the committee to the outcome of a Disability Discrimination claim regarding new rolling stock for QLD Rail. The Human Rights Commission rejected the request from QLD government to postpone bringing all new rolling stock up to the current transport standards for accessible travel until after the Commonwealth Games.

GB3. Easy English course to be held in Tweed Heads

Karen informed the committee that the course on writing in Easy English she attended in 2017 will be available in Tweed Heads in July.

GB4. Beach access at new Kingscliff Park

Karen informed the committee that enquiries have been received about access to the beach from the new Kingscliff Central Park (Rowan Robinson Park). There are engineering

reasons why wheelchair access could not be provided from the new park due to the construction of the sea wall. Stage Two of the redevelopment of the Kingscliff foreshore on the southern side of the Cudgen Headland SLSC will include upgraded access to the park and the beach. This area is more stable and level and can provide better access.

GB6. Consultation discussion with EAAC for the next Access and Inclusion Plan
Karen carried out a focus group discussion with committee members as part of the community consultation for the next Access and Inclusion Plan. The information gathered will be included in the results of the consultation to inform the development of the Plan.

Next Meeting:

The next meeting of the Equal Access Advisory Committee will be held Wednesday 20 June 2018.

The meeting closed at 12noon.

EXECUTIVE LEADERSHIP TEAM'S COMMENTS:

Nil.

EXECUTIVE LEADERSHIP TEAM'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - Equal Access Advisory Committee adopted 12 December 2013
(ECM2847116)

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.

35 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 19 April 2018

SUBMITTED BY: Roads and Stormwater

mhm



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

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Advocate

SUMMARY OF REPORT:

The Minutes of the Local Traffic Committee Meeting held Thursday 19 April 2018 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

1. **The Minutes of the Local Traffic Committee Meeting held Thursday 19 April 2018 be received and noted; and**
2. **The Executive Leadership Team's recommendations be adopted as follows:**

SECTION A - FORMAL ITEMS SECTION - DELEGATIONS FOR REGULATORY DEVICES FOR ENDORSEMENT BY COUNCIL:

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES - MURWILLUMBAH

A1 [LTC] Proudfoots Lane, Murwillumbah

That the "No Stopping" signs on Proudfoots Lane, Murwillumbah behind 128 Murwillumbah Street be removed.

A2 [LTC] Battle Recharge - 25 to 29 July 2018

That the proposed Battle Recharge on Wednesday 25 July to Sunday 29 July 2018 be supported subject to:

- 1. NSW Police approval being obtained.***
- 2. Endorsement of the event by Cycling/Triathlon NSW.***
- 3. Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.***
- 4. Community and affected business consultation addressing raised concerns.***
- 5. The event organiser notifies Tweed Shire residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.***
- 6. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.***
- 7. Adequate public liability insurance being held by the event organiser.***
- 8. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.***
- 9. Consultation with emergency services and any identified issues addressed.***
- 10. Arrangements made for private property access and egress affected by the event.***
- 11. That the applicant organise for the event to be listed on Council's Calendar of Events web page. Go to www.tweed.nsw.gov.au Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.***
- 12. The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.***
- 13. The event be conducted in accordance with the current RMS Guidelines for Bicycle Road Races to ensure consistency across the network.***
- 14. A report be provided to Council, by the event organiser, within 2 weeks of conduct of the event, showing compliance with the above conditions.***

DELEGATIONS FOR REGULATORY DEVICES - TWEED HEADS

A3 [LTC] Hogans Road, Upper Duroby

That the signage on Hogans Road approaching the creek crossing near Gumbleton Road be upgraded to reflect the current Australian Standard AS1742.2 Clause 4.6.6.1 which shows a "Road Narrows" symbol with a one lane plate and a "No Overtaking or Passing on Bridge" sign.

A5 [LTC] Collier Street and The Village Lane, Cudgen

That yellow “No Stopping” lines be installed at the intersection of The Village Lane and Collier Street to reinforce the existing road rule that prohibits parking within ten metres of an intersection.

REPORT:

The Minutes of the Local Traffic Committee Meeting held Thursday 19 April 2018 are reproduced as follows for the information of Councillors.

VENUE:

Mt Warning Meeting Room

TIME:

Commencing at 10.40am

PRESENT:

Committee Members: Mr Peter Stevens, Roads and Maritime Services of NSW (via conference call), Sgt. Luke Blissett, NSW Police, Mr Col Brooks on behalf of Mr Thomas George MP, Member for Lismore, Mr Rod Bates on behalf of Mr Geoff Provest MP, Member for Tweed, Cr Pryce Allsop on behalf of Cr James Owen.

Informal: Mr Ray Clark (Chairman), Alana Brooks, Cr Chris Cherry, Ms Judith Finch (Minutes).

APOLOGIES:

Cr James Owen, Mr Thomas George, Mr Geoff Provest, Mr Nick Tzannes.

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MIN1 [LTC-MIN] Confirmation of Previous Minutes Meeting held 22 March 2018

RESOLVED that the Minutes of the Local Traffic Committee Meeting held Thursday 22 March 2018 be adopted as a true and accurate record of proceedings of that meeting.

FOR VOTE - Unanimous

SCHEDULE OF OUTSTANDING RESOLUTIONS

SCH1 [LTC-SOR] Schedule of Outstanding Resolutions 19 April 2018

From Meeting held 20 July 2017

[LTC] Berkleys Lane, Pottsville (A4)

ORIGIN:

Roads & Stormwater

FILE NO: ECM 4616799; Traffic - Committee; Traffic - Parking Zones; Disability/Accessibility Issues; Berkleys Lane

SUMMARY OF REPORT:

Request received for a designated disabled car parking space outside the ATM on Berkleys Lane, Pottsville.

Currently an accessible parking space is provided in the car park close to Coronation Avenue and this request is to remove that space and install it adjacent to the newsagency.

RECOMMENDATION TO COUNCIL:

That:

1. The installation of an accessible car space in the Berkleys Lane carpark, adjacent to the newsagency is supported, subject to funding and support of the adjacent businesses.
2. The existing accessible car space in the Berkleys Lane carpark adjacent to Coronation Avenue be removed, subject to Item 1 above.

At the Council meeting held 17 August 2017 an amendment was made and carried to Item 2 of the Recommendation which became:

2. Consultation be held with Council's Access and Inclusion Committee and Pottsville Community Association to seek their concurrence for the removal of the existing accessible car space in the Berkleys Lane carpark adjacent to Coronation Avenue.

Since then a further email (dated 7 September 2017) has been received from the Pottsville Community Association advising that:

"I am to understand Council has approved the addition of a parking spot on the shop side of Berkley's lane. Previously we had identified out the front of the newsagency as a suitable location, however at our August meeting the membership clarified it would be better suited for ease of access and less congestion to be at the parking bay area closest to Coronation Avenue, on the Berkley's Lane shop side.

Unfortunately it appears our previous committee incorrectly advised this additional disabled parking space was to replace the current parking space on the Ambrose Brown Oval side of Berkley's Lane. The membership discussed this error in our August meeting and agreed the Association write to you to clarify that our intention was to maintain the Ambrose Brown Oval side disabled parking bay AND request an additional disabled parking space as per details above. So in effect there would be two disabled parking bay spaces in Berkley Lane due to the need, and lack of suitable spaces nearby.

I apologise for this miscommunication and await your advice on the basis of this email."

From meeting held 19 October 2017:

The Road Safety Officer advised that this item and the similar request to reallocate the accessible parking bay in Murwillumbah Street was discussed at the Equal Access Advisory Committee meeting held on 18 October 2017. The members advised that a review of all CBD accessible parking should be carried out and that individual spaces should remain in place until the review has been completed.

From meeting held 22 March 2018:

A plan was tabled at the meeting for review which shows two accessible parking bays and a shared zone on the western side of the car park adjacent to the shops, the conversion of the existing accessible parking space to general parking and the installation of two new general car parking spaces. The plan was developed in consultation with the Access Committee and adjacent businesses.

Current Status: *That Item Berkleys Lane, Pottsville - Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 22 February 2018 remain on the list of Outstanding Resolutions.*

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 20 July 2017 (Item A4).

From meeting held 19 April 2018:

The Road Safety Officer advised that the community has raised concerns with the new configuration of accessible parking and will advise further after attending a meeting today.

From meeting held 22 March 2018

[LTC] Minjungbal Drive and Shallow Bay Drive Tweed Heads South

ORIGIN:
Roads & Stormwater

FILE NO: ECM5131570; Traffic - Committee; Pedestrian Crossings; Safety; Minjungbal Drive; Shallow Bay Drive; Traffic - Lights

SUMMARY OF REPORT:

Request received regarding pedestrians and vehicles at the corner of Minjungbal Drive and Shallow Bay Drive, Tweed Heads South. It has been reported that there *"have been several near misses with cars and pedestrians"* at this location. Vehicles heading south along Minjungbal Drive and turning left into Shallow Bay Drive are not aware pedestrians are crossing and it is suggested by pedestrians that a left turning arrow could be installed to make it safer to cross.

The Chairperson requested that this item be moved to Outstanding Resolutions pending RMS advice.

COMMITTEE ADVICE:

That the intersection of Minjungbal Drive and Shallow Bay Drive be forwarded to RMS for potential signal upgrade.

Current Status: *That Item Minjungbal Drive and Shallow Bay Drive Tweed Heads South be moved to Schedule of Outstanding Resolutions pending RMS advice.*

BUSINESS ARISING

Nil.

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES - MURWILLUMBAH

A1 [LTC] Proudfoots Lane, Murwillumbah

ORIGIN:

Roads & Stormwater

FILE NO: ECM 5198185; Traffic - Committee, Parking Zones; Proudfoots Lane, Murwillumbah

SUMMARY OF REPORT:

The shop owner of 128 Murwillumbah Street, Murwillumbah has requested that the existing "No Stopping" signs be removed behind his shop in Proudfoots Lane, Murwillumbah. Their business vehicles have been parked on his property behind the "No Stopping" signs for years but were recently booked by Parking Inspectors. At the time the vehicles were straddling the gutter and parked contrary to the road rules.

There is no safety reason to warrant the "No Stopping" signs at this location and property owners may need to consider their own signage to prevent public vehicles obstructing their driveway if the "No Stopping" signs are removed.

RECOMMENDATION TO COUNCIL:

That the "No Stopping" signs on Proudfoots Lane, Murwillumbah behind 128 Murwillumbah Street be removed.

FOR VOTE - Mr Col Brooks on behalf of Mr Thomas George, MP Member for Lismore, Mr Peter Stevens, Roads & Maritime Services, Sgt Luke Blissett, Cr Pryce Allsop

A2 [LTC] Battle Recharge - 25 to 29 July 2018

ORIGIN:

Roads & Stormwater

FILE NO: ECM 5204260; Traffic - Committee; Festivals/Events - Other; Road Closures - Temporary; Duranbah Road, Tweed Valley Way, Clothiers Creek Road, Eviron Road, Stokers Road, Tweed Valley Way, Bakers Road, Coolman Street, Wollumbin Street, Coodgie Street, Tyalgum Road, Kyogle Road, Park Avenue, North Arm Road, Numinbah Road, Zara Road, Limpinwood Road, Murwillumbah Street, Wharf Street, Tumbulgum Road, Cane Road, Racecourse Road, Lundberg Drive, Honeyeater Circuit, Kite Crescent

SUMMARY OF REPORT:

Request received for temporary or partial road closures for Battle Recharge, being held from 25 to 29 July 2018.

Temporary road closure applications have been received for:

Wednesday 25 July from 7.00am to 11.00am - Road Race

- There will be a rolling road closure under the convoy at approximately 45km to 60km per hour.
- Intersections will be closed to allow the convoy to pass for two to seven minutes.
- Roads affected include Duranbah Road, Tweed Valley Way, Clothiers Creek Road and Eviron Road.

Thursday 26 July from 7.00am to 11.00am - Road Race

- There will be a rolling road closure under the convoy at approximately 35km to 60km per hour.
- Intersections will be closed to allow the convoy to pass for two to seven minutes.
- Roads affected include Stokers Road, Tweed Valley Way and Bakers Road.

Friday 27 July from 7.00am to 4.30pm - Road Race

- Coolman Street and Wollumbin Street at Tyalgum will be temporarily closed to allow the race to start and finish.
- Inbound traffic through Tyalgum will be detoured via Wollumbin Street.

Friday 27 July from 7.00am to 4.30pm - Road Race

- There will be a rolling road closure under the convoy at approximately 45km to 60km per hour.
- Intersections will be closed to allow the convoy to pass for two to seven minutes.
- Roads affected include Coodgie Street, Wollumbin Street, Tyalgum Road, Kyogle Road, Park Avenue, North Arm Road, Numinbah Road, Zara Road and Limpinwood Road.

Saturday 28 July from 7.00am to 4.30pm - Road Race

- Coolman Street and Wollumbin Street at Tyalgum will be temporarily closed to allow the race to start and finish.
- Inbound traffic through Tyalgum will be detoured via Wollumbin Street.
- Racing will be undertaken in an anti-clockwise direction.

Saturday 28 July from 7.00am to 4.30pm - Road Race

- There will be a rolling road closure under the convoy at approximately 35km to 60km per hour.
- Intersections will be closed to allow the convoy to pass for two to seven minutes.

- Roads affected include Coodgie Street, Wollumbin Street, Tyalgum Road, Kyogle Road, Park Avenue, North Arm Road, Numinbah Road, Zara Road, Limpinwood Road.
- Racing will be undertaken in a clockwise direction.

Sunday 29 July from 6.45am to 11.00am - Team and Individual Time Trial

- Murwillumbah Street, Wharf Street, Tumbulgum Road, Cane Road and Racecourse Road will be closed during time trail racing.
- Local residents will have access with escorts.

Sunday 29 July from 10.00am - 4.30pm - Criterium

- Lundberg Drive, Honeyeater Circuit and Kite Crescent will be closed during the Criterium.
- Local businesses will have access with escorts.

RECOMMENDATION TO COUNCIL:

That the proposed Battle Recharge on Wednesday 25 July to Sunday 29 July 2018 be supported subject to:

1. NSW Police approval being obtained.
2. Endorsement of the event by Cycling/Triathlon NSW.
3. Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.
4. Community and affected business consultation addressing raised concerns.
5. The event organiser notifies Tweed Shire residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.
6. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.
7. Adequate public liability insurance being held by the event organiser.
8. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.
9. Consultation with emergency services and any identified issues addressed.
10. Arrangements made for private property access and egress affected by the event.
11. That the applicant organise for the event to be listed on Council's Calendar of Events web page. Go to www.tweed.nsw.gov.au Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.
12. The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.
13. The event be conducted in accordance with the current RMS Guidelines for Bicycle Road Races to ensure consistency across the network.
14. A report be provided to Council, by the event organiser, within 2 weeks of conduct of the event, showing compliance with the above conditions.

FOR VOTE - Mr Col Brooks on behalf of Mr Thomas George, MP, Member for Lismore, Mr Peter Stevens, Roads & Maritime Services, Sgt Luke Blissett, Cr Pryce Allsop

DELEGATIONS FOR REGULATORY DEVICES - TWEED HEADS

A3 [LTC] Hogans Road, Upper Duroby

ORIGIN:
Roads & Stormwater

FILE NO: ECM 5124876; Traffic - Committee; Safety; Directional Signs; Linemarking;
Hogans Road, Upper Duroby

SUMMARY OF REPORT:

Request received for a "Give Way Sign Ahead" sign on Hogans Road near Gumbleton Road and a "Give Way" sign at the creek crossing on the Bilambil side. Customer has also requested a centre line to be installed.

There is insufficient lane width to install a give way holding line on the approaches to the creek crossing. During the inspection it was noted that the signage could be improved to better warn motorists of the narrow creek crossing.

RECOMMENDATION TO COUNCIL:

That the signage on Hogans Road approaching the creek crossing near Gumbleton Road be upgraded to reflect the current Australian Standard AS1742.2 Clause 4.6.6.1 which shows a "Road Narrows" symbol with a one lane plate and a "No Overtaking or Passing on Bridge" sign.

FOR VOTE - Mr Rod Bates on behalf of Mr Geoff Provest, MP, Member for Tweed, Mr Peter Stevens, Roads & Maritime Services, Sgt Luke Blissett, Cr Pryce Allsop

A4 Item A4 was moved to B7 at the request of the Chairperson

A5 [LTC] Collier Street and The Village Lane, Cudgen

ORIGIN:
Roads & Stormwater

FILE NO: ECM 5199327; Traffic - Committee, Linemarking, Parking Zones; School -
Cudgen Public; Collier Street; The Village Lane, Cudgen

SUMMARY OF REPORT:

Cudgen Primary School's WHS Officer has requested yellow "No Stopping" lines be painted at the intersection of Collier Street and The Village Lane, Cudgen. Parking at this location prevents the bus from entering The Village Lane, after dropping off and picking up children from Cudgen Primary School.

Following this report, Council Officers inspected the afternoon pick up and observed the bus being delayed for ten minutes before a parent moved their vehicle in Village Lane.

RECOMMENDATION TO COUNCIL:

That yellow "No Stopping" lines be installed at the intersection of The Village Lane and Collier Street to reinforce the existing road rule that prohibits parking within ten metres of an intersection.

FOR VOTE - Mr Peter Stevens, Roads & Maritime Services, Mr Rod Bates on behalf of Mr Geoff Provest, MP, Member for Tweed, Sgt Luke Blissett, Cr Pryce Allsop

B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE - MURWILLUMBAH

B1 [LTC] George Street, Murwillumbah

ORIGIN:
Roads & Stormwater

FILE NO: ECM 5198172; TRA18/0007; Pedestrian Safety; Traffic - Committee, Safety; Roads - Maintenance Program; George Street, Murwillumbah

SUMMARY OF REPORT:

Traffic safety issues reported on Council's website:

"This is an ongoing problem in George Street Murwillumbah, pot holes in the road, speeding drivers, dangerous divided road section for both residents and pedestrians."

The lane widths are very narrow over the crest (2.6m) and the residents report difficulty backing out of their driveways. This issue has been considered previously by the Local Traffic Committee and resulted in upgrades to the signage. There have been no reported crashes on this section of George Street, however there was one crash last week where the driver's brakes reportedly locked up coming down the hill from Peter Street and crashed into the timber fence on George Street. Council officers are investigating a guard rail at this location and will install if there is sufficient space and funds.

The residents at 20 and 22 George Street could upgrade their driveway accesses to improve safety when entering and exiting. Council's advisory radar could be placed in this vicinity to remind drivers of the prevailing speed limit.

COMMITTEE ADVICE:

That the customers at 20 and 22 George Street, Murwillumbah consider widening their driveway access to improve ingress and egress from the property and that Council's speed advisory radar be placed in this vicinity when available.

B2 [LTC] Tweed Valley Way, South Murwillumbah

ORIGIN:
Roads & Stormwater

FILE NO: ECM 5160650; Traffic - Committee; Traffic - Parking Zones; Traffic - Safety;
Tweed Valley Way, South Murwillumbah

SUMMARY OF REPORT:

Request received for a "No Parking" zone or a 2 hour limited parking zone outside 303 Tweed Valley Way, South Murwillumbah due to near accidents occurring and safety concerns.

Installing 2 hour parking limits would not improve safety as vehicles would still be able to park in this area.

Site inspections indicated that vehicles parked on the nature strip are blocking sight distance for drivers exiting the garage. This issue has been addressed in the past with enforcement by Council's rangers.

COMMITTEE ADVICE:

That the request for a "No Parking" zone or 2 hour parking zone outside 303 Tweed Valley Way, South Murwillumbah is not supported and Council's rangers be requested to include the area for enforcement in relation to parking on the nature strip in front of the garage.

Mr Col Brooks left the meeting at 11.40am

GENERAL TRAFFIC ADVICE - TWEED HEADS

B3 [LTC] Parry Street and Seymour Street, Tweed Heads South

ORIGIN:
Roads & Stormwater

FILE NO: ECM 5096430; Traffic - Committee; Traffic - Linemarking; Traffic - Safety;
Parry Street; Seymour Street

SUMMARY OF REPORT:

Request received for yellow line to be installed from outside 8 Parry Street to the corner of Parry and Seymour Streets to improve and traffic safety. The customer advised that there was a serious crash at the intersection on 7 February 2018. A review of Council's crash history in this area does not reveal significant crash history at this intersection.

COMMITTEE ADVICE:

That prohibitive parking signage or linemarking is not supported adjacent to the driveway at 8 Parry Street, Tweed Heads South as prohibitive parking is not generally installed for private property access unless there is a significant safety concern. Site inspections indicate that the sight distance exiting 8 Parry Street is commensurate with other driveways in the area and appropriate for the speed limit.

B4 [LTC] Booths Road, Farrants Hill

ORIGIN:
Roads & Stormwater

FILE NO: ECM 5161852; Traffic - Committee; Weight of Vehicles; Pedestrian Safety;
Booths Road

SUMMARY OF REPORT:

Request received seeking weight and length classification for Booths Road to be changed due to the road being damaged and pedestrian safety concerns.

Booths Road is a very low volume "no through" road of which Council maintains the first 400m. The recent heavy vehicle damage to the bitumen surface has since been repaired by the responsible person. There are no structural issues associated with the road that would warrant a reduced weight limit and it would be expected that there would be occasional heavy vehicle usage on the road.

*Judith Finch left the meeting at 12.45pm and
Linda Cooper took over minute taking*

COMMITTEE ADVICE:

That installing a reduced weight limit on Booths Road, Farrants Hill is not supported as there are no structural issues associated with the road that would warrant a reduced weight limit and it would be expected that there would be occasional heavy vehicle usage on the road.

B5 [LTC] Murraba Crescent, Tweed Heads

ORIGIN:
Roads & Stormwater

FILE NO: ECM 5195650; Traffic - Committee; Safety, Parking Zones; Murraba Crescent,
Tweed Heads

SUMMARY OF REPORT:

Request received for a "No Parking" zone to be installed for ten metres along the kerb on the bend of 7 Murraba Crescent, Tweed Heads due to safety concerns.

The road is in a residential area where there is no through traffic. Drivers are expected to drive to conditions.

COMMITTEE ADVICE:

That the request for a "No Parking" zone to be installed for ten metres along the kerb on the bend on 7 Murraba Crescent, Tweed Heads is not supported.

B6 [LTC] Urliup Road, Bilambil

ORIGIN:
Roads & Stormwater

FILE NO: ECM 5183562; Traffic – Committee; Speed – Zones; Traffic – Signs; Urliup Road, Bilambil; Dulguigan Road, Urliup

SUMMARY OF REPORT:

Request received for a review of the 100km/h speed limit and signage on Urliup Road Bilambil.

The applicant has reported:

"blind narrow bends, blind hill crests, narrow bridges and causeways and gravel sections, making this road extremely 'hairy' to drive on. On sections of this road, it is too narrow for 2 vehicles to pass safely and if these vehicles are traveling at speed as they approach these narrow sections especially on the blind bends, or crests where you cannot see oncoming traffic, of which are numerous along this road, then accidents are inevitable.

The school bus travels this road and collects children enroute to school along the way Monday to Friday, morning and afternoon. Pedestrians and children use this road to walk, cycle and ride horses, and vehicles speed past them without caution often without slowing down. The surrounding roads adjoining Urliup Road, seem to have speed limits of 80km/h. Roads such as Bilambil Road, and Hogan's Road do not seem as narrow, or as widely used by community for walking, riding or cycling yet they have a more realistic speed limit.

I requested the speed limit be reviewed and the speed sign to be repositioned from where it is currently to a more suitable position."

The RMS speed zoning guidelines advise that a 50km/h speed limit should only apply to built-up areas. Whilst an 80km/h speed limit could be considered for the road south of the existing 50km/h signs, the road has numerous tight radius curves with limited sight distance availability, and being a low volume rural road there is limited advisory signage in place.

The most appropriate signage would be the "End 50" with the supplementary "Reduce Speed to Conditions" plate.

Advice is sought from the RMS representative as to the most appropriate speed signage for the Dulguigan Road entrance to Urliup Road as the current speed limit on Dulguigan Road is 100km/h.

COMMITTEE ADVICE:

That advice be provided from the RMS on the appropriate speed zone signage for Urliup Road.

B7 [LTC] Kennedy Drive, Tweed Heads

ORIGIN:
Roads & Stormwater

FILE NO: ECM 5154188; Traffic - Committee; Pedestrian Safety; Pedestrian Crossings; Kennedy Drive, Tweed Heads

SUMMARY OF REPORT:

Request received for improved pedestrian facilities on Kennedy Drive, Tweed Heads in front of Scales Seafood.

The Chairperson requested that this item be moved to the B section of the Minutes.

RECOMMENDATION TO COUNCIL:

That:

1. Pavement arrows be installed on Kennedy Drive adjacent to the median at the intersection with McDonald Street.
2. The gap between the two concrete medians be infilled and signage on the median be reduced to improve pedestrian sight distance.
3. The dashed lines near the existing refuge be replaced with solid lines to prevent vehicle u-turns.

NEXT MEETING:

The next meeting of the Local Traffic Committee will be held Thursday 24 May 2018 in the Mt Warning Meeting Room commencing at 9.30am.

There being no further business the Meeting terminated at 12.05pm.

EXECUTIVE LEADERSHIP TEAM COMMENTS:

SECTION A - FORMAL ITEMS SECTION - DELEGATIONS FOR REGULATORY DEVICES FOR ENDORSEMENT BY COUNCIL:

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES - MURWILLUMBAH

A1 [LTC] Proudfoots Lane, Murwillumbah

Nil.

A2 [LTC] Battle Recharge - 25 to 29 July 2018

Nil.

DELEGATIONS FOR REGULATORY DEVICES - TWEED HEADS

A3 [LTC] Hogans Road, Upper Duroby

Nil.

A5 [LTC] Collier Street and The Village Lane, Cudgen

Nil.

EXECUTIVE LEADERSHIP TEAM RECOMMENDATIONS:

SECTION A - FORMAL ITEMS SECTION - DELEGATIONS FOR REGULATORY DEVICES FOR ENDORSEMENT BY COUNCIL:

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES - MURWILLUMBAH

A1 [LTC] Proudfoots Lane, Murwillumbah

That the "No Stopping" signs on Proudfoots Lane, Murwillumbah behind 128 Murwillumbah Street be removed.

A2 [LTC] Battle Recharge - 25 to 29 July 2018

That the proposed Battle Recharge on Wednesday 25 July to Sunday 29 July 2018 be supported subject to:

1. NSW Police approval being obtained.
2. Endorsement of the event by Cycling/Triathlon NSW.
3. Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.
4. Community and affected business consultation addressing raised concerns.
5. The event organiser notifies Tweed Shire residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.
6. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.
7. Adequate public liability insurance being held by the event organiser.
8. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.
9. Consultation with emergency services and any identified issues addressed.
10. Arrangements made for private property access and egress affected by the event.
11. That the applicant organise for the event to be listed on Council's Calendar of Events web page. Go to www.tweed.nsw.gov.au Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.

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13. The event be conducted in accordance with the current RMS Guidelines for Bicycle Road Races to ensure consistency across the network.
14. A report be provided to Council, by the event organiser, within 2 weeks of conduct of the event, showing compliance with the above conditions.

DELEGATIONS FOR REGULATORY DEVICES - TWEED HEADS

A3 [LTC] Hogans Road, Upper Duroby

That the signage on Hogans Road approaching the creek crossing near Gumbleton Road be upgraded to reflect the current Australian Standard AS1742.2 Clause 4.6.6.1 which shows a "Road Narrows" symbol with a one lane plate and a "No Overtaking or Passing on Bridge" sign.

A5 [LTC] Collier Street and The Village Lane, Cudgen

That yellow "No Stopping" lines be installed at the intersection of The Village Lane and Collier Street to reinforce the existing road rule that prohibits parking within ten metres of an intersection.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C1 [E-CM] Clarrie Hall Dam - Land Acquisition - 511 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**

MAYORAL MINUTE IN COMMITTEE

C2 [MM-CM] Contract of Employment for Position of General Manager

REASON FOR CONFIDENTIALITY:

This report details the process for negotiation and execution of a new contract of employment for the position of General Manager in Council.

Local Government Act

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

- (a) personnel matters concerning particular individuals (other than Councillors).

mhm



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**

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