



TWEED
SHIRE COUNCIL

Mayor: Cr K Milne

Councillors: G Bagnall (Deputy Mayor)
C Byrne
B Longland
W Polglase
P Youngblutt

Agenda

Ordinary Council Meeting Thursday 19 May 2016

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

COUNCIL'S CHARTER

Tweed Shire Council's charter comprises a set of principles that are to guide Council in the carrying out of its functions, in accordance with Section 8 of the Local Government Act, 1993.

Tweed Shire Council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- to exercise community leadership;
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism;
- to promote and to provide and plan for the needs of children;
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- to have regard to the long term and cumulative effects of its decisions;
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government;
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
- to keep the local community and the State government (and through it, the wider community) informed about its activities;
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected;
- to be a responsible employer.

Items for Consideration of Council:

ITEM	PRECIS	PAGE
	CONFIRMATION OF MINUTES	7
1	[CONMIN-CM] Confirmation of Minutes of Ordinary and Confidential Council Meeting held Thursday 21 April 2016	7
2	[CONMIN-CM] Confirmation of Minutes of the Ordinary Council Meeting held Thursday 5 May 2016	9
3	[CONMIN-EXT] Confirmation of Minutes of Extraordinary Council Meeting held Monday 9 May 2016	11
	SCHEDULE OF OUTSTANDING RESOLUTIONS	13
4	[SOR-CM] Schedule of Outstanding Resolutions	13
	MAYORAL MINUTE	20
5	[MM-CM] Mayoral Minute for April 2016	20
	RECEIPT OF PETITIONS	24
6	[ROP-CM] Receipt of Petitions	24
	REPORTS THROUGH THE GENERAL MANAGER	26
	REPORTS FROM THE DIRECTOR PLANNING AND REGULATION	26
7	[PR-CM] Dinner in the Sky Jack Evans Boat Harbour	28
	REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES	34
8	[CNR-CM] Vegetation Vandalism on Public Land - Revised Policy for Adoption	34
9	[CNR-CM] Review of Environmental Protection Zones	37
10	[CNR-CM] Pest Management Report - December 2015 to March 2016	46
11	[CNR-CM] Allocation of Community Sponsorship	53
12	[CNR-CM] Composition of Community Halls Advisory Committee	57
13	[CNR-CM] Progress on Tweed Shire Council's Community Infrastructure Framework	60
14	[CNR-CM] A Review of the Need for a Cultural Precinct and Convention Centre at Tweed Heads	70
	REPORTS FROM THE DIRECTOR ENGINEERING	81
15	[E-CM] RFO2016027 Supply of Road Construction Quarry Materials (Panel of Providers)	81
16	[E-CM] RFO2016060 Road Pavement Stabilisation Program	86

	2015/2016	
17	[E-CM] RFO2016014 Kennedy Drive Stage 3 Asphalt Reconstruction Works	88
18	[E-CM] RFO2016005 Supply of One (1) Medium Commercial Truck Cab Chassis and Build and Supply of Service Body	92
19	[E-CM] RFO2016011 Supply of One (1) Medium Commercial Truck Cab Chassis and Build and Supply of Service Body	97
20	[E-CM] RFO2016061 Tweed Shire Council Road Rehabilitation Program 2015/2016 Asphalt works	102
21	[E-CM] Town and Village Entry Signage - Traditional Place Names	104
22	[E-CM] Painted Handrails - Kyogle Road Bridge, Uki	110
23	[E-CM] Water Supply and Sewerage Benchmarking Report 2014-2015	115
24	[E-CM] Creation of Easement to Drain Sewage Over Lot 2 DP 1192152, Sedalia Place, Banora Point	121
25	[E-CM] Easement for Drainage - 218 Kennedy Drive, Tweed Heads West	124
	REPORTS FROM THE DIRECTOR CORPORATE SERVICES	128
26	[CS-CM] Volunteer Policy Version 2.1	128
27	[CS-CM] Draft Events Sponsorship Policy, Version 1.0	138
28	[CS-CM] TASTE of Kingscliff and Tweed Coast Festival, July 2016 - Request for Funding	143
29	[CS-CM] RFO2016037 Printing of Rates, Water and Sundry Debtor Notices	147
30	[CS-CM] Quarterly Budget Review - March 2016	152
31	[CS-CM] Corporate Quarterly Performance Report 1 January to 31 March 2016	172
32	[CS-CM] Compliments and Complaints Analysis Report for the Period 1 January to 31 March 2016.	175
33	[CS-CM] Legal Services Register for the Period 1 January to 31 March 2016	181
34	[CS-CM] Monthly Investment and Section 94 Development Contribution Report for Period ending 30 April 2016	189
	REPORTS FROM SUB-COMMITTEES/WORKING GROUPS	192
35	[SUB-TRMAC] Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 11 February 2016	192

36	[SUB-CHAC] Minutes of the Community Halls Advisory Committee Meeting held Monday 22 February, 2016	197
37	[SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 30 March 2016	210
38	[SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 April 2016	214
39	[SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 13 April 2016	229
40	[SUB-LTC] Minutes of the Local Traffic Committee Meeting held 14 April 2016	236
	CONFIDENTIAL ITEMS FOR CONSIDERATION	246
	REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE	246
	REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE	246
C1	[CNR-CM] Stotts Creek Resource Recovery Centre - Landfill Cell Development	246
	REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE	247
C2	[E-CM] Tweed Southern Boatharbour Licences - Houseboat Operators	247

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CONFIRMATION OF MINUTES

- 1 [CONMIN-CM] Confirmation of Minutes of Ordinary and Confidential Council Meeting held Thursday 21 April 2016

SUBMITTED BY: Corporate Governance



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

The Minutes of the Ordinary and Confidential Council Meeting held Thursday 21 April 2016 are attached for information and adoption by Council.

RECOMMENDATION:

That:

1. **The Minutes of the Ordinary and Confidential Council Meetings held Thursday 21 April 2016 be adopted as a true and accurate record of proceedings of that meeting.**
2. **ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
 - (f) **matters affecting the security of the council, councillors, council staff or council property.**

REPORT:

As per Summary.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice Version 2.5.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

Attachment 1 Minutes of the Ordinary Council Meeting held Thursday 21 April 2016 (ECM 4036060).

(Confidential) Attachment 2 Minutes of the Confidential Council Meeting held Thursday 21 April 2016 (ECM 4035647).

2 [CONMIN-CM] Confirmation of Minutes of the Ordinary Council Meeting held Thursday 5 May 2016

SUBMITTED BY: Corporate Governance



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

The Minutes of the Ordinary Council Meeting held Thursday 5 May 2016 are attached for information and adoption by Council.

RECOMMENDATION:

That the Minutes of the Ordinary and Confidential Council Meetings held Thursday 5 May 2016 be adopted as a true and accurate record of proceedings of that meeting.

REPORT:

As per Summary.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice Version 2.5.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

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Attachment 1

Minutes of the Ordinary Council Meeting held Thursday 5 May 2016 (ECM 4050943).

3 [CONMIN-EXT] Confirmation of Minutes of Extraordinary Council Meeting held Monday 9 May 2016

SUBMITTED BY: Corporate Governance



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

The Minutes of the Extraordinary Council Meeting held Monday 9 May 2016 are attached for information and adoption by Council.

RECOMMENDATION:

That the Minutes of the Extraordinary Council Meeting held Monday 9 May 2016 be adopted as a true and accurate record of proceedings of that meeting.

REPORT:

As per Summary.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice Version 2.5.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

Attachment 1

Minutes of the Extraordinary Council Meeting held Monday 9 May 2016 (ECM 4054106).

SCHEDULE OF OUTSTANDING RESOLUTIONS

4 [SOR-CM] Schedule of Outstanding Resolutions



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

CODE OF MEETING PRACTICE:

Section 2.8 Outstanding Resolutions

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

19 SEPTEMBER 2013

ORDERS OF THE DAY

4 [NOM-Cr B Longland] Aboriginal Employment Strategy

NOTICE OF MOTION:

532

**Cr B Longland
Cr K Milne**

RESOLVED that an Aboriginal Employment Strategy be developed as part of Council's Equal Employment Opportunity Management Plan which sets appropriate targets for Aboriginal employment participation in the organisation and includes annual reporting against these targets. The Aboriginal Employment Strategy should also be included as an element of the yet to be developed Reconciliation Action Plan.

Current Status: The Reconciliation Action Plan (RAP) is currently in draft form and the Director Corporate Services and Director Community and Natural Resources are championing the process internally to provide input into the RAP, including establishing a specific internal working group.

The Reconciliation Action Plan (RAP) is an operational commitment and as such there will be a range of operational projects, including the employment strategy implemented as part of the RAP.

Terms of Reference for the internal workshop group are currently being developed.

Reconciliation Australia will be requested to assist with workshops with staff early in 2016 to explain the purpose of the Reconciliation Action Plan (RAP) and how staff can become involved.

A Council workshop is scheduled for 26 May 2016.

The RAP will be finalised through the Executive Management Team and reported to Council for information by the end June 2016

16 JULY 2015

ORDERS OF THE DAY

31 [NOM] Parking Requirements for Small Businesses

408

Cr K Milne

Cr P Youngblutt

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

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

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

17 SEPTEMBER 2015

38 [NOM] Improving Community Consultation

519

**Cr K Milne
Cr G Bagnall**

RESOLVED that this item be deferred to a future Council meeting to allow the appropriate technology changes to be appraised:

On the Council website, when an item is loaded for 'On Exhibition', to add in a field in for Anticipated Council Determination Meeting (if known): (with a supporting disclaimer that dates may change at any time without notice).

Current Status: Motion to be resubmitted to a future Council meeting, following discussions with the Mayor regarding the intent of this Motion

10 DECEMBER 2015

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

12 [CNR-CM] Council Aquatic Facilities

683

**Cr C Byrne
Cr P Youngblutt**

RESOLVED that:

1. Council notes the options presented in this report and endorses their inclusion in the development of an Aquatic Facilities Business Plan in 2016.
2. The Aquatic Facilities Business Plan 2016 be prepared for a future Council meeting.

Current Status: Aquatic Facilities Business Plan to be prepared for consideration at a future Council meeting.

13 [CNR-CM] Concept Plans and Estimates - South Murwillumbah

686

**Cr K Milne
Cr G Bagnall**

RESOLVED that:

1. Council receives and notes this report on the Concept Plans and Estimates - South Murwillumbah.
2. The stakeholders affected by the three options contained within this report to be consulted through the community engagement process for "Tweed - the Future is Ours".
3. A further report be prepared on the outcome of the consultation process.

Current Status: Community Engagement to be scheduled and a report to be prepared for consideration at a future Council meeting, but this project is currently unfunded and sits behind the renewed priority of Kingscliff Foreshore.

ORDERS OF THE DAY

35 [NOM] Murwillumbah Mural and Graffiti Walk and Riverbank Restoration

711

Cr G Bagnall
Cr K Milne

RESOLVED that Council:

1. Approaches key stakeholder groups that may be interested in advancing the restoration of the remaining degraded vegetation of western riverbank from the Coolamon Centre south to the Commercial Road, Murwillumbah boat ramp, to provide a key visitor experience for Murwillumbah and enhance the entrance to the town as well as showcase the magnificent mural and graffiti walk.
2. Advises the result of those discussions to a future meeting.

Current Status: Report to be prepared following stakeholder discussions.

17 MARCH 2016

ORDERS OF THE DAY

31 [NOM] Western Drainage Scheme

143

**Cr K Milne
Cr G Bagnall**

RESOLVED that Council

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

Current Status: Overview to be undertaken and report to be prepared for a future Council meeting.

32 [NOM] Naming Trees in Parks

144

**Cr K Milne
Cr C Byrne**

RESOLVED that Council brings back a report on the potential of displaying the names of local native trees in two of Council parks to encourage greater knowledge and appreciation of Tweed's local flora.

Current Status: Report to be prepared.

35 [NOM] Library Services

147

**Cr C Byrne
Cr W Polglase**

RESOLVED that Council calls for an urgent Workshop to consider Tweed Shire Council's options as part of the Richmond Tweed Regional Library group and any alternatives available in order to provide sustainable library services to our residents, ratepayers and visitors.

Current Status: Workshop scheduled for 12 May 2016 with representatives from the Richmond Tweed Regional Library group.

36 [NOM] Story Tiled Walls at our Libraries

148

Cr C Byrne
Cr W Polglase

RESOLVED that Council brings back a brief report to a future meeting with respect to the possibility of providing story walls though the sale of personalised tiles (or similar) at our newly refurbished libraries at Murwillumbah and Tweed Heads.

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

21 APRIL 2016

ORDERS OF THE DAY

34 [NOM] Knox Park Toilet Facilities

200

Cr C Byrne
Cr P Youngblutt

RESOLVED that Council explores options for funding the replacement of the two existing amenity blocks at Knox Park, as included in the Knox Park Masterplan, with replacement of these amenities be considered for commencement no later than the end of the 2017/2018 financial year.

Current Status: Consideration to be made in future budgets.

36 [NOM] Management of Flying Foxes

204

Cr G Bagnall
Cr P Youngblutt

RESOLVED that:

1. A report be brought forward that overviews the challenges and opportunities faced by Tweed Shire Council and its community for the management of flying foxes within
-

Tweed Shire with regards to the NSW Office of Environment and Heritage Policy 2015, Flying-Fox Camp Management Policy and draft new templates.

2. The report to include an overview of the existing camps within the Shire:

- Population numbers;
- Camp locations and activities;
- Potential health risks; and

and shall also address:

- Identify potentially suitable for flying fox camps outside of urban areas,
- Limiting impacts on neighbouring houses,
- Appropriate signage,
- The option of Council preparing a Flying Fox Camp Management Plan and a site specific Management Plan for Frangela Reserve.

Current Status: Report to be prepared.

MAYORAL MINUTE

5 [MM-CM] Mayoral Minute for April 2016

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

Councillors

COMMITTEE MEETINGS

Attended by the Mayor

The Mayor was on approved leave of absence for the month of April 2016.

INVITATIONS / MAYORAL REPRESENTATION:

Attended by the Mayor

The Mayor was on approved leave of absence for the month of April 2016.

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

- 4 April Twin Town Friends Association Dance Expo – Tweed Heads Civic Centre, Corner Wharf and Brett Streets, Tweed Heads. Cr Longland attended.
 - 5 April Tweed Border Hockey Under 18 Men's Queensland State Championships Presentation – Barrie Smith Fields, Brisbane Street, Murwillumbah. Cr Longland attended.
 - 7 April Seniors Expo Concert and Awards – Seventh Day Adventist Church, Racecourse Road, Murwillumbah. Cr Longland attended.
 - 25 April ANZAC Day service Pottsville – Coronation Avenue, Pottsville. Cr Longland attended.
 - 25 April ANZAC Day service Murwillumbah – Main Street, Murwillumbah. Cr Longland attended.
-

- 25 April ANZAC Day service Cudgen – Collier Street, Cudgen. Cr Byrne attended.
- 25 April ANZAC Day service Kingscliff – Turnock Street, Kingscliff. Crs Byrne and Polglase attended.
- 25 April ANZAC Day service Burringbar – Broadway, Burringbar. Cr Youngblutt attended.
- 27 April Gold Coast Airport official launch of 'Project Lift' – Gold Coast Airport, Eastern Avenue, Bilinga Qld. Cr Longland attended.
- 29 April Tour de Cure Community Celebration – Big 4 North Star Holiday Resort, 1 Tweed Coast Road, Hastings Point. Cr Longland attended.

Inability to Attend by or on behalf of the Mayor

All invitations were accepted by the Mayor or attended by another Councillor on her behalf.

REQUESTS FOR WORKSHOPS:

Councillors did not request any additional workshops during April 2016.

CONFERENCES:

Conferences attended by the Mayor and/or Councillors

Councillors did not attend any conferences during April 2016.

Information on Conferences to be held

- 22-23 Aug Safe Cities Conference – Pullman Melbourne on the Park

The Safe Cities Conference Program will be designed to challenge, demonstrate and encourage discussion on all areas of safety and security within communities. Covering topics include the four thematic categories from the Safe Cities Index 2015 (Digital Security, Health Security, Infrastructure Safety and Personal Safety). This unique conference aims to attract a range of professionals that work within the safety and security sector. Collaboration within government, business and the community is crucial to the safety and security within cities. This event will place an emphasis on providing knowledge that will assist delegates to reduce crime and improve community safety at the grass-roots level in cities, suburbs and regional towns.

Early bird registration \$855, two flights and two night's accommodation <http://safecities.net.au/>

- 24-26 Aug NSW Aboriginal Local Government Network Conference – Twin Towns Resort, Tweed Heads

The 28th conference is themed 'Our Living Culture – Past, Present and Future' and will be hosted by Tweed Shire Council. The conference is a platform for Aboriginal and non-Aboriginal councillors and staff to discuss current and emerging issues facing Aboriginal people in NSW.

Early bird registration \$680

www.lgnsw.org.au/events-training/nsw-local-government-aboriginal-network
-

SIGNING OF DOCUMENTS BY THE MAYOR:

- 11 April Transfer document – Road Closure – adjacent to 18 Hillcrest Avenue Tweed Heads South
-

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice Version 2.5.

b. Budget/Long Term Financial Plan:

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

c. Legal:

Not applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

RECOMMENDATION:

That:

1. **The Mayoral Minute for the month of April 2016 be received and noted.**
 2. **The attendance of Councillors at nominated Conferences be authorised.**
-

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

RECEIPT OF PETITIONS

6 [ROP-CM] Receipt of Petitions

SUBMITTED BY: Corporate Governance



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

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

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

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

RECOMMENDATION:

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

REPORT:

As per Summary

OPTIONS:

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

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

CONCLUSION:

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

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice Version 2.5.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - SECT 79C 79C Evaluation

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

(a) the provisions of:

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

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

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

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

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

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

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

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

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

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

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

7 [PR-CM] Dinner in the Sky Jack Evans Boat Harbour

SUBMITTED BY: Development Assessment and Compliance

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Council has received a request from the CEO of Events in the Sky for a letter of support to establish a temporary, "Dinner in the Sky" dining activity at Jack Evans Boat Harbour for a total operational period of 12 days (including bump in and bump out) in mid 2016. The proposal involves the use of a crane, and elevated dining platform, an "amusement device", marquee and kitchen facilities. The concept has been running for nearly 10 years, in both Australia and overseas.

Similar to the recent aquaSplash proposal, a letter of support from Council is required so the proponents can commence their Crown Land licence application processes. The proposed activity will require development consent from Council and approvals from the Department of Primary Industry - Lands, the Jack Evans Boat Harbour Trust and Council as owners and or managers of Jack Evans Boat Harbour. These processes are separate to the current request and any initial indication of support does not pre-empt the statutory processes.

Prior to advancing any support for individual proponents such as Dinner in the Sky, Council will need to conduct a Tender process to provide an equitable opportunity for other commercial proponents to use Jack Evans Boat Harbour.

It is therefore considered that at this stage, Council is only in a position to provide a letter of support to enable the proponent of Dinner in the Sky to further investigate this concept, but that it cannot commit to any commercial agreement or owners consent for a future development application until a tender process for the use of Jack Evans Boat Harbour has been determined by Council.

It is recommended that Council provides the letter of conditional support.

RECOMMENDATION:

That the General Manager advises the firm Events in the Sky in writing of the following:

1. Council generally supports that they continue to investigate the Dinner in the Sky concept and any necessary licences/approvals from the Department of Primary Industry – Lands for a trial use at Jack Evans Boat Harbour;
2. The proposed activity requires development consent from Council and the above support does not pre-empt or fetter any discretion Council exercises for the assessment and determination of a development application or any other statutory function Council has for Jack Evans Boat Harbour;
3. Prior to advancing any support for individual proponents such as Dinner in the Sky, Council will need to conduct a Tender process to provide an equitable opportunity for other commercial proponents to use Jack Evans Boat Harbour; and
4. Any future development application submitted to Council must include but not be limited to the following:
 - a) Evidence of consultation with residents of Seascope, Twin Towns, Centro Shopping Centre, Tweed Heads Residents Association, Tweed Heads Chamber of Commerce and Big Trev Water Sports;
 - b) A report on the potential ecological impacts on the waterway including water quality monitoring for the duration of the use and recommended mitigation measures if required; and
 - c) Carparking and traffic analysis

REPORT:

Council has received a request from the CEO of Events in the Sky for a letter of support to establish a temporary, "Dinner in the Sky" dining activity at Jack Evans Boat Harbour for a total operational period of 12 days (including bump in and bump out) in mid 2016. The proposal involves the use of a crane, and elevated dining platform, an "amusement device", marquee and kitchen facilities. The concept has been running for nearly 10 years, in both Australia and overseas.

A more detailed explanation of the proposal was provided to Council through an email dated 4 May 2016:

"The Dinner in the Sky concept has been running nearly 10 years, worldwide. I am Best Practice Director for all Dinner in the Sky operations worldwide, in addition, I am the owner of the businesses in Australia, NZ, Japan, Vietnam and Singapore.

The business operates as a Temporary popup restaurant, with the addition of the Amusement device component.

Ideally, we would hope to operate at Jack Evans Boat Harbour Park for an operation period of 12 days, 2 days Bump in (Build), 9 days open to the public and 1 day Bump out. We may factor a stand down period of a few days break into the program.

We have previously operated within NSW at:

*City of Sydney
City of Parramatta
City of Newcastle
City of Bathurst*

In the above Council regions we have not been required to submit a Development Application. We have been required to make application for a Section 68 Temporary Structures Permit and various other compliance elements like, Food Safety, Electrical certification and Amusement Device inspections.

On a typical day:

We have a definite maximum number of guests per day 132

We wish to operate for 9 days

9 x 132 = 1188

At any one time, no more than 50 people are onsite.

Our hours of operation would normally be 10.30 am to 10.00 pm.

We play gentle lounge music, and operate as a relaxed fine dining venue.

Alcohol is served via a set menu offering, so RSA is ensured.

There are no transactions onsite, Guests pay online and offsite prior to attendance.

We can break up the schedule for the event such that we do not operate for more than 7 days concurrently.

Our event setup is a fully enclosed safety area, containing the crane and Amusement device, and an adjoining Meet and Greet lounge (Hired Marquee) as well as a fully compliant Shipping container based commercial kitchen.

The total area required for our event is 20m x 45m.

Since we host only 132 people per day, operate inside of normal trading hours, do not cause any disruption to nearby businesses and are a compliant AS3533 Amusement Device, we would very much like to be considered a Medium sized event under Council and avoid the lengthy DA process. Councils Major Events Application states that 1500 or more people define Major Event, however the total number of Guests we will host is 1188 over a 9 day period.

The object of opening for a short period of trade at Tweed Heads is to begin a road show type of medium term business operations, whereby Dinner in the Sky can attract guests and incorporate regional suppliers and providers and chef talent.

We have exceptional support from the Tweed and Gold Coast community having received countless requests for us to bring the event to the region.

I will complete as comprehensively as possible both the Small/Medium Event application and the Major Events Application form today for further detailing of our operation and your initial consideration.

In the meantime I attached some indicative renders of our event setup.

Please review this email and comment so that we can cooperate and effect a positive outcome."

Renders of the concept supplied by the proponent are provided in Attachment 1 of this report.

Jack Evans Boat Harbour is Crown Land with part of it administered by Council. The location of the facility within the Harbour has not been determined yet but would be subject to consultation and suitability/capability assessment through a development application lodged with Council.

A letter of support from Council is required so the proponents can commence their Crown Land licence application processes. The proposed activity will require development consent from Council and approvals from the Department of Primary Industry - Lands, the Jack Evans Boat Harbour Trust and Council as owners and or managers of Jack Evans Boat Harbour. These processes are separate to the current request and any initial indication of support does not pre-empt the statutory processes.

Prior to advancing any support for individual proponents such as Dinner in the Sky, Council will need to conduct a Tender process to provide an equitable opportunity for other commercial proponents to use Jack Evans Boat Harbour.

It is therefore considered that at this stage, Council is only in a position to provide a letter of support to enable the proponent of Dinner in the Sky to further investigate this concept, but that it cannot commit to any commercial agreement or owners consent for a future development application until a tender process for the use of Jack Evans Boat Harbour has been determined by Council.

OPTIONS:

1. Provide a letter of support in accordance with the recommendation.
2. Provide a letter of support with other identified information/conditions.
3. Not offer a letter of support.

The officers recommend Option 1.

CONCLUSION:

Council has two functions with Jack Evans Boat Harbour being an administrator of the foreshore and part of the waterway under the Crown Lands Act and as the consent authority under the Environmental Planning and Assessment Act. The proponent has requested a letter of support from Council and the Trust for the facility to enable them to commence the process with the Department of Primary Industries- Lands. Prior to any such support being provided Council will need to undertake a Tender process to provide an equitable opportunity for other commercial proponents to use Jack Evans Boat Harbour.

COUNCIL IMPLICATIONS:

a. Policy:

Any proposal will need to be assessed against the Jack Evans Boat Harbour Plan of Management.

b. Budget/Long Term Financial Plan:

Council has the opportunity to gain additional income in respect of this proposal.

c. Legal:

Statutory approvals for this proposal are required under both the Crown Lands Act and the Environmental Planning and Assessment Act.

d. Communication/Engagement:

It is expected that any advancement of this proposal would require a community engagement process.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Renders of the Dinner in the Sky Concept (ECM 4049293)

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

8 [CNR-CM] Vegetation Vandalism on Public Land - Revised Policy for Adoption

SUBMITTED BY: Natural Resource Management

Valid



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Caring for the Environment
 - 4.1 Protect the environment and natural beauty of the Tweed
 - 4.1.2 Protect, regulate and maintain natural assets (the coastline, coastal and inland waterways, biodiversity, bushland and scenic landscapes) for current and future generations
-

SUMMARY OF REPORT:

Council's Policy - *Vegetation Vandalism on Public Land* details how Council will respond to vegetation vandalism at differing levels of significance.

The Policy refers to "temporary" and "permanent" signage without providing timeframes for the removal of the signage.

The Policy was amended and re-exhibited to allocate timeframes to the installation and removal of signs. The exhibition period is complete and two submissions were received and assessed.

RECOMMENDATION:

That Council adopts the Draft Policy - Vegetation Vandalism on Public Land Version 2.1 as exhibited.

REPORT:

Council’s Policy - *Vegetation Vandalism on Public Land* details how Council will respond to vegetation vandalism at differing levels of significance.

The Policy refers to “temporary” and “permanent” signage without providing timeframes for the removal of the signage.

The Policy was amended and re-exhibited to allocate timeframes to the installation and removal of signs and other measures such as fencing and shade screens.

The exhibition period was from 8 December 2015 to 29 January 2016 and two submissions were received.

A summary of those submissions being:

1	<ul style="list-style-type: none"> • Congratulates Council on developing the policy and implementation • Signs in all cases should remain in place until vegetation has reached the height and canopy cover of pre-existing / pre-vandalised vegetation
2	<ul style="list-style-type: none"> • Congratulates Council on developing policy and opportunity to comment on amended policy • Definitive time frame should not be included on the length of time that signage remains in place but rather signs in all cases stay in place until the vandalised vegetation has regrown to the height and canopy cover of pre-existing / pre-vandalised vegetation • Examples provided for suggested changes for vegetation vandalism of ‘Medium’ and ‘High’ significance

While the points made in these submissions are valid, it is important to note that there may be other extenuating circumstances under which Council may prefer to remove the signage prior to the full regrowth of the vegetation.

These circumstances may include:

- The additional and ongoing costs of maintaining signs if they are damaged or require replacement over a longer period of time;
- Ability to remove and relocate signs to another site if required without the additional cost of manufacturing further signage;
- Vegetation growth may be inhibited by natural factors such as drought or soil condition;
- Longer term impact on residents that have not contributed to the vandalism; and
- Impact on regenerating vegetation at constrained sites from construction of substantial signage structures (ie. the signage structures themselves impact on the vegetation regrowth).

Additionally, there is the provision within the current amended policy to extend the period of time if there is any evidence that vandalism is continuing or the incident has caused a significant reduction in the canopy cover.

“Medium significance

D) Install large signs for a period of 12 months. The site to be monitored to determine if rehabilitation and regeneration of the site has been successful and no further incidences have

9 [CNR-CM] Review of Environmental Protection Zones

SUBMITTED BY: Natural Resource Management

FILE REFERENCE: GTI/LEP/2016

Valid



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

For over 20 years Council has recognised the need to improve the environmental provisions of its principle land use planning instrument, the Local Environmental Plan. With the completion of E Zone Review initiated in 2012 by the Department of Planning and Environment, the way is now clear to move forward with the Council's most recent resolution of 16 May 2013:

That a draft local environmental plan (planning proposal) be prepared to fully implement Council's adopted approach to environmental protection (including State Environmental Planning Policy 44 Koala Habitat) consistent with outcomes of the State Government's review of the Environmental Zones and Overlays under the Standard Instrument (Local Environmental Plans) Order 2006, for the Far North Coast Region.

The purpose of this report is to advise Council on the proposed staging and process involved in this task.

RECOMMENDATION:

That Council receives and notes the report regarding the Review of Environmental Protection Zones which outlines the process and staging to review the LEP environmental zones and associated provisions in accordance with Council's resolution of 16 May 2013.

REPORT:

Background

A comprehensive review of environmental zones and associated provisions of the Local Environmental Plan (LEP) has been “on the books” for over 20 years. Some major milestones in this process include:

1993	Integrated Planning Study in the Tweed recommends the need to better integrate environmental issues such as vegetation, koalas, and scenic values into LEP.
1995	Tweed Scenic Landscape Evaluation completed Tweed Vegetation Management Strategy (TVMS) initiated
1996	Tweed Coast Koala Habitat Atlas completed
1998	Council resolved (27/5/1998) to review LEP including environmental zones E zones deferred to Stage 2 pending completion of TVMS.
1999	TVMS completed and publically exhibited. State-wide native vegetation reforms introduced involving the repeal of SEPP 46 - Protection and Management of Native Vegetation and the introduction of <i>Native Vegetation Conservation Act 1997</i> and then the <i>Native Vegetation Act 2003</i> . TVMS reviewed to address new native vegetation reforms.
2001	Council resolved (5/9/2001) to review environmental zones
2004	TVMS completed and publically exhibited (adopted 2007) Council resolved (2/6/2004) to review environmental zones Draft LEP 2000 (Amendment 21) exhibited in 2004 including new E zones and other provisions
2006	Standard Instrument LEP (SILEP) introduced
2009	Council resolved (27/1/2009) to rollover LEP 2000 (A21) into SILEP
2010	Draft LEP 2010 exhibited but only partially implements LEP 2000 (A21) due to technical problems with the SILEP Draft LEP 2010 prompted strong community reaction due to lack of environmental provisions. Council and NOROC successfully lobby to address problems with SILEP Council resolved (15/6/2010) to restore LEP environmental controls and comprehensively review E zones. Detailed mapping and other work commenced on a “Revised Environmental Strategy” to inform an LEP amendment.
2012	Draft Revised Environmental Strategy completed (31/8/2012) and circulated to Councillors and the Executive Management Team. E zones review announced (20/9/2012) by Department of Planning and Environment (DP&E) for North Coast Council LEPs Draft LEP 2012 exhibited (25/10/2012) with environmental provisions based on LEP 2000.
2013	Draft LEP 2012 prompted strong community reaction to lack of environmental provisions. Council resolves (16/5/2013) to reinstate Draft LEP 2010 E zones and several other environmental provisions in Draft LEP 2012 including: <i>That a draft local environmental plan (planning proposal) be prepared to</i>

	<i>fully implement Council's adopted approach to environmental protection (including State Environmental Planning Policy 44 Koala Habitat) consistent with outcomes of the State Government's review of the Environmental Zones and Overlays under the Standard Instrument (Local Environmental Plans) Order 2006, for the Far North Coast Region.</i>
	E zone Consultant Report released (9/2013)
2014	LEP 2014 gazetted without E zones Public consultation on E zone report (5/2014)
2015	Final Recommendations on E zone report released (10/2015) - see Attachment 1
2016	DP&E issue s117 directions (2/3/1016) to require Far North Coast Councils to adopt the Northern Councils E zone Review Final Recommendations when introducing or altering an environmental zones, environmental overlay maps and/or associated LEP clauses.

With the issue of the s117 direction and clear guidance from the DP&E on what land should (and should not) be zoned for environmental purposes, the way is now clear to move forward with the Council's most recent resolution (16 May 2013) to review its LEP in accordance with the E zone review and Council's adopted approach to environmental protection.

The purpose of this report is to advise Council on the proposed staging and process involved in this task.

Council's Adopted Approach to Environmental Protection

Although the current environmental zones and provisions of the LEP still largely reflect those of LEP 1987, there has been a large body of work completed since that time that collectively informs Council's approach to environmental protection.

This work also reflects ongoing changes in State legislation and environmental policy such as the Far North Coast Regional Conservation Plan 2010, Coastal Management reforms, Native Vegetation reforms, Threatened species legislation, State Environmental Planning Policies (eg. SEPP44 - Koala Habitat Protection, SEPP 14 Coastal Wetlands, SEPP 26 Littoral Rainforests), State and Federal biodiversity strategies such as the Border Ranges Rainforest Biodiversity Management Plan 2010 and the Northern Rivers Biodiversity Management Plan 2010, and numerous Threatened species recovery plans (eg. NSW Koala Recovery Plan 2008).

Key local policy drivers include the Tweed Vegetation Management Strategy 2004, Tweed Coast Comprehensive Koala Plan of Management 2015, numerous Coastal Zone Management Plans, community responses and feedback to various LEP amendments, and of course, the Tweed Community Strategic Plan 2013/2023 (CSP) which documents Council's long term vision for the Shire across all areas of responsibility.

Some Key CSP objectives related to the review of environmental zones and associated provisions of the LEP include:

- Ensure actions taken and decisions reached are based on the principles of sustainability.
- 1.5 Manage and plan for a balance between population growth, urban development and environmental protection and the retention of economically viable agricultural land.

- 3.3 Maintain and enhance the Tweed lifestyle and environmental qualities as an attraction to business and tourism.
- 4.1 Protect the environment and natural beauty of the Tweed.
- 4.2 Conserve native flora and fauna and their habitats.
- 4.3 Maintain and enhance Tweed's waterways and its catchments.
- 4.4 Manage the Tweed coastline to ensure a balance between utilisation and conservation
- 4.5 Improve the environmental capacity of Tweed agricultural lands

Further to these broad CSP objectives, the specific approach taken by the TVMS and subsequent draft LEP amendments over the last decade has sought to:

- Strengthen the environmental provisions in areas of high development pressure particularly along the Tweed Coast
- Recognise the need for flexibility and merit-based assessment in rural hinterland
- Complement natural resource management provisions administered by other levels of government (eg. Native Vegetation Act 2003)
- Acknowledge environmental constraints where they exist
- Promote better management (not just protection) of the Shire's natural assets.

Northern Councils E Zone Review

In September 2012, the then Minister for Planning and Infrastructure (now Planning and Environment; DP&E) announced a review of the use of environmental protection zones and associated overlays in LEPs on the Far North Coast. The review was prompted by the concerns of some rural landholders (mostly in neighbouring councils) that environmental zoning would interfere with farming practices. Consultancy firm Parsons Brinkerhoff were commissioned by DP&E to undertake the review, which was completed in September 2013 and released for public comment in May 2014. This was followed by a Submissions Report and Final Recommendation Report (see Attachment 1) prepared by DP&E in October 2015.

Some key features of E zone review include:

- E zones may be applied where primary use is environmental management or conservation. "Primary use" is taken to be over the last two years. Where the primary use is agriculture the land should retain a rural zoning.
- E zone criteria - Proposed E zones need to meet at least one of the following: areas covered by SEPP 26 or 14, endangered ecological communities, key threatened species habitat, over-cleared vegetation communities, culturally significant lands. Some criteria are relatively simple to map (eg. koala habitat, native vegetation on over-cleared Mitchell landscapes). Others will depend on detailed modelling or specific vegetation typing.
- Permissibility - Extensive agriculture is to be permitted "with consent" in the E2 Environmental Conservation zone, but "without consent" in E3 Environmental Management zone.
- Existing E zones - 7a, 7l may be included in E2 or E3 if verified.
- Environmental Overlays - Environmental overlay maps and associated clauses are supported where restricted to "public health, safety, hazard" matters. This may include a "Vegetation Map", coastal risk (required), steep lands, flooding, catchment areas, riparian lands etc.
- Restrictions - Some restrictions include:
 - All new E zones will be subject to the "primary use" test.
 - Scenic and/or aesthetic values are not to be considered in determining E zones or overlays.

- E zones should not include environmental “buffers” on cleared land.
- Landholder revegetated areas are not to be included in E zones or overlays unless with landholder consent or the works involved public monies requiring ongoing protection.
- Multiple zones over individual properties are allowable but should be minimised.
- Zoning of State and Regionally Significant farmland must be consistent with the “primary use” test.
- E zone criteria do not extend to camphor laurel dominated vegetation unless otherwise affected by Threatened species habitat.
- Similarly E zone criteria do not extend to steep land unless it bushland covered by one of the other criteria.
- Flexibility - The review allows a certain amount of flexibility to accommodate local approaches to environmental protection. Examples include:
 - The E3 zone may be applied to areas that meet E2 criteria.
 - Areas such as public bushland and environmental areas set aside from development may be included in an E zone despite the criteria.
 - Vegetation overlays may be used for areas that meet E2 or E3 criteria where the “primary use” is not environmental.
- Verification - The review requires that areas to be included in an E zone are appropriately verified using one or more of the following: field inspection, air photo interpretation, flora and fauna reports less than 5 years old.

Proposed Implementation Strategy

Permissibility and application of E zones

Consistent with the E zone criteria and Council’s adopted approach to environmental protection it is expected that E zones will be applied in the following way:

- E2 Environmental Conservation zone:
 - To be focussed mostly along the Tweed coast in areas associated with existing and planned urban expansion
 - Very limited permissibility, similar to current LEP 2000 7(l) wetlands zone but “extensive agriculture” will be permitted with consent (as per E zone review recommendations)
 - The zone may include private land specifically set aside for nature conservation (eg. OEH Voluntary Conservation Agreements or Nature Conservation Trust covenants) but only with landholder consent
 - Public bushland reserves
 - Environmental areas set aside as a result of negotiated development outcomes.
- E3 Environmental Management zone:
 - To be used in the rural hinterland (and on the Tweed coast outside of areas of high development pressure) to complement the rural zones
 - Permissibility will be more flexible than E2, similar to RU2 zone but without uses that would not be contemplated in bushland areas (eg. group homes, fuel depots etc.).
 - “Extensive agriculture” to be permissible without consent (as per E zone review recommendations)
 - May include areas that have received public environmental funding but only with landholder consent
 - May include areas in the rural context that otherwise qualify for E2 zoning.

- E4 Environmental Living zone:
 - Not proposed at present. This is because the DP&E is unlikely to approve the use of the E4 zone (see Recommendation 11 in Attachment 1 where Byron Shire has been instructed to apply a suitable residential zone to areas they proposed for E4 zoning). Also, its application would necessarily involve a major review of lands primarily used for rural residential purposes (R5 Large Lot Residential and, RU2 Rural Landscape on small lots) and it is not clear how this zone would differ in permissible uses, minimum lot size etc.

Also, some areas may be deferred or excluded. These include:

- Areas with complex multidisciplinary planning issues that require requiring detailed master/locality planning
- Areas with existing development approvals
- Areas requiring E zones over cleared land - eg. planned koala corridors under the Tweed Coast Comprehensive Koala Plan of Management 2015
- Areas with existing environmental zones that don't meet criteria but are not suitable for other uses (eg. some LEP 2000 7(d) scenic escarpment zones)

It is proposed that such areas be identified as mapping work progresses.

Primary use test

E zone review states:

“E2 and E3 zones will only be applied if the primary use of the land is considered to be environmental conservation (E2) or environmental management (E3) and the land has attributes which have been verified to meet the criteria for an E2 or E3 zone.”

“The *primary use of the land* is the main use for which the land has been used for the last two (2) years. This period of time will ensure the zone reflects established, lawful land uses. “

For the purpose of applying this test, it is proposed that a “primary use” map, showing land within the categories of “environmental”, “agriculture” or “other” be produced. In accordance with the E zone review, only areas within the “environmental” category will be subject to the E zone criteria and possible zoning as E2 Environmental Conservation or E3 Environmental Management.

It is further proposed that the “primary use” map and the proposed E zone map will be publically exhibited prior to the formal submission of the planning proposal to the DP&E through the “gateway” process. This will allow potentially affected landholders to contact Council should they have any concerns regarding the primary use of the land and/or whether or not the land meets the E zone criteria.

Environmental Overlays

Environmental overlays and associated LEP clauses are used to identify matters that need to be considered in a development application for a proposed land use that requires development consent. They are not a zoning map and consequently do not permit or prohibit specific land uses. However, they do transparently highlight areas that may be constrained or require special mitigation measures to avoid undesirable impacts on the environment and/or the community. Environmental overlays are only triggered when a development application is required and therefore have no effect on land uses that are permitted “without consent” in a particular zone (eg. extensive agriculture in rural or the E3 zone).

It is proposed to include the following overlays in the draft LEP (in addition to existing environmental overlays of Acid sulfate soils, Coastal risk planning, Drinking water catchments):

- *Bushland* - A similar map entitled Terrestrial Biodiversity was included in draft LEP 2012 but was removed by DP&E along with the E zones, pending the E zone review. The bushland map will be updated using 2015 aerial photography supported by field verification as required.
- *Steep land* - This overlay was included in draft LEP 2012 but was also removed pending the E zone review.
- *Riparian Lands* - Similar clauses were included in LEP 2000 and draft LEP 2012 but were not mapped. The proposed overlay will be based on a map showing stream orders. Rather than applying a single distance to both small and large waterways, the associated LEP clause will specify the relevant distances from the top bank for each stream order based on the state-wide guidelines produced by the Office for Water.

Verification

On the Tweed Coast field verification will be relatively straight forward as most bushland will qualify for E zone on the basis of Koala habitat and/or Over-cleared Vegetation Communities (eg. native vegetation in over-cleared Mitchell landscapes). Council has relatively detailed vegetation mapping for this area and this will be augmented by additional aerial photo interpretation and spot checking by Council's Natural Resource Management (NRM) staff.

Verification for the remainder of Shire will involve a more comprehensive review of Council's vegetation mapping which is less accurate than the Tweed Coast. This will involve extensive aerial photo interpretation, and spot checking to be carried out by NRM staff.

The "primary use" mapping will be verified by extensive aerial photo interpretation and spot-checking by NRM staff.

It is also expected that verification will also be assisted by feedback from landholders and the community arising from community consultation.

Project Management

A multidisciplinary internal E zone working group has been formed to guide technical aspects of the proposed LEP amendments. This group consists of senior staff from Natural Resource Management, Strategic Planning and Urban Design, and Development Assessment and Compliance.

The group will oversee mapping of zones and overlays and their verification, preparation of the written instrument, consideration of areas to be excluded or deferred pending detailed "master" planning, community consultation, preparation of supporting documentation, assessment of submissions for both the pre and post-gateway public exhibition, preparation of Council reports, and formal procedures on adoption.

Consultation

The E Zone Working Group is currently developing a work plan including a communications plan for the proposed LEP amendment. At a minimum it is expected that consultation will involve the following:

- *Council* - Workshop and Council report on commencement. Others as necessary including prior to formal or informal public exhibition.
- *Executive Management Team* - E Zone Working Group meeting notes and other consultation as necessary
- *Community and public* - Media on commencement, individual liaison with landholders and key community groups throughout, pre- and post-gateway public exhibition. As noted previously, it is proposed to public exhibit the draft planning proposal prior to formal gateway consultation. This should allow Council to identify and address specific issues raised by individual landholders early in the process.
- *NOROC councils* - both the NRM and Planning NOROC subgroups have been liaising on the E Zone Review with a view to using similar approaches on common issues within the context of individual resourcing and differences in environmental focus or priorities.
- *State agencies* - advice on technical issues (eg. DP&E re planning matters and Office of Environment and Heritage (OEH) on ecological issues).

Staging and Timing

Due primarily to differences in levels of verification and mapping required it is proposed to carry out the work in two stages:

- *Stage 1 Tweed Coast*. - This will include all land east of Tweed Coast Motorway plus areas north of the Tweed River extending west to include the mostly urban areas of areas of Cobaki, Tweed Heads West, Bilambil Heights, and Terranora. To complete the required technical work and allow enough time for a new Council to become familiar with the process it expected that the pre-gateway exhibition will commence during February 2017. Consideration of submissions and the formal DP&E gateway process is likely to take another six months.
- *Stage 2 Remainder of Shire* - This stage will include areas not covered under Stage 1. As noted previously, substantial additional fieldwork, vegetation mapping and key habitat modelling will be required to appropriately apply the E zone review recommendations in this part of the Shire. As a consequence, the target date for the pre-gateway exhibition is November 2018. Again, consideration of submissions and the formal DP&E gateway process is likely to take another six months.

COUNCIL IMPLICATIONS:

a. Policy:

Will result in amendment to the Tweed Local Environmental Plan 2014, consistent with council's adopted approach to environmental protection and the DP&E E zone review.

b. Budget/Long Term Financial Plan:

Will require Council officers from NRM and Strategic Planning & Urban Design to prepare updated mapping layers and undertake the formal planning proposal process to amend the LEP within the time frames noted as well as run consultation workshops.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - a detailed communications plan will be developed which will involve extensive public and Council engagement including public exhibition; and run key stakeholder workshops.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Northern Councils E Zone Review - Final Recommendations
Report (ECM 4040367)

10 [CNR-CM] Pest Management Report - December 2015 to March 2016

SUBMITTED BY: Natural Resource Management

Valid



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Caring for the Environment
 - 4.1 Protect the environment and natural beauty of the Tweed
-

SUMMARY OF REPORT:

This report outlines the works undertaken by Council's Pest Management Program Area to control the impacts of nuisance biting insects and vermin in Tweed Shire for the period December 2015 to March 2016 (inclusive).

RECOMMENDATION:

That Council receives and notes the Pest Management Report - December 2015 to March 2016 and continues the scheduled works.

REPORT:

MOSQUITOES

Enquiries

There were seven enquiries relating to mosquitoes during the reporting period.

Seasonal abundance

The most frequently caught Mosquitoes in carbon dioxide baited mosquito traps were, *Culex sitiens*, *Culex annulirostris*, and *Aedes vigilax*.

The successful treatment of mosquito breeding areas without weather interference and with assistance from habitat modification and repair of broken floodgate systems have all contributed to lower than average results for mosquitoes being trapped in the CO₂ light traps at these areas.

See Figures 1 and 2 below for numbers of Mosquitoes trapped in carbon dioxide baited mosquito traps.

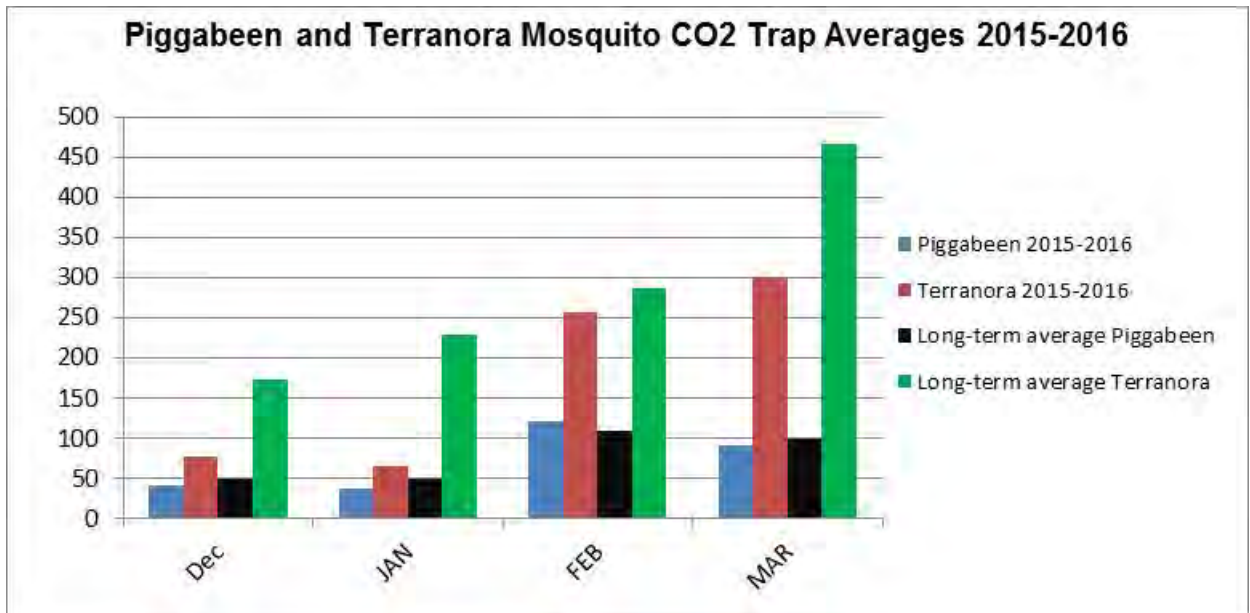


Figure 1: Results of Mosquito trapping at Piggabeen and Terranora

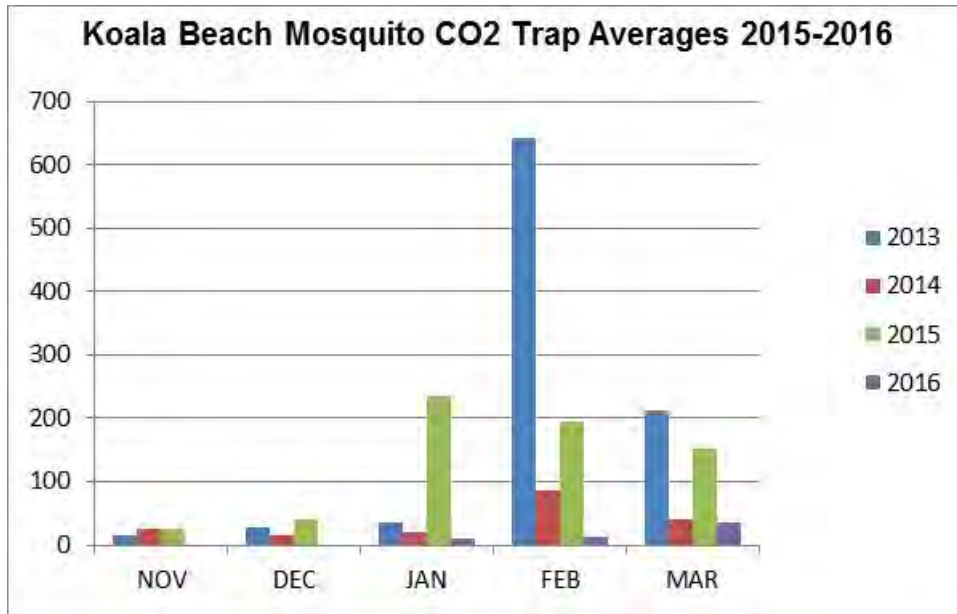


Figure 2: Results of Mosquito trapping at Koala Beach Estate

Control Program

Council's Mosquito control program focuses on controlling the larvae stage of the Mosquito lifecycle. Council uses two target specific products, one a biological larvicide, and the other an insect growth regulator.

Bacillus thuringiensis subsp. israelensis (Bti) - Bti is ingested by the mosquito larvae, causing death within 24 hours. This larvicide is specific to mosquitoes and several other closely related flies. Bti poses no harm to other aquatic non-target organisms.

Methoprene is an insect growth regulator. Methoprene treated larvae are unable to successfully change from a pupa to the adult insect, breaking the biological life cycle of the insect. Methoprene is also quite specific in its action, posing no risk to fish, crabs, amphibians and water birds.

There was six aerial mosquito larvicide treatments carried out over the report period using 624kg of ProLink Prosand and 464.4L Vectobac AS. A total of 547ha were treated. Table 1 below provides details on the treatments undertaken.

Ground-based works used 27.5kg of ProLink Pellets and 62 briquettes.

The aerial treatments were carried out in response to mosquito hatches stimulated by tidal and rainfall events.

The two main species of mosquito that were targeted through these control works were *Verelina funerea* and *Aedes vigilax*. These species were the target of control works due to their ability to transmit arboviruses, such as Ross River Virus and Barmah Forest Virus.

See Table 1 below for dates and areas at which control was undertaken.

Table 1: Aerial treatment undertaken in Tweed Shire, to April 2016.

Date	Site	Target species	Pre spray dip ave.	Post spray dip ave
01/02/2016	Charles Bay Reserve	<i>Verulina funerea</i>	10	0
	Mahers Lane	<i>Aedes vigilax</i>	5	0
	Bolsters	<i>Aedes vigilax</i>	5	0
	Smiths	<i>Aedes vigilax</i>	5	0
10/02/2016	Smiths	<i>Aedes vigilax</i>	5	0
	Mahers Lane	<i>Aedes vigilax</i>	5	0
	Bolsters	<i>Aedes vigilax</i>	5	0
03/03/2016	Tumbulgum	<i>Verulina funerea</i>	10	0
	Weeks	<i>Aedes vigilax</i>	5	0
	Charles Bay Reserve	<i>Verulina funerea</i>	15	0
	Smiths	<i>Aedes vigilax</i>	10	0
	Mahers Lane	<i>Aedes vigilax</i>	10	0
	Bolsters	<i>Aedes vigilax</i>	10	0
	Seabreeze Soccer Club	<i>Verulina funerea</i>	15	0

Arbovirus

The arbovirus virus records are from December to February only, as records for March were not available. There were 11 arbovirus notifications from Tweed Shire during the report period, nine of Ross River Virus and two of Barmah Forest Virus. These reports were from both coastal and hinterland localities. The notification rate per 100,000 people is 12.2. Figure 3 (below) shows Tweed Shire arbovirus records.

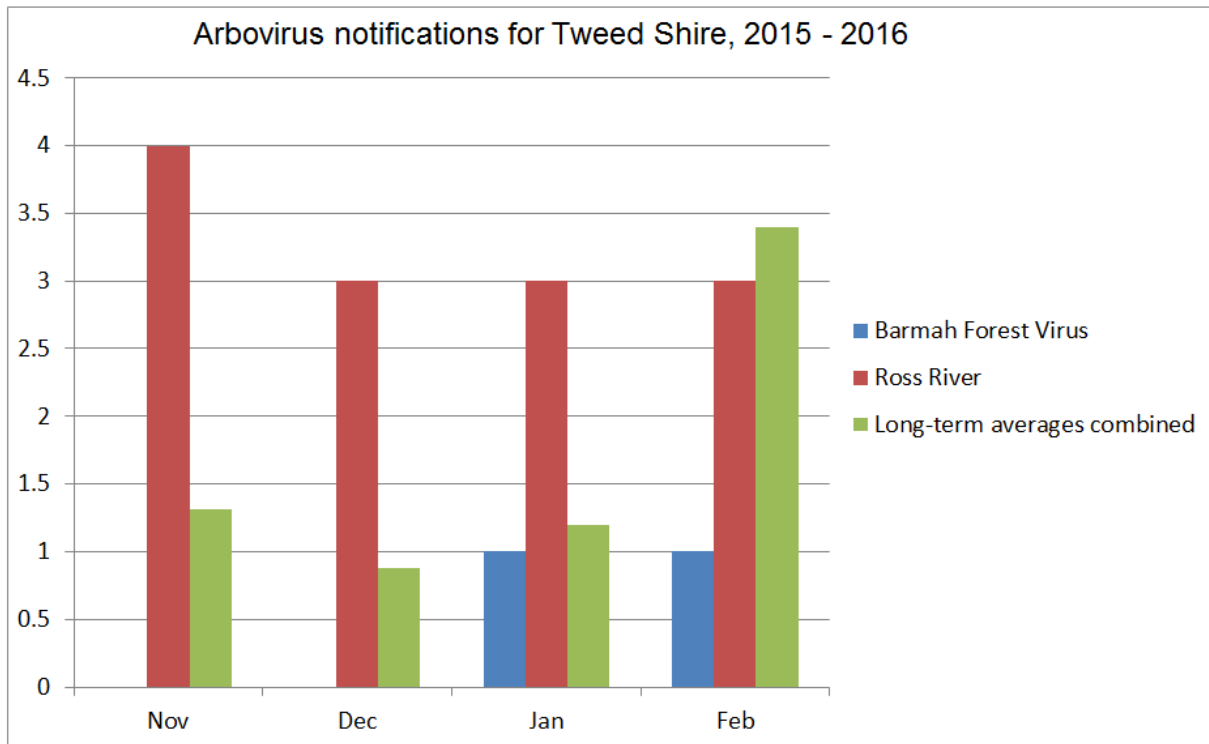


Figure 3: Arbovirus notifications from November 2015 – February 2016.

Honey-baited Card Monitoring Program

During the reporting period there were no virus isolates recorded at any of the three monitoring sites.

Exotic mosquito monitoring program

Council commenced an exotic mosquito monitoring program with four monitoring sites in close vicinity to Gold Coast Airport in late 2015. During the reporting period, only *Aedes notoscriptus* was recorded at the sites.

Terranora Mangrove breeding mosquito research project

Monitoring of the Mahers Lane site has been ongoing during the reporting period, and will be ongoing.

BITING MIDGE

Seasonal activity

Canal breeding midge larval numbers at test sites were below long-term average during the report period, and no control was carried out. See Figure 4.

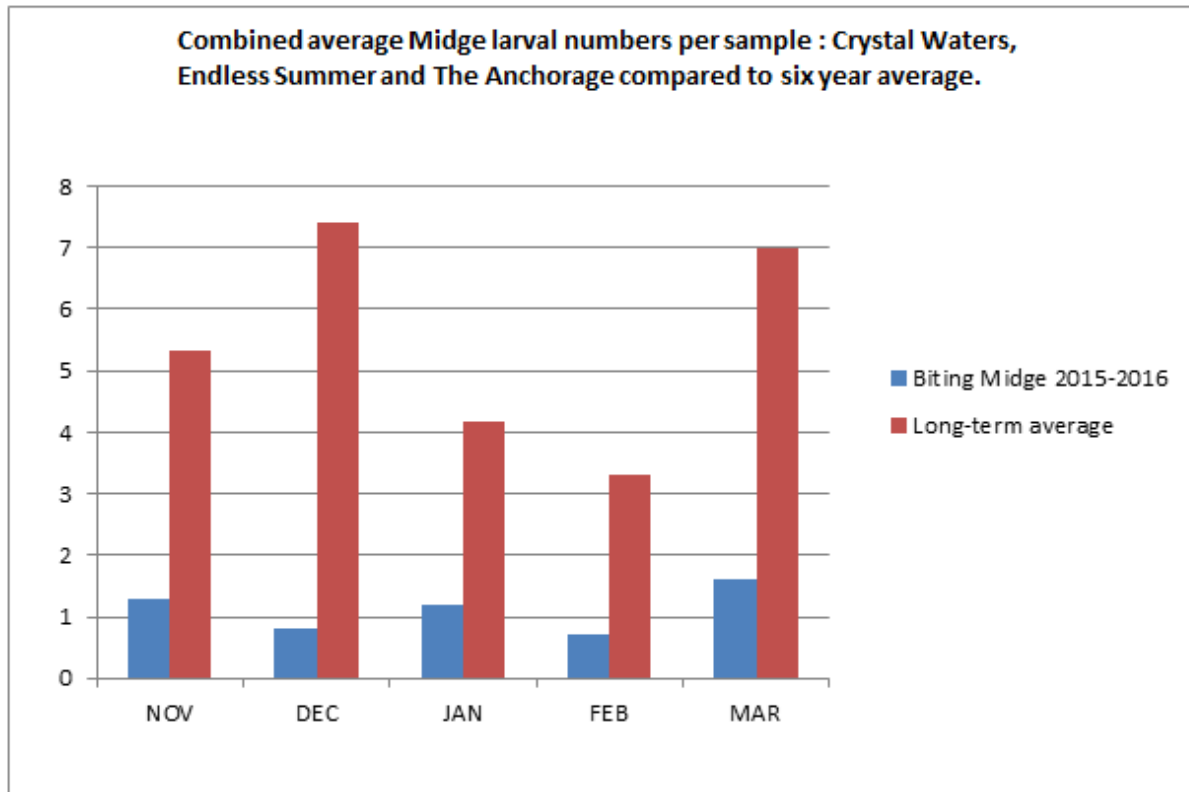


Figure 4: Biting Midge larvae seasonal activity

Complaints and Enquiries

There were three enquiries relating to biting midges during the reporting period

OTHER PESTS

Enquiries from Community

There were 42 miscellaneous enquiries/service requests during the report period. The most common enquiries related to rabbits, ants and Pandanus plant-hopper.

Council Rodent Control

Rodent baiting and trapping has been carried out over the report period in Council buildings, around coastal holiday parks, water and sewerage treatment plants and pump stations.

Pandanus Plant-hoppers

Monitoring of Pandanus trees in coastal areas for plant-hopper related dieback is continuing with some activity recorded at Pottsville and West Tweed Heads. A total of four Pandanus trees have been treated during the reporting period. Monitoring is ongoing in these areas.

Termites

Inspection of 622 in-ground termite bait stations was carried out around Council owned buildings with no active termites in the stations during the report period.

OPTIONS:

1. That this report be received and noted.
2. That this report be received and noted and further information requested on particular aspects of the program.

CONCLUSION:

Overall, on-ground works undertaken achieved the objectives of controlling the impacts of nuisance invertebrate species and vermin to an acceptable level within known areas of occurrence within Tweed Shire.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Control works have been completed to date within budget mainly due to favourable weather conditions and rapid response to events.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

Council staff continue to provide advice in a timely manner to community enquiries. This report provides an update to Councillors and Executive on biting insect nuisance control and the factors that influence this.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

11 [CNR-CM] Allocation of Community Sponsorship

SUBMITTED BY: Community and Cultural Services

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Council adopted the Community Sponsorship Policy on 17 March 2016 which supersedes the Donations (Financial Assistance) Policy but continues to offer assistance to local community organisations ensuring priority is given to the objectives identified by the community through the Community Strategic Plan (2013-2023). Council has \$13,803 remaining in the 2015/2016 Budget for donations to eligible community organisations.

RECOMMENDATION:

That:

1. Council endorses the following recommendations for the first application of the Community Sponsorship Policy as follows:

Applicant	Amount	CSP/DP Linkage
Beachside Communicare	\$2,000	2.1.1
Caba Creative	\$750	2.1.2/2.1.3/2.5.2
Dragons Abreast Mt Warning	\$750	2.1.3/2.1.6
Pottsville Beach Neighbourhood Centre	\$750	2.1.1/2.3.6
Team Koala	\$1,000	4.1.2/4.2.1
Tumbulgum Community Association	\$3,000	2.1.2/2.3.7
Tweed/Byron Life Education Action Group	\$2,000	2.1.1
Tweed Palliative Support	\$2,000	2.1.1
Tyalgum Community Hall Association	\$500	2.1.1
Uniting Preschool Murwillumbah	\$1,000	2.1.1/4.2.4
Totals	\$13,750.00	

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

- (a) personnel matters concerning particular individuals (other than councillors).**

REPORT:

Council has \$27,318 allocated in the 2015/2016 budget for the Donations (Financial Assistance) Policy now superseded by the Community Sponsorship Policy. The total amount allocated in Round One was \$13,515 leaving a balance of \$13,803 available for distribution in the second funding round.

Eligibility for funding was assessed against the following criteria:

1. Groups or organisations must deliver the project, initiative or service 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.
4. Organisations must be either located in the Tweed Shire or demonstrate how they deliver services/activities that benefit the residents of the Tweed Shire.
5. No financial assistance will be given to Government Departments or agencies or for support of Government owned facilities.
6. No financial assistance will be given to sporting organisations as these organisations have other avenues for financial assistance.
7. The funds are not to be used for a social activity for members of the organisation exclusively.
8. Applicant must have formally and fully acquitted any previous grants provided by Tweed Shire Council.
9. Applicants must submit applications on the official application form. Applications must be received by Close of Business (4.30pm) on the advertised closing date.

A total of 21 applications were received for this funding round seven of which were deemed ineligible either because they were a sporting organisation (1), submitted after the cut-off date (5) or because funding granted in a previous round (1) was not acquitted.

OPTIONS:

1. Allocate the funds in accordance with Councillor workshop recommendations based on the criteria set out in the Community Sponsorship Policy Version 1.0.
2. Not allocate the funds in accordance with Councillor workshop recommendations and reallocate the funds using a different methodology.

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 that deliver enhancements to the identity and character, environment, health, well-being and connectedness

of Tweed Shire Council residents. Applications were assessed against priorities identified in the Community Strategic Plan (2013-2023).

COUNCIL IMPLICATIONS:

a. Policy:

Community Sponsorship Policy v1.0

b. Budget/Long Term Financial Plan:

The total budget available for 2015/2016 is \$27,318. The amount of \$13,515 was distributed in the first round leaving \$13,803 available for allocation in the second funding round.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

The funding round, open between 21 March and 22 April 2016 was advertised in the *Tweed Link* on 22 March 2016 inviting applications from community organisations. Applications were considered by Council in a confidential workshop on 28 April 2016.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Community Sponsorship Policy 2016 - Applications Assessment Table (following Council Workshop held Thursday 28 April 2016) (ECM 4044585)

12 [CNR-CM] Composition of Community Halls Advisory Committee

SUBMITTED BY: Community and Cultural Services

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

On 16 October 2014 Council resolved to form the Community Halls Advisory Committee to improve the sustainability of Council's nine community halls and to assist community hall management committees to comply with and improve on governance and management practices. On 19 November 2015, Council endorsed the composition of the Community Halls Advisory Committee however, subsequent to this; Council received notice from Pottsville Beach Community Hall Management Committee and Limpinwood Community Association to advise proposed delegates for Council's Community Hall Advisory Committee have changed following new executive position nominations.

RECOMMENDATION:

That Council endorses the following appointments to the Community Halls Advisory Committee:

Community Hall Management Committee	Nominated Delegate
Pottsville Beach Hall Committee	Trish Jones Janet Tkachenko (First Alternate Delegate) Ruth Clarke (Second Alternate Delegate)
Limpinwood Community Hall Committee	Claire Masters Peter Wise (First Alternate Delegate)

REPORT:

On 19 November 2015, Council endorsed the composition of the Community Halls Advisory as follows:

Community Hall Management Committee	Nominated Delegate
Chillingham Community Hall Committee	Maree Edwards John Logan (alternate) Gwenda Shoobridge (alternate)
Crabbes Creek Community Hall Committee	Reg (Arthur Reginald) Robinson Margaret Hulbert (alternate) Tracy Butler (alternate)
Crystal Creek Community Hall Committee	Agnes Nesci Ben Law (alternate)
Doon Doon Community Hall Committee	Steve Sweetnam Desiree Saunders (alternate) Barry Saunders (alternate)
Fernvale Community Hall Committee	Rick Dobbie Peter Hurcombe (alternate)
Limpinwood Community Hall Committee	Pamela Gray Russell Costin (alternate) Claire Masters (alternate)
Piggabeen Community Hall Committee	Marlene Protheroe Kathy Jobson (alternate) Geoff Davis (alternate)
Pottsville Beach Community Hall Committee	Janet Tkachenko Kaye Seiler (alternate) Ruth Clarke (alternate)
Tumbulgum Community Hall Committee	Ann Carkery Brian Breckenridge (alternate) Sue Breckenridge (alternate)

On 31 March 2016, Council received notice from the Pottsville Beach Community Hall Committee to advise proposed delegates for Council's Community Hall Advisory Committee have changed following new executive position nominations to:

- Trish Jones
- Janet Tkachenko (alternate)
- Ruth Clarke (alternate)

On 13 April 2016, Council received notice from the Limpinwood Community Association to advise proposed delegates for Council's Community Hall Advisory Committee have changed following new executive position nominations to:

- Claire Masters
- Peter Wise (alternate)

OPTIONS:

1. That Council appoints delegates to the Community Hall Advisory Committee from Pottsville Beach Community Hall and Limpinwood Community Association as nominated by the management committee.
2. That Council does not appoint delegates to the Community Hall Advisory Committee from Pottsville Beach Community Hall and Limpinwood Community Association as nominated by the management committee.

CONCLUSION:

Council resolved to form an Advisory Committee to oversee management and operations of community hall management committees. Composition of the committee includes a primary and up to two alternate delegates from each of the nominated community hall management committees, a member (and alternate) from Council's elected body and a staff member in attendance in an ex officio capacity. Appointments to the Community Hall Advisory Committee will be amended from time to time as membership of individual Community Hall Management Committees change following annual general meetings or resignations of committee members.

COUNCIL IMPLICATIONS:

a. Policy:

Community Halls v1.1.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform – We will keep you informed.

The Community Halls Advisory Committee which meets quarterly is the consultative mechanism through which Community Hall Management Committee members are engaged.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

13 [CNR-CM] Progress on Tweed Shire Council's Community Infrastructure Framework

SUBMITTED BY: Community and Cultural Services

Valid



Civic Leadership



Supporting Community Life



Strengthening the Economy

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership**
 - 1.2.1 Council will be underpinned by good governance and transparency in its decision making processes
 - 1.2.2 Decisions made relating to the allocation of priorities will be in the long-term interests of the community
 - 1.2.3 Financial requirements and the community's capacity to pay will be taken into account when meeting the community's desired levels of service
 - 1.3.3 Existing and future community assets will be properly managed and maintained based on the principles of equity and sustainability
- 2 Supporting Community Life**
 - 2.1.1 Work closely with government and community organisations to improve services to children and families, youth, elderly, Indigenous people, disadvantaged and minority groups and to build stronger and more cohesive communities
 - 2.1.3 Provide opportunities for residents to enjoy access to the arts, festivals, sporting activities, recreation, community and cultural facilities
 - 2.3 Provide well serviced neighbourhoods
 - 2.3.6 Provide conveniently placed and well equipped parks, sporting, recreational, cultural and community facilities
 - 2.5.1 Encourage establishment of well-located centres to provide a wide range of mixed-use retail, commercial and community services, supported by high amenity public spaces, quality urban and good access by public transport or bicycle
 - 2.5.2 Facilitate the development of a network of neighbourhood centres and community places to meet the needs of local residents
- 3 Strengthening the Economy**
 - 3.1 Expand employment, tourism and education opportunities
 - 3.1.3 Provide opportunities for visitors to enjoy access to the arts through cultural facilities, festivals and programs
 - 3.1.6 Support creative practitioners and entrepreneurs to access professional and business development opportunities, to enhance their contribution to the creative economy

SUMMARY OF REPORT:

The Community and Cultural Services Unit have undertaken a review of the current and planned provision of community and cultural facilities in Tweed Shire, and are moving toward a network approach to planning as articulated in the Council's Community Infrastructure Framework. This report summarises the findings from Stage 1 of the network planning process which reviews the supply of Council Community and Cultural facilities against population demand and adopted standards of provision.

A series of Councillor Workshops are proposed to examine the findings in more detail for each cluster of facilities and to help formalise the recommendations for community halls, community centres, cultural facilities and tenanted buildings which include childcare and

youth facilities. A 2016 timeline is provided for delivery of Stage 2 of the Network Planning process and to draft a Community and Cultural Facility Network Plan for Tweed Shire.

RECOMMENDATION:

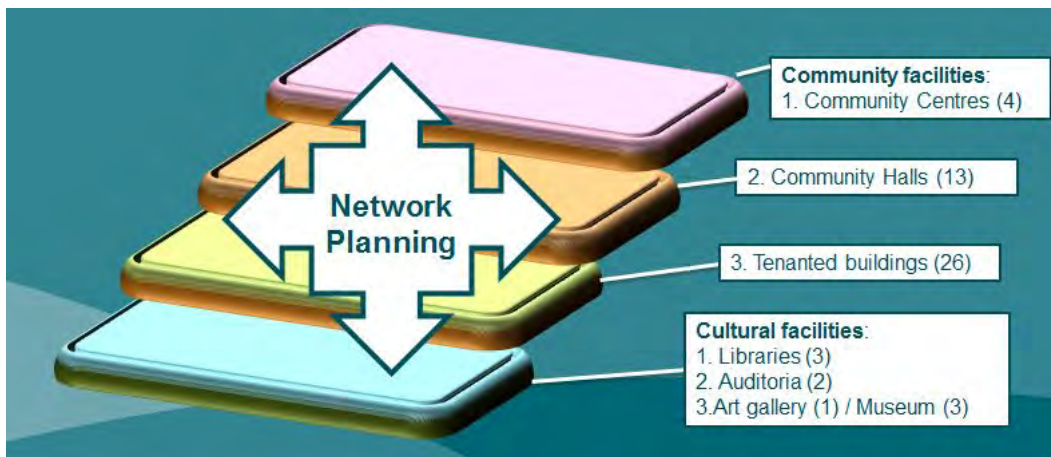
That Council:

- 1. Receives and notes the report and the 2016 timeline for delivery of Council's Network Plan as an outcome of the Community Infrastructure Framework.**
- 2. Proceeds with a series of Councillor workshops to examine the detailed findings and recommendations for each cluster of community and cultural facilities.**

REPORT:

The Community Infrastructure Framework (CIF) was adopted in October 2014 and this report presents the findings of stage 1 of the network planning phase which considers the 52 facilities managed by Community and Cultural Services (CCS). These facilities have been grouped into four main clusters: Community Centres (4); Community Halls (13); Tenanted Buildings (26); and Cultural Facilities (9) as depicted in the Figure 1. There are potential network planning opportunities that exist across and between each of the four main clusters of facilities, as well as externally with other facility providers within and outside Tweed Shire.

Figure 1: Network planning across the four main clusters of facilities



Site visits and detailed audits have been undertaken for all the facilities in the clusters 1, 2 and 4, but have not been undertaken to date for all the Tenanted Buildings (3) due to workload and project phasing. The priority has been to review all those facilities that Council are directly managing and that have been identified as a premium or tier 1 level facility in Councils Building Asset Management Plan (BAMP). An internal CIF cross-divisional working group meets every two to three months and the most recent meeting was on 6 April 2016. The working group has been discussing and consolidating the findings (strategic and operational) and have assisted in the formulation of the recommendations.

The CIF sets out a series of standards of service for the provision of different community and cultural facilities (see *Attachment 1 taken from the approved framework*). Stage 1 of the network planning process examined how Tweed Shire is performing against these standards at present and into the future (2026 and 2036) in terms of Council provided facilities. The findings are presented in this report and will contribute to the analysis of community infrastructure requirements going forward. A 40% threshold is used for the planning for additional community facilities in Tweed Shire drawn from the SGS recommendation in the Whole of Shire Cultural and Community Facilities Plan (2007). This works to ensure that the highest level of social cohesion and the development of social capital are achieved, consistent with best practice planning principles. This also supports the Council resolution made on 3 June 2008 to support in principle, subject to available funds the “commencement of community facility building works when 60% occupancy of greenfield development has occurred”.

Indicative findings show that there are geographic areas where Council will need to consider options for reducing or enhancing the level of provision. It is important to note that while the standards are considered to be best practice, they provide a guide and comparative indicator against established standards and rates of supply. The outcomes of these numerical assessments should not lead to the expectation that a need automatically translates into a requirement for new build or separate facilities as other options to repurpose, acquire or co-locate may exist.

The CIF proposes a more holistic approach to planning for and delivery of new or expanded community facilities that contribute to a network of facilities and spaces that serve the Tweed Shire community and its visitors. Detailed local area planning and consultation would be needed to ensure outcomes are suited to the specific circumstances of a particular locality and community. To inform this, the network planning process also acknowledges where S94 developer contributions towards community facilities have been determined. *Attachments 2 and 3* illustrate the standards and the findings for Tweed Shire now, and for 2026 and 2036 respectively. These findings are summarised and briefly discussed in the following sections.

District Community Centres (4 facilities)

At present the provision of district community centres by small geographic area is adequate and is aligned to current population demand. However the combined coastal areas of Kingscliff and Casuarina currently demonstrate a need for a district community centre in the near future (80% demand) and projected population demand exceeds provision by 2026 (110%). This has been recognised in the *Kingscliff Locality Planning* process.

By 2026 Cobaki also demonstrates the need for a community centre and this has been recognised in the Cobaki contribution plan (CP10) where funds will be collected for a multi-purpose community/civic centre to include a multi-use hall and youth centre.

Thao Ashford Consulting has been commissioned to review the governance models for Councils four community centres and to provide recommendations and a forward works programme for each community centre to enhance sustainability. The findings from this work are likely to be reported in May/June 2016 and will also inform how new community centre facilities are planned and governed.

Community Halls (13 facilities)

Detailed findings for the Community Halls were presented to the Community Halls Advisory Committee on 23 November 2015. The standards of provision for Community Halls illustrate that Tweed Shire is currently overprovided for Halls in the hinterland, in particular the Tyalgum suburb area where there are currently four hall facilities and only a current and future need for 0.5 (through to 2036). The CIF audit reflected this and demonstrated that two halls in the Tyalgum suburb do not appear to be well utilised by the community. In addition Reserve Creek Hall in the Tumbulgum suburb is in a state of disrepair and has not been used by the community for approximately 15 years.

Changes in population and social patterns alongside the emerging trend for new school halls would appear to have negatively affected the use of public community halls in the rural areas. Consideration should be given to the repurposing or disestablishment of underused halls that are not contributing to the community and are incurring ongoing and increasing costs for repair and maintenance.

Under provision of hall facilities exists primarily in Tweed Heads South - Banora Point, where there is one hall facility but a current population demand for four. However community consultation may not demonstrate this need for additional hall facilities and may identify different functional requirements for facilities or spaces. There is also current population demand for a hall facility in Tweed Heads and Tweed Heads West.

Looking forward to 2036, Cobaki and Terranora would also demonstrate demand for a hall facility although it is recognised that both existing and new community facilities (including libraries and community centres) could incorporate hall or community space to accommodate provision for the community and to meet present day needs for more flexible and adaptable community spaces.

Community Halls could be described as outdated and multi-purpose community facilities that incorporate a hall could be a better future investment. Community consultation would be required to determine the level of need and user requirements for new facilities and this would need to be interpreted in the context of the demographic data. The network planning process can also be used to further refine the CIF standards and to identify the requirements for floor space and opportunities for expansion or co-location to address need as well as demand.

Cultural Facilities (9 facilities)

Museums

At present and looking forward to 2026 and 2036, regional museum provision across Tweed Shire meets the benchmark and is sufficient in terms of numbers of facilities. The calculations have been based on the upper part of the range (1:150,000) with Tweed Shire providing a regional museum comprising three separate sites. However, current and future provision to 2026 would also be sufficient at the lowest part of the range if all three facilities are acknowledged as separate sites (1:30,000). In addition, Council resolved at its meeting on 19 November 2015 to note that *it will not pursue construction of a second Museum development at Flagstaff Hill or any other site in the medium term.*

Art Gallery

The current provision of a large regional Art Gallery at Murwillumbah meets current and future demand in Tweed Shire for a gallery facility (2026 and 2036). Current population demand is at 70% and by 2036 will be 100%. This has been calculated on the upper part of the range due to the size and scale of the current facility.

Performing Arts/Convention Centre

At present the current provision of two district auditoria for performing arts and conventions in Tweed Shire meets current demand which is for 1.8 facilities and this has been based on the highest level of provision for the standard (1:50,000). In addition, the CIF network planning demonstrates that the Murwillumbah Auditorium is underutilised and there is capacity for increased occupancy at Tweed. Both facilities would benefit from sufficient promotion, programming and audience development.

Both of the auditoria facilities date from 1975 and require essential upgrades to meet increased population growth and changes in technology and building standards/practices. Investment is needed to bring them up to standard and to maximise their use. The updates include an upgrade of the sound and lighting equipment, improve universal accessibility,

upgrade the seating and front-of-house facilities, improve stage infrastructure and enhance décor.

Future projections to both 2026 and 2036 do not demonstrate a need for additional facilities in the districts of Tweed and Murwillumbah, however planning for performing arts facilities should be considered for the coastal district for 2036 where demand reaches 70%. An outdoor performing arts space has been identified as part of the Kingscliff Foreshore Development and has also been identified in the S94 Contribution Plan (CP15) for Community Facilities. Links will need to be made to the emergent Open Space and Events Strategies.

In terms of contributions for performing arts facilities, CP15 has no further provision for performing arts space in Tweed Shire; however the two auditoria could attract grant funding and philanthropic contributions to improve and enhance the facilities and to develop programming. An application has been submitted to the ClubGRANTS Category 3 fund for cultural infrastructure for \$300,000 towards an upgrade of the Murwillumbah Auditorium.

District Libraries

Library floor space calculations were undertaken for each branch using the State Library NSW Population Based Benchmark Spreadsheet. This applies a range of benchmarks that are dependent on the catchment population that is served by each individual library. For example a population range of 35,001 to 65,000 has a benchmark of 35 sqm per 1000 population plus circulation space. A review of current provision against the benchmarks shows the floor space of district libraries across Tweed Shire to be underproviding by 62%. All three district libraries need to at least double their floor space to move towards current State Library Guidelines. However, the recent Council purchase and repurposing of the Southern Cross University (SCU) building at Tweed Heads has enabled an expansion of the current Tweed Heads library by over 100%. The shortfall in library provision is being considered as part of a wider review of library services and will be addressed in a separate report.

The CIF sets out the SL NSW Guidelines as the benchmark for library provision but this does not align with the current S94 Contribution Plan (CP11) for Libraries (20m²/1000 population) so Council is currently under-collecting. The library contribution plan is being reviewed internally to investigate opportunities to increase funds for library facilities going forward, in line with the SL NSW Guidelines. In order of priority need and rising level of demand, the increased floor space is needed in the district of Tweed, followed by Murwillumbah and then the Coast.

It is worth noting that there are some suburb areas in Tweed Shire where population demand is particularly high and may warrant consideration of library space/facilities or services in these areas to help respond to demand (as an alternative to expansion of the three existing district libraries). For example Tweed Heads South - Banora Point where current demand exceeds the current floor space of any of our current facilities and the combined demand from the southern coastal suburbs of Pottsville and Cabarita.

There may be opportunities to have library services aligned to the existing district community centres in these areas through the provision of library hubs that link to a district Library. This approach could also help to address access and inclusion challenges for the rural hinterland areas of Tweed Shire. Looking forward to 2036 Cobaki could also warrant a

library facility, this could be aligned and factored in to the design of the new Cobaki district community centre.

Tenanted Buildings (26 facilities)

There are no standards or requirements for Council to provide tenanted buildings, however for some of the uses such as pre-school/childcare there are standards of provision that exist. A desk top review has been undertaken of the 25 tenanted buildings managed by Community and Cultural Services but site visits and detailed audits are on hold due to the phasing of the CIF work load and actions. Nearly half of the CCS tenanted buildings (12) are used for childcare services and Council currently has a SCU student placement for three months to investigate provision of childcare services across Tweed Shire. This includes consideration and review of best practice in other LGAs with regards to providing childcare facilities and policy for 0-11 years. The outcomes of this research work will inform site visits for these facilities and recommendations going forth.

The remaining tenanted buildings (13) comprise facilities that provide for youth (PCYC), aged care (Meals on Wheels, Respite), arts (Pottery, Tweed Unlimited), leisure (eg. Men's Sheds, Bridge Club, iKIOSK) and social welfare services (Homelessness and Domestic Violence). The current and future use of tenanted buildings should be considered against the Councils priorities for community and cultural services. For example, consideration should be given to gaps in current social infrastructure, especially aligned to demographic need e.g. day care / senior citizens centres and youth. In addition, local issues surrounding homelessness and lack of crisis accommodation may also be a consideration for Council buildings.

Council also needs to demonstrate it is fit for the future. A large number of the tenanted facilities require considerable investment and most of the facilities are currently on a peppercorn rent and rely on Council to maintain the asset. Opportunities exist to reconsider rental charges and the responsibilities of tenants as lease arrangements come up for review.

Youth Centre or Centre Incorporating Youth Activities (3 facilities)

Council helps to facilitate the provision of youth facilities through access to buildings for program delivery. There is current population demand for four youth centres across Tweed Shire and at present Council has made available three facilities, one in each of the three district areas: Tweed (Police Citizens Youth Club at Florence Street), Coast (Cabarita Youth Service at Les Burger field) and Murwillumbah and Hinterland (Murwillumbah Youth Centre at Nullum Street).

Current population statistics show demand for a fourth youth centre in Tweed Heads South - Banora Point (120%). The Banora Point Community Centre and South Tweed Community Centre could both be investigated for this purpose.

Future population projections show increased demand for youth facilities across Tweed Shire to five facilities in 2026 and six by 2036. The projections show the greatest demand to be in Kingscliff (that would also serve Casuarina) and Cobaki. Both of these geographic areas can benefit from developer contributions toward youth facilities, for example a community centre that will incorporate a youth facility has been identified for Kingscliff in CP15 and a community centre that will co-locate a youth facility has been identified for

Cobaki in CP10. These findings are also supported by Councils *Youth Strategy and Action Plan (2013-2017)*.

Next Steps:

This report has summarised Council provision of community and cultural facilities against comparative standards of service which were identified using population benchmarks as adopted in the CIF (see *Attachment 1*). This provides a starting point for understanding need and will be supplemented by other data gathered from demographic analysis, actual demand and facility use, and site audits to inform a series of Councillor Workshops. The purpose is to discuss and explore the findings for each cluster of facilities in detail and to specifically investigate network options and preliminary recommendations. The parameters to be considered include, but are not limited to: history and context; financial sustainability; location and land; universal access; security, safety and health; risk management; environmental sustainability; asset condition and maintenance; industry benchmarks; operational management; facility function and use; and local socio-demographic data.

Targeted stakeholder consultation was undertaken with managers of facilities as part of the site visits but additional consultation will be needed with key stakeholders and the community. In particular, this will examine the viewpoints, needs, and satisfaction of facility users. Community engagement will be a key part of the next stages of the process. In addition, a range of indicators are being looked at to examine and review the size and performance of Councils community and cultural facilities, from an asset management and network planning perspective. These will be collated and reported.

The size and scope of new or expanded community facilities will be informed by an assessment of need and the related functional requirements for each catchment. Site constraints and considerations specific to individual catchments will also be considered.

Attachment 4 provides the project timeline for 2016 which details the key tasks and milestones for delivery of Stage 2 of the Network Planning process. The intention is to draft a Community and Cultural Facility Network Plan for Tweed Shire that will be reported to the internal working group towards the end of the year for comment. The Network Plan can then be reported to Council and go out to community consultation in 2017.

OPTIONS:

1. Council receives and notes the report and the 2016 timeline for delivery of Council's Network Plan as an outcome of the Community Infrastructure Framework
2. Council proceeds with a series of Councillor workshops to examine the detailed findings and recommendations for each cluster of community and cultural facilities
3. Council requests further information in relation to the report for delivery of Council's Network Plan

CONCLUSION:

The network planning process is now in Stage 2 where all the findings from the Stage 1 baseline mapping are being analysed and the information distilled and used to identify and consider network options and costs alongside the implications to be able to make considered network recommendations. It will be critical to engage the community and key stakeholders at this stage of the network planning process.

The outcomes of Stage 2 and the Councillor Workshops will guide development and implementation of a shire wide Community and Cultural Facilities Network Plan, setting clear direction for delivery and management of facilities by Council and considering the needs of the whole community. It will support Council and other community infrastructure providers to cooperate on and coordinate delivery of complementary facilities, make the best use of limited Council resources and strengthen Tweed Shire's ability to manage and maintain its facilities at a good standard and to attract investment.

COUNCIL IMPLICATIONS:

a. Policy:

The Community Infrastructure Framework was approved by Council in October 2014 and the following Council policies are particularly relevant:

- Access and Inclusion
- Age Friendly
- Asset Management
- Cultural Policy
- Community Halls Policy - Draft
- Events Strategy
- Facility Hire and Use
- Volunteers
- Youth

b. Budget/Long Term Financial Plan:

The 2015/16 maintenance and renewal budget for all 52 Community and Cultural facilities is \$468,962. The outcome of the network planning process informs spend in the current financial year, and will inform the budget and long term financial planning. In addition, it is likely that the contribution plans for libraries (CP11) and community facilities (CP15) will need to be reviewed and updated.

c. Legal:

Not Applicable at this stage although there are legal implications and responsibilities regarding lease and service level agreement arrangements, the rezoning of land, and the acquisition or divestment of facilities.

d. Communication/Engagement:

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

Stage 2 of the Network Planning process requires consultation and will be around defining levels of service and provision, and the capacity to maintain and manage quality facilities now and into the future. This second stage will need to continue localised site specific levels of consultation with stakeholders about satisfaction and use but will also need to undertake some strategic overarching community consultation to identify the needs, opportunities and gaps for facility provision in Tweed Shire. Broader public consultation will need to link directly to the consultation processes for the Cultural Plan and 'Tweed the Future is Ours'. A communications plan will be developed in May/June.

UNDER SEPARATE COVER/FURTHER INFORMATION:

- Attachment 1. Adopted standards for community facility provision as set out in the Community Infrastructure Framework (ECM 4044372)
- Attachment 2. Current and future standards of provision to 2026 (ECM 4044380)
- Attachment 3. Current and future standards of provision to 2036 (ECM 4044390)
- Attachment 4. Indicative 2016 project timeline (ECM 4044397)
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14 [CNR-CM] A Review of the Need for a Cultural Precinct and Convention Centre at Tweed Heads

SUBMITTED BY: Community and Cultural Services

Valid



Civic Leadership



Supporting Community Life



Strengthening the Economy

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 **Civic Leadership**
 - 1.2.1 Council will be underpinned by good governance and transparency in its decision making processes
 - 1.2.2 Decisions made relating to the allocation of priorities will be in the long-term interests of the community
 - 1.2.3 Financial requirements and the community's capacity to pay will be taken into account when meeting the community's desired levels of service
 - 1.3.3 Existing and future community assets will be properly managed and maintained based on the principles of equity and sustainability
- 2 **Supporting Community Life**
 - 2.1.1 Work closely with government and community organisations to improve services to children and families, youth, elderly, Indigenous people, disadvantaged and minority groups and to build stronger and more cohesive communities
 - 2.1.3 Provide opportunities for residents to enjoy access to the arts, festivals, sporting activities, recreation, community and cultural facilities
 - 2.3 Provide well serviced neighbourhoods
 - 2.3.6 Provide conveniently placed and well equipped parks, sporting, recreational, cultural and community facilities
 - 2.5.1 Encourage establishment of well-located centres to provide a wide range of mixed-use retail, commercial and community services, supported by high amenity public spaces, quality urban and good access by public transport or bicycle
 - 2.5.2 Facilitate the development of a network of neighbourhood centres and community places to meet the needs of local residents
- 3 **Strengthening the Economy**
 - 3.1 Expand employment, tourism and education opportunities
 - 3.1.3 Provide opportunities for visitors to enjoy access to the arts through cultural facilities, festivals and programs
 - 3.1.6 Support creative practitioners and entrepreneurs to access professional and business development opportunities, to enhance their contribution to the creative economy

SUMMARY OF REPORT:

This report examines the need for a cultural precinct in Tweed Heads in response to the Notice of Motion (NOM) put forward by Cr M Armstrong on the 20 June 2013 and subsequent reports. The report focuses on the proposal for a new performing arts/convention facility but consideration is also given to other elements identified in the NOM, such as provision of a museum, library, and community and exhibition space.

The report draws on findings from the network planning undertaken for the Community Infrastructure Framework which illustrates that the provision of performing arts/convention facilities against the adopted standards, is sufficient to 2036. This finding also responds to

direction D38 from the Economic Development Strategy regarding the need for an events facility capable of supporting more than 500 people.

Council's existing auditoria provide performing arts and events facilities, which reflect the scale and diverse character of the shire. The shire's auditoria complement a broad range of private or community venues that cater for a variety of cultural activities - including performing arts, conventions and exhibitions. The Council auditoria are well patronised facilities but have capacity for greater use; these facilities need new investment to bring them up to current standards to improve their functioning and reputation.

RECOMMENDATION:

That Council:

- 1. Endorses this report which demonstrates there is currently sufficient provision for performing arts/convention centres against the adopted Community Infrastructure Framework standards for the next twenty years through to 2036, but recommends a review of provision in 2026.**
- 2. Recognises the findings of this report identifies adequate supply of events facilities capable of supporting more than 500 people across Tweed Shire. This responds to the Economic Development Strategy direction D38.**
- 3. Acknowledges the value of Council's existing auditoria as premium assets and considers investigations into the requirement of further investment to upgrade and modernise the facilities and for program and audience development to support activation.**
- 4. Recognises that current museum provision is sufficient through to 2036.**
- 5. Supports the need for further consideration of investment in Tweed Shire libraries to bring these facilities up to current library standards identified in the Community Infrastructure Framework.**

REPORT:

Background

This report follows up on two previous matters considered by the Council. The first being a Notice of Motion (NOM) put forward by Cr M Armstrong for Provision of Community and Cultural Services on the 20 June 2013; and secondly a subsequent report investigating options for a Tweed Heads Cultural Precinct on 16 July 2015. Excerpts of the respective resolutions are reproduced below:

20 June 2013: NOM – Provision of Community and Cultural Services in part:

1. *A report be prepared for the December 2013 meeting of Council investigating potential sites and/or locations that would be suitable for a:*
 - (a) *cultural precinct within Banora Point/Tweed Heads area to potentially include:*
 - Professional theatre/performance facility for an audience of more than 350
 - Rehearsal/small performance spaces(s)
 - Museum
 - Exhibition space
 - Library
 - Multipurpose community meeting and activity spaces.
 - (b) *community centre within the Banora Point/Tweed Heads area to potentially include:*
 - Multipurpose community meeting and activity spaces
 - Government offices/spaces
 - Services for the homeless, youth, and/or other designated groups.

16 July 2015 Report - Tweed Heads Cultural Precinct in part:

1. *Proceeds with the development of a functional brief and business case for community cultural facilities at Tweed Heads based on the outcomes of the Cultural Plan and Community Infrastructure Network Planning.*

In addition, this report also responds to a direction within the Economic Development Strategy:

D38: Undertake a feasibility study which investigates the supply, need, commercial feasibility and option for an events facility capable of supporting more than 500 people. This will also investigate private sector, state, federal and public-private partnership funding opportunities

In response to the 20 June 2013 NOM, an interim report was prepared for the Council meeting of 12 December 2013. The report investigated sites and/or locations that would be suitable for a *cultural precinct* within Banora Point/Tweed Heads area to potentially include a professional theatre/performance facility for an audience of more than 350 and rehearsal/small performance spaces(s). In addition a museum, library and multipurpose community meeting and activity spaces were identified as part of the precinct. Further to the initial

investigations in 2013, Council received a report at its meeting of 16 July 2015 that provided a summary of the constraints and options for three separate sites. Importantly, Council resolved to defer preparation of a functional brief and business case for community cultural facilities at Tweed Heads *until outcomes of the Cultural Plan and Community Infrastructure Network Planning were known*.

In October 2014 Council adopted the Community Infrastructure Framework (CIF) to consolidate its activities to support a network approach to community infrastructure planning in the Shire. A network approach means that when Council is considering a new facility - or substantial changes to an existing facility - it should consider how the facility is designed and located so that it contributes to the full complement of community facilities and spaces required throughout the Shire. A network approach to community infrastructure planning also acknowledges requirements for facilities and spaces to serve communities appropriately at local and district levels, as well as shire-wide/regional level facilities. It works to assist Council to deliver on its commitment to *facilitate the development of a network of neighbourhood centres and community places to meet the needs of local residents* (Community Strategic Plan 2.5.2).

Community Infrastructure Framework – Network Planning

The CIF draws on nationally recognised population based standards/benchmarks. These standards / benchmarks are used and adopted in the framework as one input to the analysis of community infrastructure requirements. When assessing current and future need as well as determining benchmarks for provision, it is important to decide what proportion of the catchment population is required to be resident in the locality before the community need is provided for. Thus thresholds are established to determine when the infrastructure should be provided, as ideally even the first resident within an area should have access to a certain level of infrastructure.

The use of a 40% threshold in the planning of community facilities is recommended in Tweed Shire (SGS, 2007) in order to ensure that the highest level of social cohesion and the development of social capital are achieved, consistent with the suggested desired outcome and best practice planning principles. This threshold is critical for planning and preparation to support the Council resolution of the 3 June 2008 *to support in principle, subject to available funds commencement of community facility building works when 60% occupancy of greenfield development has occurred*.

Community facilities often operate within a hierarchy of provision, with different scales of infrastructure servicing different sized catchments in terms of the geographic area and number of people being serviced. Facilities serving the whole of the LGA are determined based on the total population of the LGA, as opposed to summing the requirement for 'whole of Shire' facilities in each of the districts (ie. Tweed, Coast and Murwillumbah). The reason for this is that in any given area the population in part of the LGA is unlikely to 'trigger' the benchmarks for regional facilities even at a threshold provision level of 40% of the catchment area. If the lowest level of provision is used for *performing arts/convention centres* (1:200,000) then Tweed Shire only just meets the 40% planning threshold for one facility to serve the whole LGA and wouldn't meet the 60% threshold for building works until 2036. If the highest level of provision is used (1:50,000) then the benchmarks are triggered at district level (see Table 1) and Council's provision of two facilities and their distribution is appropriate for current catchment and LGA demand.

It is important to note that while the benchmarks are considered to be best practice standards, they are a guide only. The outcomes of these numerical assessments should not lead to the expectation that a need automatically translates into a requirement for new or separate performing arts/convention facilities as other options to repurpose or co-locate may exist. The community may also want something entirely different and more detailed local area planning and consultation would be needed to ensure outcomes are suited to the specific circumstances and needs of a particular locality and community.

Responding to the NOM and Economic Development Strategy direction D38 – Performing arts and events facility for an audience of more than 350/500 and rehearsal/small performance space(s)

The proposed need for a new professional theatre/performance facility may have stemmed from the findings of the Whole of Shire Cultural and Community Facilities Plan (SGS, 2007). This plan identified a need for a whole of LGA *Performing Arts/Exhibition/Convention Centre* and concluded that Tweed Shire had no provision of *performing arts centres* (p35). The plan seems to have overlooked the existing auditoria facilities as performance based facilities in their own right. Rather, they were subsumed under the separate identification of *multi-purpose community centre/civic centres*. However, this finding was inaccurate and does not align with the more recent findings from the CIF review.

Stage 1 of the CIF network planning included a review of community facility provision against the CIF adopted standards and this included performing arts/convention facilities. Table 1 illustrates the CIF findings for the provision of Council owned and managed *performing arts/convention* facilities which identified two current Council facilities in the districts of Tweed and Murwillumbah. Applying the highest level of provision standards, adopted by the CIF (1:50,000), the current demand is for 1.8 facilities (based on 2011 population) and 2.1 by 2026.

Table 1: Provision of Council performing arts/convention facilities in Tweed Shire

Adopted standards of service reviewed against 2011 population statistics			Performing Arts/Convention Facility (1:50-200,000) Using the 1:50,000 ratio			
Small Geographical Area	Pop'n 2011	Pop'n 2036	Now	Need	Future 2026	Future 2036
Cabarita area	3,376	3,444		0.1	0.1	0.1
Mid Coast - Casuarina	2,826	9,756		0.1	0.1	0.2
South Coast - Pottsville	7,271	10,224		0.1	0.2	0.2
North Coast - Kingscliff	8,880	10,186		0.2	0.2	0.2
Murwillumbah and District	9,948	11,768	1	0.2	0.2	0.2
North East Hinterland - Tumbulgum	2,890	2,761		0.1	0.1	0.1
North West Tweed - Tyalgum	2,747	2,730		0.1	0.1	0.1
South East Hinterland - Burringbar	3,188	3,671		0.1	0.1	0.1
South West Tweed - Uki	2,330	2,328		0.0	0.0	0.0
Terranora	2,909	7,277		0.1	0.1	0.1
Tweed Heads	7,847	9,434	1	0.2	0.2	0.2
Tweed Heads South - Banora Point	23,859	26,221		0.5	0.5	0.5
Tweed Heads West	6,064	6,572		0.1	0.1	0.1
Cobaki - Bilambil and District	4,382	19,580		0.1	0.2	0.4
Tweed Shire	88,517	125,953	2	1.8	2.1	2.5
Coastal District	22,353	33,610	0	0.4	0.6	0.7
Murwillumbah and Hinterland	21,103	23,258	1	0.4	0.4	0.5
Tweed District	45,061	69,084	1	0.9	1.1	1.4

Population projections to 2026 against the standards do not demonstrate demand for additional facilities, however using the 40% threshold; the data suggests that by 2036 Council should be starting to plan for increased provision across Tweed Shire. See Table 1, which applies the 40% threshold for planning and 60% threshold for provision, and takes existing Council community facilities into account, to establish population demand for performing arts/convention facilities in Tweed Shire for the planning horizons of 2026 and 2036.

Looking at district level there is not a sufficient demand for additional facilities in Tweed and Murwillumbah through to 2036, however planning for future facilities could be considered for the coastal district as the threshold of 40% has been reached and in 2036 demand reaches 70% (this is working from the higher standard of provision of 1:50,000). An outdoor performance and events space has been identified as part of the Kingscliff Foreshore Development and this in part will respond to this demand.

The CIF proposes a more holistic approach to planning for and delivery of new or expanded community facilities that contribute to a broader network of facilities and spaces that serve the Tweed Shire community and its visitors. The mapping of performing arts/convention facilities should also recognise large scale facilities that are both community and privately managed, and also consider facilities outside the LGA that also provide for and serve the Tweed Shire community. Mapping of performing arts, event or convention facilities inside

and outside the LGA is provided in Attachment 1 and demonstrates that the Tweed Shire community has sufficient access to a wide variety (size and style) of facilities including two substantial theatre and performance facilities which both exceed 1000 capacity: Twin Towns at Tweed Heads and the Gold Coast Performing Arts Centre. In addition, Attachment 2 provides further mapping of a broader range of cultural facilities and entertainment venues in Tweed Shire that have been captured as part of the Cultural Planning process.

Council's existing auditoria facilities

Council's auditoria facilities have been classified as 'premium' assets as set out in the Building Asset Management Plan (2010) and provide two large performance venues. Tweed Auditorium can accommodate 500 seated or 300 cabaret style, and Murwillumbah Auditorium 600 seated or 250/300 cabaret style. Stage 1 of the CIF network planning included an audit of the facilities which demonstrated that the Murwillumbah Auditorium is underutilised and there is capacity for increasing and diversifying occupancy at Tweed. The focus therefore should be to maximise use, increase audience levels and improve financial sustainability of the current facilities. The Council's Business Asset Management Plan (2010) and Auditoria Business Plan (2010-2012) acknowledged the underutilisation and that both facilities would benefit from promotion, programming and audience development, which has been limited to date.

As Council's premium facilities it is also necessary to invest in some specific business development and management expertise to ensure they run as successful enterprises in their own right. Management of this service is currently provided by contractors and covers cleaning, opening and closing for users, technical and practical support whilst setting up, taking and managing bookings and the booking calendar, and the reporting of maintenance issues. The current contract is up for renewal in October 2016 and it is proposed that business development, promotion and programming should be considered as a key component of the auditoria management moving forward.

In addition, both auditoria date from 1975 and require essential infrastructure modernisation to meet changes in building standards and technology. Investment to bring them up to standard will maximise their use. Required updates include: a new sound and lighting equipment, improve universal access, upgrade the seating and front-of-house facilities, and enhance stage facilities and décor. In response to these findings, Community and Cultural Services are in the process of engaging a consultant to prepare a Position Paper, which will include an options analysis of potential facility improvements. This work will be informed by the Disability Access Audits undertaken in 2015 which identified a number of high priority barriers and non-compliant access issues both internally and externally.

As noted, Council's existing auditoria facilities reflect the mixed urban and rural character of the shire. These facilities supplement a range of other venues that cater for a variety of cultural activities and performing arts, conventions and exhibitions. The CIF findings demonstrate sufficient provision in Tweed Shire for the next 20 years through to 2035, although it would be worth reviewing provision again in 2025.

Responding to the NOM - Rehearsal/small performance spaces(s)

The CIF network planning findings demonstrate that Tweed Shire is adequately provided for with respect to its current performing arts facilities through to 2036; however a critical next

step is to improve and to invest in these buildings and spaces. The Community and Cultural Services Unit are in the process of preparing a Cultural Plan for the shire. This plan will further assist in informing options for the management direction of Council's existing auditoria at Tweed Heads and Murwillumbah. The need and requirements for rehearsal spaces will be considered as part of the Cultural Plan process.

The CIF network planning findings also reviewed Council provision of additional cultural and community facilities such as museums, community centres and libraries. An assessment of current and future provision to 2026 and 2036 against the adopted standards has been reported separately to Council and the relevant findings are summarised in brief in the following sections.

Responding to the NOM - Museum

With respect to museums, the CIF network planning findings also demonstrated that the shire is adequately provided for with respect to its museum facilities at present, and looking forward to 2026 and 2036. The calculations have been based on the upper part of the benchmark range (1:150,000) with Tweed Shire providing a regional museum comprising three separate sites. However, current and future provision to 2026 would also be sufficient at the lowest part of the range if all three facilities are acknowledged as separate sites (1:30,000).

These findings are consistent with Council's recent resolution of 19 November 2015 that *it will not pursue construction of a second Museum development at Flagstaff Hill or any other site in the medium term.*

Responding to the NOM - Exhibition space

The adopted CIF standards for community facilities do not set out specific standards for exhibitions space/s. However, these spaces could be provided as part of, or in conjunction with existing art, museum, performing art and multi-purpose community facilities. As part of the community engagement process for the Cultural Plan, shire residents will be invited to provide input through select focus groups and a whole of shire community survey. This process will help assess the need and requirements for future exhibition spaces.

Responding to the NOM – Library and multipurpose community meeting and activity spaces

The network planning also examined library provision and found the three Tweed Shire district libraries provide 38% of the required floor space to meet current demand. However, Council's recent purchase and repurposing of the Southern Cross University (SCU) building at Tweed Heads enabled the planned expansion of the current Tweed library. The shortfall in library provision is being considered as part of a wider review of library services and the library contribution plan (CP11) and will be addressed in a separate report.

Responding to the NOM - Community centre within the Banora Point/Tweed Heads area

The focus of this report is on provision of a cultural precinct and performing arts/convention facilities and the findings of the CIF Network Planning for community centres will be presented as a separate report and will be workshopped with Councillors. At present the Tweed Heads South - Banora Point area is adequately provided for against the CIF standards with two community centre facilities and a demand of 1.6. These two community

centres are described as district level facilities and also serve the Tweed Heads suburb, however, Tweed Heads in itself has surpassed the 40% planning demand for a community centre facility and by 2026 will meet the threshold for construction (60%).

Council resolved on 16 July 2015 in part:

2. *Subject to the affirmative resolution of Council in regards to the report on 1-3 Bay Street Tweed Heads (comprised in Lots 8 Section 2 DP 759009, Lot 1 DP 880816 and Lot 7035 DP 1053313), proceeds with a cost benefit analysis of the commercial benefit and risks including opportunities for public/private partnership on the site for mixed public/private use.*
3. *Considers a further report on the outcomes of the functional brief, business case and cost benefit analysis for a public/private partnership on the site at 1-3 Bay Street Tweed Heads prior to calling for an expression of interest at this site.*

Should it be determined that a public/private partnership be pursued for Bay Street, then opportunities to incorporate multi-purpose community spaces for meetings, exhibitions and community services should still be considered responding directly to the remaining elements of the original NOM. The CIF analysis also found that there is demand for additional community meeting and activity space in Tweed Heads.

In addition, Thao Ashford Consulting has been commissioned to review the governance models for Councils existing community centres and to provide recommendations and a forward works programme for each community centre to enhance sustainability. The findings from this work are likely to be reported in June 2016 and will also inform how new community centre facilities are planned and governed.

OPTIONS:

That Council:

1. Endorses this report which demonstrates there is currently sufficient provision for performing arts/convention centres against the adopted Community Infrastructure Framework standards for the next twenty years through to 2036, but recommends a review of provision in 2026.
2. Recognises the findings of this report identifies adequate supply of events facilities capable of supporting more than 500 people across Tweed Shire. This responds to the Economic Development Strategy direction D38.
3. Acknowledges the value of Council's existing auditoria as premium assets and considers investigations into the requirement of further investment to upgrade and modernise the facilities and for program and audience development to support activation.
4. Recognises that current museum provision is sufficient through to 2036.
5. Supports the need for further consideration of investment in Tweed Shire libraries to bring these facilities up to current library standards identified in the Community Infrastructure Framework

6. Requests further information on the report.

CONCLUSION:

This report deals specifically with part 1(a) of the Notice of Motion passed on 20 June 2013 and the following Council report on 16 July 2015. It also responds to direction D38 from the Economic Development Strategy.

The recent network planning mapping undertaken in 2015 reviewed current provision of community facilities against the adopted CIF benchmarks, the purpose was to understand the extent of existing facilities and the likely future demand. The findings demonstrate sufficient provision for *performing arts and convention facilities* in Tweed Shire for the next 20 years through to 2036, although provision should be reviewed in 2026.

Council's existing auditoria facilities reflect the character and rurality of the shire and support the existing range of private and community performance venues. They are well used facilities but are not working at full capacity. Investment is needed to bring them up to a high standard and to maximise their use and reputation going forth, building on the outcomes of the Cultural Plan consultation and CIF findings.

This report recommends Council *does not* proceed with the development of a functional brief and business case for cultural facilities at Tweed Heads based on the outcomes of the Community Infrastructure Network Planning.

COUNCIL IMPLICATIONS:

a. Policy:

The Community Infrastructure Framework was approved by Council in October 2014 and the following Council policies or Council strategies are particularly relevant:

Access and Inclusion
Age Friendly
Asset Management Policy and Strategy
Cultural Policy
Community Halls Policy
Community Infrastructure Framework
Events Strategy
Facility Hire and Use
Volunteers
Youth

b. Budget/Long Term Financial Plan:

Performing arts, exhibition and convention centres vary in their location, size, function, purpose and how they are managed. Facilities that provide for these types of functions are owned and managed by Councils, by the community (eg. Byron Theatre) and private business (eg. Star Court Theatre, Lismore). Most Council facilities are heavily subsidised and acquire grant funding to help with maintenance and management, in addition new facilities require substantial investment and contribution plans are not collecting for performing arts/convention centres.

The outcomes of the network planning process will inform spend in the current financial year, and will inform the budget and long term financial planning for community and cultural facilities. In addition, it is likely that the contribution plans for libraries (CP11) and community facilities (CP15) will need to be updated.

In terms of developer contributions for performing arts facilities, Contribution Plan 15 has no provision for performing arts space in Tweed Shire; however the two auditoria could attract grant funding and philanthropic contributions to improve and enhance the facilities and to develop programming. In accord with the recommendations in this report, an application has been submitted to the ClubGRANTS Category 3 fund for cultural infrastructure for \$300,000 towards an upgrade of the Murwillumbah Auditorium.

c. Legal:

Not applicable at this stage although there are legal implications and responsibilities regarding the acquisition or divestment of community facilities and collecting contributions towards community facilities under Contribution Plan 15.

d. Communication/Engagement:

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

Stage 2 of the CIF Network Planning process requires consultation and will be around defining levels of service and provision, and the capacity to maintain and manage quality facilities now and into the future. This second stage will need to continue localised site specific levels of consultation with stakeholders about satisfaction and use but will also need to undertake some strategic overarching community consultation to identify the needs, opportunities and gaps for facility provision in Tweed Shire. Consultation will need to link directly to the consultation processes for the Cultural Plan and 'Tweed the Future is Ours'. A communications plan will be developed in May/June.

UNDER SEPARATE COVER/FURTHER INFORMATION:

- | | |
|---------------|---|
| Attachment 1. | Map of performing art, event and convention facilities in Tweed Shire and adjacent LGAs (ECM 4048572) |
| Attachment 2. | Map of cultural facilities and entertainment venues that provide spaces for cultural and performing arts activity (ECM 4048574) |
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REPORTS FROM THE DIRECTOR ENGINEERING

15 [E-CM] RFO2016027 Supply of Road Construction Quarry Materials (Panel of Providers)

SUBMITTED BY: Infrastructure Delivery

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Request for Offer RFO2016027 Supply of Road Construction Quarry Materials was called to invite suitable quarry product producers to establish a Panel of Providers for the supply of a range of quarry materials to be used on an ad-hoc basis in Council's ordinary day-to-day road construction and maintenance operations.

Offer submissions closed at 4.00pm (local time) on 16 March 2016 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

Recommendations have been formulated based on the Evaluation Criteria approved in the Offer Evaluation Plan referenced in the Offer Evaluation Report at **CONFIDENTIAL ATTACHMENT 1**. All submissions were found to satisfactorily meet the Contract and Specification requirements.

RECOMMENDATION:

That in respect to Contract RFO2016027 Supply of Road Construction Quarry Materials:

- 1. Council appoints the following contractors to the Panel of Providers for the Schedule of Rates prices submitted in their respective Offers, as set out in CONFIDENTIAL ATTACHMENT 2 (on the basis that individual purchasing decisions for quarry materials from Panellists will be in consideration of a number of factors as set out in CONFIDENTIAL ATTACHMENT 1 including location of the work site, location of suppliers' quarries, supplier availability of required materials, most recent materials test results, and price:**

Company	ABN
Boral Construction Materials Qld	46 009 671 809
Fulton Hogan Quarries Pty Ltd	16 004 475 689
Hardings Earthmoving	69 045 752 191
Hy-Tec Industries Qld Pty Ltd	54 102 801 061
Nucrush Pty Ltd	23 010 119 981
O'Keeffe Quarries Pty Ltd	59 134 174 020
Tweed Coast Quarries	78 379 873 894
Walls Sand & Gravel	61 109 284 488

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

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

REPORT:

Offer Background

Request for Offer RFO2016027 Supply of Road Construction Quarry Materials was called to invite suitable quarry product producers to establish a Panel of Providers for the supply of a range of quarry materials to be used on an ad-hoc basis in Council’s ordinary day-to-day road construction and maintenance operations.

Bidders were requested to provide prices for the supply and loading of a list of specified, commonly-used quarry products to be offered under this supply arrangement.

It is the intention that, when Council has a quarry materials supply requirement for an ordinary road maintenance undertaking, purchase decisions for each supply requirement will be made using a process of comparative assessment of accepted Panel prices, suitability of materials offered for the intended use (including appropriate quality test results), the proximity of the supply source to the location of the roadworks and product availability within required timeframes.

Placement on the Panel of Providers for this supply contract does not confer on any Provider an exclusive right to supply any or all of the specified materials required by Council. Council maintains the right to obtain such materials from any supply source (including providers outside of the Panel) and to enter into separate special-purpose contracts with individual or other suppliers at its absolute discretion.

Offer Advertising

Offer RFO2016027 Supply of Road Construction Quarry Materials was officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. The Offer was advertised on 20 February 2016 in the *Brisbane Courier Mail* and *Gold Coast Bulletin*, on 22 February 2016 in the *Tweed Link* and on 23 February 2016 in the *Sydney Morning Herald*.

Offer Addendums

Nil.

Offer Submissions

Eight Offer submissions were recorded at the Offer Box opening and their details are as follows:

Bidder	ABN
Boral Construction Materials Qld	46 009 671 809
Fulton Hogan Quarries Pty Ltd	16 004 475 689
Hardings Earthmoving	69 045 752 191
Hy-Tec Industries Qld Pty Ltd	54 102 801 061
Nucrush Pty Ltd	23 010 119 981
O’Keeffe Quarries Pty Ltd	59 134 174 020
Tweed Coast Quarries	78 379 873 894
Walls Sand & Gravel	61 109 284 488

Offers were evaluated against the criteria listed in the Conditions of Offering contained within the Offer document, as set out below:

- Bidders' meeting of Contract requirements
- Pricing
- Suitability of proposed materials against specified materials and overall meeting of Specification

Due to the nature of the Panel of Providers intended to result from this evaluation, and the manner in which Providers will be selected for each goods supply requirement (as set out above), the Evaluation Criteria were not weighted or scored, but rather submissions were assessed against each of the Evaluation Criteria generally, and all submissions found to meet the requirements are recommended for placement on the Panel of Providers.

Offers were evaluated in accordance with the approved Offer Evaluation Plan.

The Offer Evaluation Panel consisting of the following personnel conducted the Offer assessment:

Position
Supervisor - Contracts Administration
Engineer - Construction
Technical Officer - Quarry Operations & Quality Control

A copy of the Offer Evaluation Report is included in ATTACHMENT 1 (with pricing in ATTACHMENT 2) which are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993:

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

OPTIONS:

Council may either:

- accept the recommended Providers that, having regard to all the circumstances, appear to meet the requirements to be appointed to the Panel of Providers, or
- rejects the recommendation, including reasons for this course of action, or
- declines to accept any of the Offers, including reasons for this course of action.

If it is recommended to decline to accept any of the Offers, a recommendation on a way forward may be made in accordance with Clause 178 of the *Local Government (General) Regulations (2005)*.

CONCLUSION:

All Offers were found to meet the requirements of the Request for Offer and, as recommended, should be appointed to the Panel of Providers for the Supply of Road Construction Quarry Materials.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Policy v1.8 in accordance with Local Government (General) Regulations 2005.

b. Budget/Long Term Financial Plan:

Costs of quarry materials are allocated to the various Council-approved programs and projects on which they are utilised.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Offer Evaluation Report (ECM 4049294).

(Confidential) Attachment 2. Offer Pricing Sheet (ECM 4051230).

16 [E-CM] RFO2016060 Road Pavement Stabilisation Program 2015/2016

SUBMITTED BY: Infrastructure Delivery

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Request for Offer RFO2016070 Road Pavement Stabilisation Program 2015/2016 was called to engage a suitably qualified and experienced organisation to provide the complete services for the proposed works which include but not limited to:

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

Offers were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Offer submissions will close at 4.00pm (local time) on 11 May 2016 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

A final Report to Council will be prepared and tabled at the Council Meeting scheduled for 19 May 2016.

RECOMMENDATION:

That, in respect to Contract RFO2016060 Road Pavement Stabilisation Program 2015/2016 an addendum report will be prepared for consideration at the Council Meeting on 19 May 2016.

OPTIONS:

Nil

CONCLUSION:

That in respect to Contract RFO2016060 Road Pavement Stabilisation Program 2015/2016 Council notes this Late Report to Council and that a Full Report to Council will be provided as part of the agenda for the Council Meeting of 19 May 2016.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Policy v1.6.

In accordance with Local Government (General) Regulations 2005.

b. Budget/Long Term Financial Plan:

Funded from 2015/2016 roads budget 2.4.3.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

17 [E-CM] RFO2016014 Kennedy Drive Stage 3 Asphalt Reconstruction Works

SUBMITTED BY: Infrastructure Delivery

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Request for Offer RFO2016014 Kennedy Drive Stage 3 Asphalt Pavement Reconstruction Works was called to engage a suitably qualified and experienced organisation to provide prime sealing, deep lift asphalt and asphalt wearing surface for the Kennedy Drive Stage 3 Pavement Reconstruction Works.

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 Plan Report included in **CONFIDENTIAL ATTACHMENTS 1 and 2**. The recommendations are based on the evaluation.

RECOMMENDATION:

That in respect to Contract RFO2016014 Kennedy Drive Stage 3 Asphalt Pavement Reconstruction Works:

- 1. Council awards the contract to East Coast Asphalt & Concrete Edging Pty Ltd (ABN 51 755 877 285) for the amount of \$639,558.50 (exclusive of GST).**
- 2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.**
- 3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
 - (d) commercial information of a confidential nature that would, if disclosed:**
 - (i) prejudice the commercial position of the person who supplied it, or**
 - (ii) confer a commercial advantage on a competitor of the council, or**
 - (iii) reveal a trade secret.**

REPORT:

Offer Background

Request for Offer RFO2016014 Kennedy Drive Stage 3 Asphalt Pavement Reconstruction Works was called to engage a suitably qualified and experienced organisation to provide prime sealing, deep lift asphalt and asphalt wearing surface for the Kennedy Drive Stage 3 Pavement Reconstruction Works.

Offers were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Offer submissions closed at 4.00pm (local time) on 13 March 2016 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

Offer Advertising

As per the requirements of the Local Government Regulation 2005, Offers were officially advertised for RFO2016014 Kennedy Drive Stage 3 Asphalt Pavement Reconstruction Works on 19 March 2016 in Brisbane Courier Mail. The Offer was also advertised in Sydney Morning Herald, Tweed Link and Tweed Shire Web site.

Offer Addendums

There were no Notices to Bidders issued before close of Offer.

Offer Submissions

As per the requirements of the Local Government Regulation 2005, Offer submissions closed at 4.00pm (local time) on 13 April 2016 in the Tender box located in the foyer of the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

Three (3) Offers were recorded at the Tender Box opening and their details are as follows:

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

Offer Evaluation

An Offer Assessment Plan dated 07 April 2016 was developed based on the premise that competitive Offers were to be received and scored against specific selection criteria in order to select the best value Offer.

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

Position
Engineer - Assets and maintenance
Contracts Engineer
Construction Engineer

Offers were evaluated based on the criteria noted in the table below which were also listed in the Conditions of Offering. The details of the price and non price evaluation are shown on the attached Offer Evaluation Report.

Criterion	Document Reference	Weighting (%)
Value for Money (Normalised Offer Price)	Schedule 3	60
Previous Contract Experience	Schedule 4	10
Methodology & Programming	Schedule 6	10
WHS, Quality & Environmental Management	Schedule 7	10
Local content	Schedule 11	10
	Total	100

The details of the price and non-price evaluation are shown on the Offer Evaluation Report and Offer Evaluation Scoring Sheet. A copy of the Offer Evaluation Report and Offer Evaluation Scoring Sheet are included in ATTACHMENT 1 and 2 which are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993:

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

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

OPTIONS:

- 1 Council accepts the recommendations made in this Council Report.
- 2 Council does not accept the recommendations made in this Council Report.

CONCLUSION:

As per the Offer Evaluation Panel recommendation, it is recommended that Council awards the contract to East Coast Asphalt & Concrete Edging Pty Ltd (ABN 51 755 877 285) for the amount of \$639,558.50(exclusive of GST).

East Coast Asphalt & 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:

Procurement Policy v1.6.

In accordance with Local Government (General) Regulations 2005.

b. Budget/Long Term Financial Plan:

2015/2016 Roads Budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Offer Evaluation Report (ECM 4051654).

(Confidential) Attachment 2. Offer Evaluation Scoring Sheet (ECM 4037994).

18 [E-CM] RFO2016005 Supply of One (1) Medium Commercial Truck Cab Chassis and Build and Supply of Service Body

SUBMITTED BY: Infrastructure Delivery

FILE REFERENCE: RFO2016005

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.1 Ensure actions taken and decisions reached are based on the principles of sustainability
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan

SUMMARY OF REPORT:

Request for Offer RFO2016005 for the Supply of One (1) Medium Commercial Truck Cab Chassis and Build and Supply of Service Body was called to supply Council operations with a replacement for an existing aged unit as per Council's 10 year asset replacement strategy.

At the closing time for Offer submissions, two (2) Offers were received for supply of the Medium Commercial Cab Chassis, and two (2) Offers were received for the Build and Supply of Service Body.

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

RECOMMENDATION:

That in respect to Contract RFO2016005 RFO2016005 Supply of One (1) Medium Commercial Truck Cab Chassis and Build and Supply of Service Body:

- 1. Council awards the contract for Supply of One (1) Medium Commercial Truck Cab Chassis to Gold Coast Isuzu (ABN 47010210723, ACN 010210723) for the amount of \$51,271.18 (exclusive of GST).**
- 2. Council awards the contract for Build and Supply of the Service Body to 'Custom Truck Bodies and Trailers Pty Ltd (ABN 23607269483, ACN 607269483) for the amount of \$32,295 (Exclusive of GST)**
- 3. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council six monthly and at finalisation of the contract.**

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

Offer RFO2016005 Supply of One (1) Medium Commercial Truck Cab Chassis and Build and Supply of Service body was called to supply Council operations with a replacement for an existing aged unit as per Council's 10 year asset replacement strategy.

Offer Advertising

In accordance with the provisions of the Local Government Act 1993, the NSW Local Government (General) Regulation 2005, and as per Council's Procurement Protocol Version 1.8, offers were invited from three (3) potential suppliers for each of the chassis and the body manufacture.

Offer submissions closed at 4.00pm (local time) on 17 February 2016 in Council's Etender box and the Tender Box located in the Fleet Administration building Tweed Shire Council Works Depot, Murwillumbah NSW 2484

Offer Addendums

There was no notice to bidders issued before close of offer.

Offer Submissions

At the closing time for Offer submissions, the Tender Box was opened and two (2) Offers were recorded at the Tender Box opening for supply of the Medium Commercial Cab Chassis, and two (2) Offers were recorded for the Build and Supply of Service Body.

Offers were recorded as below:

Bidder	ABN
Gold Coast Isuzu	47010210723
Murwillumbah Truck Centre	72001859454
Custom Truck Bodies and Trailers Pty Ltd	23607269483
Lift Industries Pty Ltd	11109172803

Offer Evaluation

The Offer Evaluation Panel consisted of:

Position
Operations Coordinator Plant and Materials
Fleet Plant Maintenance Technician
Council Truck Operator No 1
Council Truck Operator No 2
Council Truck Operator No 3
Council Truck Operator No 4

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

Criterion	Document Reference	Weighting (%)
Value for Money WOL Costs	Section 18	70
Operational Evaluation	Section 18	10
Maintenance Evaluation	Section 18	5
Operator Evaluation	Section 18	5
Local Content	Section 18	10

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 in ATTACHMENTS 1 and 2 which are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act, 1993:

- (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

OPTIONS:

1. Council accepts the recommendation to award the contract to Gold Coast Isuzu for the supply of the Medium Commercial Truck Cab Chassis and Custom Truck Bodies Pty Ltd for the Build and supply of Service Body, or
2. Council awards the contract to another supplier, or
3. Council does not proceed with the contract and advises the suppliers of the reasons for not proceeding.

CONCLUSION:

- The offer submitted for Supply of the Medium Commercial Truck Cab Chassis by 'Murwillumbah Truck Centre' presents the best financial value to Council. In the Evaluation Report contained within CONFIDENTIAL ATTACHMENT 1 to this report there are reasons provided why this offer should be passed over in favour of the offer from Gold Coast Isuzu.
- The offer submitted for the Build and Supply of Service Body by Custom Truck Bodies Pty Ltd presents the best financial value to Council

COUNCIL IMPLICATIONS:

a. Policy:

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

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

b. Budget/Long Term Financial Plan:

Provision for the RFO2016005 for the supply of One (1) Medium Commercial Truck Cab Chassis and Build and Supply of Service Body is included in the 2015/2016 Fleet Budget.

c. Legal:

Councillors need to be aware of the safety concerns raised within the **CONFIDENTIAL ATTACHMENT 1** and Councillor's obligations under the Work Health and Safety Act, 2011.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Offer Evaluation Report (ECM 4052641).

(Confidential) Attachment 2. Offer Evaluation Scoring Sheet (ECM 4046062).

19 [E-CM] RFO2016011 Supply of One (1) Medium Commercial Truck Cab Chassis and Build and Supply of Service Body

SUBMITTED BY: Infrastructure Delivery

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Request for Offer RFO2016011 for the Supply of One (1) Medium Commercial Truck Cab Chassis and Build and Supply of Service Body was called to supply Council operations with a replacement for an existing aged unit as per Council's 10 year asset replacement strategy.

At the closing time for Offer submissions, two (2) Offers were received for supply of the Medium Commercial Cab Chassis, and three (3) Offers were received for the Build and Supply of Service Body.

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

RECOMMENDATION:

That in respect to Contract RFO2016011 for the contract for RFO2016011 Supply of One (1) Medium Commercial Truck Cab Chassis and Build and Supply of Service Body :

- 1. Council awards the contract for Supply of One (1) Medium Commercial Truck Cab Chassis to Gold Coast Isuzu (ABN 47010210723, ACN 010210723) for the amount of \$43,780.92 (exclusive of GST).**
- 2. Council awards the contract for Build and Supply of the Service Body to Vince McNamara Engineering (ABN 58103518878, ACN 103518878) for the amount of \$34,000 (Exclusive of GST).**

3. **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.**

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

Offer RFO2016011 Supply of One (1) Medium Commercial Truck Cab Chassis and Build and Supply of Service body was called to supply Council operations with a replacement for an existing aged unit as per Councils 10 year asset replacement strategy.

Offer Advertising

In accordance with the provisions of the Local Government Act 1993, the NSW Local Government (General) Regulation 2005, and as per Councils Procurement Protocol Version 1.8, offers were invited from three (3) potential suppliers for each of the chassis and the body manufacture.

Offer submissions closed at 4.00pm (local time) on 17 February 2016 in Council's etender box and the Tender Box located in the Fleet Administration building Tweed Shire Council Works Depot, Murwillumbah NSW 2484.

Offer Addendums

There were no notice to bidders issued before close of offer.

Offer Submissions

At the closing time for Offer submissions, the Tender Box was opened and Two (2) Offers were recorded at the Tender Box opening for supply of the Medium Commercial Cab Chassis, and Three (3) Offers were recorded for the Build and Supply of Service Body. Offers were recorded as below:

Bidder	ABN
Gold Coast Isuzu	47010210723
Murwillumbah Truck Centre	72001859454
Custom Truck Bodies and Trailers Pty Ltd	23607269483
Lift Industries Pty Ltd	11109172803
Vince McNamara Engineering	58103518878

Offer Evaluation

The Offer Evaluation Panel consistedof:

Position
Operations Coordinator Plant and Materials
Fleet Plant Maintenance Technician
Council Truck Operator No 1
Council Truck Operator No 2
Council Truck Operator No 3
Council Truck Operator No 4

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

Criterion	Document Reference	Weighting (%)
Value for Money - WOL Costs	Section 18	70
Operational Evaluation	Section 18	10
Maintenance Evaluation	Section 18	5
Operator Evaluation	Section 18	5
Local Content	Section 18	10

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 in ATTACHMENTS 1 and 2 which are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993:

- (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

OPTIONS:

1. Council accepts the recommendation to award the contract to Gold Coast Isuzu for the supply of the Medium Commercial Truck Cab Chassis and Vince McNamara Engineering for the Build and supply of Service Body, or
2. Council awards the contract to another supplier, or
3. Council does not proceed with the contract and advises the suppliers of the reasons for not proceeding.

CONCLUSION:

- The offer submitted for the supply of the Medium Commercial Truck Cab Chassis by 'Gold Coast Isuzu' presents the best value to Council.
- The offer submitted for the build and supply of Service Body by Vince McNamara Engineering presents the best value to Council.

COUNCIL IMPLICATIONS:

a. Policy:

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

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

b. Budget/Long Term Financial Plan:

Provision for the supply of One Medium Commercial Truck Cab Chassis and Build and supply of Service Body is included in the 2015/2016 Budget.

c. Legal:

Councillors need to be aware of the safety concerns raised within the **CONFIDENTIAL ATTACHMENT 1** and Councillor's obligations under the Work Health and Safety Act, 2011.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Offer Evaluation Report (ECM 4051141).

(Confidential) Attachment 2. Offer Evaluation Scoring Sheet (ECM 4046214).

20 [E-CM] RFO2016061 Tweed Shire Council Road Rehabilitation Program 2015/2016 Asphalt works

SUBMITTED BY: Roads and Stormwater

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Request for Offer RFO2016061 Tweed Shire Council Road Rehabilitation Program 2015/2016 Asphalt Works was called to engage a suitably qualified and experienced organisation for the supply and laying of asphalt surfacing to urban streets at various locations within Tweed Shire. The majority of works involve asphalt surfacing with some milling and primer sealing at Work Item 11b) Endeavour Parade Tweed Heads. The approximate total quantity of asphalt is 2740 tonnes.

Offers were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Offer submissions closed at 4.00pm (local time) on 11 May 2016 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

RECOMMENDATION:

That, in respect to Contract RFO2016061 Tweed Shire Council Road Rehabilitation Program 2015/2016 Asphalt Works, an addendum report will be prepared for consideration at the Council Meeting on 19 May 2016.

REPORT:

Request for Offer RFO2016061 Tweed Shire Council Road Rehabilitation Program 2015/2016 Asphalt Works was called to engage a suitably qualified and experienced organisation for the supply and laying of asphalt surfacing to urban streets at various locations within Tweed Shire. The majority of works involve asphalt surfacing with some milling and primer sealing at Work Item 11b) Endeavour Parade Tweed Heads. The approximate total quantity of asphalt is 2740 tonnes.

Offers were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Offer submissions closed at 4.00pm (local time) on 11 May 2016 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

OPTIONS:

Nil.

CONCLUSION:

That in respect to Contract RFP2016061 Tweed Shire Council Road Rehabilitation Program 2015/2016 Asphalt Works, Council notes this incomplete Report due to the Offer closing on 11 May 2016 and that a Full Report to Council will be provided as part of the agenda for the Council Meeting of 19 May 2016.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Policy v1.6

In accordance with Local Government (General) Regulations 2005.

b. Budget/Long Term Financial Plan:

Funded from 2015/2016 Roads Budget 2.4.3.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

21 [E-CM] Town and Village Entry Signage - Traditional Place Names

SUBMITTED BY: Roads and Stormwater

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Supporting Community Life
2.3	Provide well serviced neighbourhoods
2.3.7	Preserve the character and heritage and enhance the amenity of existing towns and villages

SUMMARY OF REPORT:

At the October 2015 meeting, Council resolved to upgrade town and village entry signs. The prioritised works program identified Chillingham, Murwillumbah, Tumbulgum and Tyalgum for replacement signage. Signage design will be standardised in accordance with Council's Signage Standards Manual.

In accordance with the third part of Council's resolution, the Aboriginal Advisory Council (AAC) was consulted regarding the inclusion of traditional place names on these signs.

In response, the AAC minutes of 1 April 2016 make the following recommendations to Council:

"That the Aboriginal Advisory Committee:

1. *Accepts the preferred traditional names and cultural meaning for Chillingham, Murwillumbah, Tumbulgum and Tyalgum as follows:*
 - (a) *Chillingham - Chinnangum - Crossing at the foot of a Blackbean*
 - (b) *Murwillumbah - Moorwooloombah - Place of big nose (bleeding)*
 - (c) *Tumbulgum - Tumbul - Small leafed fig tree*
 - (d) *Tyalgum - Daldalgum - Tall timbers*
2. *Council to seek further advice from the Aboriginal Advisory Committee if further interpretation of these cultural names and meanings is required.*

As detailed in the report, there are several options available to Council in response the AAC's recommendation. To ensure appropriate consultation with all stakeholders, it is recommended that further engagement with the AAC, resident associations in the affected towns / villages, and the provision of information for the broader community be undertaken before finalising the designs of the entry signage. To meet the obligations to carry out the priority works program for entry signage in the 2015/16 financial year, it is proposed that the

entry signs be installed with the town/village name only, with the “by-line” to be installed later, following the further consultation process.

RECOMMENDATION:

That:

- 1. Town/village entry signage be installed at Chillingham, Murwillumbah, Tumbulgum and Tyalgum, with only the town/village name initially.**
- 2. Further consultation be undertaken with the Aboriginal Advisory Committee and stakeholders of the above towns/villages to determine an agreed “by-line” to be installed later on each sign, the outcome of which will determine whether or not to include traditional place names.**
- 3. The broader community be informed of the process and its outcomes prior to the “by-lines” being installed on the new signs.**

REPORT:

In October 2015, Council considered a report concerning the standardisation and upgrading of various Shire, Town and Village entry signage around the Shire. Council subsequently resolved as follows:

"RESOLVED That:

- 1. Council endorses the prioritised works program for entry signage, and implements works to upgrade identified priority 1, 2 and 3 signage works in 2015/16, and allocates a budget of \$25,000 towards this program.*
- 2. Entry signage design and installation shall be in accordance with the Signage Standards Manual (and any subsequent versions). Additional panels on entry signage shall be limited to aboriginal acknowledgement statements. Existing "Gasfield Free" signage panels shall remain as previously resolved by Council.*
- 3. All new or replacement town/village entry signage designs shall be referred to the Aboriginal Advisory Committee for consultation on the inclusion of traditional place names.*
- 4. Council undertakes a project in consultation with Destination Tweed, to further investigate appropriate branding for the promotion of Tweed Shire, as identified in the Tweed Economic Development Strategy. The branding exercise is to include consideration of the promotion of priority locations of Tweed Heads and Murwillumbah in the form of entry statements or public art.*
- 5. Additional suburb entry signage be installed at highway exits on Kennedy Drive, Kirkwood Road and Minjungbal Drive incorporating "Gasfield Free" signage, and that Council allocates an additional budget of \$5,000 towards this program."*

The works program adopted in part 1 of the resolution proposed new entry signage for Chillingham, Murwillumbah, Tumbulgum and Tyalgum. These signs replace existing signs with superseded branding.

In preparation for these sign upgrades, and in accordance with part 3 of the resolution, the Aboriginal Advisory Committee (AAC) was consulted regarding traditional place names for possible inclusion on the signs. The Manager Roads and Stormwater attended the March 2016 AAC meeting to brief the committee, and sought a recommendation from the April meeting.

Accordingly, at the 1 April meeting, the AAC made the following recommendation:

"That the Aboriginal Advisory Committee:

- 1. accepts the preferred traditional names and cultural meaning for Chillingham, Murwillumbah, Tumbulgum and Tyalgum as follows:*
 - (a) Chillingham - Chinnangum - Crossing at the foot of a Blackbean*
 - (b) Murwillumbah - Moorwooloombah - Place of big nose (bleeding)*
 - (c) Tumbulgum - Tumbul - Small leafed fig tree*
 - (d) Tyalgum - Daldalgum - Tall timbers*

2. *Council to seek further advice from the Aboriginal Advisory Committee if further interpretation of these cultural names and meanings is required.*

In the minutes, the AAC notes:

- That there isn't a requirement to have traditional place names on every entry sign in the Shire but it is up to the AAC as to which villages would be suitable for the signage;
- It might not be appropriate to have cultural names on all signs as not all names listed by the Geographical Names Board are correct;
- It was suggested that the two best villages for traditional place names on entry signage would be Cudgen and Burringbar, given that both the meanings and spellings are in keeping with Bundjalung language;
- Media releases and consultation with the community and residents associations on the proposal were suggested, in consultation with the Road and Stormwater Unit.

OPTIONS:

The AAC has provided an agreed position on behalf of the local indigenous community on the appropriate traditional place name and meaning for the four locations.

There are various options available to Council in considering how to implement the AAC's recommendation, if at all:

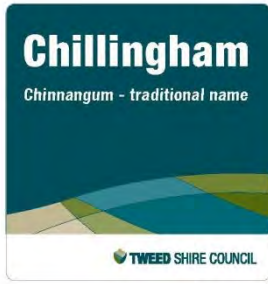
Option 1: Include both the traditional place name and its meaning on entry signage.

Advantages: This provides the most accurate representation of the traditional place names available given the limited space for the by-line on the standard signage.

Disadvantages: The translation of the traditional place names may not be acceptable to non-indigenous community members, particularly the Murwillumbah meaning. This can be readily misinterpreted. While the March meeting of the AAC discussed the traditional stories from which "place of big nose (bleeding)" was derived, this would be better provided on interpretive display signage at an alternate location such as a park or the visitor information centre, rather than in a large format roadside sign. This option provides a difficult standard to apply to all future signage, and the place names and translations may not be suitable for all entry signage.

Option 2: Include the traditional place name only on entry signage.

Advantages: This recognises the indigenous traditions of these locations, and reflects the dual naming policy of the Geographical Names Board for geographic features with traditional and English names e.g. Mount Warning / Wollumbin. This approach is also likely to be more acceptable to the broader community than option 1. Minimises wording on the signage which aids legibility for drivers. Concept design of this scheme is provided in the figures below:



Disadvantages: Limited information value, without reference to the traditional place names' meaning.

Option 3: Retain existing welcome messages in preference to traditional names.

All of the signs currently contain by-lines that have been developed by Council and/or community representatives. It may be Council's preference to retain these messages instead of including the four traditional place names. The current signage by-lines are:

Place / Location	Current Signage
Chillingham	"A Natural Village"
Murwillumbah	"Home of the Banana Festival"
Tumbulgum	"Meeting Place of Waters"
Tyalgum	"Heart of the Caldera"

Advantages: Option least likely to incur concerns from the community.

Disadvantages: No acknowledgement of traditional place names. Messages such as "meeting place of waters" have been previously assumed by community members to be traditional meanings but are refuted by the AAC. There is insufficient room on the signs to provide both traditional names and these additional by-lines.

Option 4: Install entry signage that contains only the town/village name initially (prior to 30 June 2016) and include by-lines only following a community consultation process.

Advantages: If successful, communities may have greater ownership of the entry signage. This messaging could be used for further promotions of the town. There is a reasonable expectation that Residents Associations from each town or village would be given an opportunity to comment on the makeup of the signage at the entry to their town/village. Denying community members the opportunity for input risks criticism of the AAC and the local aboriginal community for the decisions of Council.

Disadvantages: The issue could be divisive in many communities, and requires a future decision by Council that may favour one interest group over another. The consultation process could be resource intensive on Council officers. Staging of the signage design to allow installation by the end of 2015/16 does have some implications for the manufacture of the signs, and is not ideal for applying protective coatings on the signs against vandalism.

Option 4 is the recommendation of this report.

CONCLUSION:

This project aims to update entry signage for towns and villages to provide contemporary and consistent messaging for motorists. There are opportunities to provide recognition of aboriginal heritage across the shire by incorporating traditional place names on these entry signs, however in order to ensure that this becomes a positive project and not a divisive issue, further consultation with the Aboriginal Advisory Council, residents associations and the broader community is recommended. Signage design and installation can be staged to accommodate the process.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Budget has been assigned to the signage project through previous budget reviews.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

Further consultation with the Aboriginal Advisory Committee and residents associations regarding traditional place names is the recommended option of this report. It is also important to provide related media to the broader community expressing the aims of the signage project and the process we are going through to achieve agreed and acceptable by-lines on the entry signage, prior to it being installed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

22 [E-CM] Painted Handrails - Kyogle Road Bridge, Uki

SUBMITTED BY: Roads and Stormwater

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
 - 2.4 An integrated transport system that services local and regional needs
 - 2.4.1 Provide a safe and efficient network of arterial roads connecting neighbourhoods to town centres, employment, shopping, health, commercial and education facilities
-

SUMMARY OF REPORT:

In November 2014, community members carried out unauthorised rainbow coloured painting of the handrails of the Kyogle Road Bridge at Smiths Creek Uki as a memorial tribute. Council received a large number of both complaints and support for the "rainbow bridge", and at the November 2014 meeting resolved to seek community opinion through the Uki Village and District Residents Association (UKIRA). UKIRA undertook a community survey which confirmed majority support for the painting, but also significant objections.

In consideration of feedback from the community and the asset owner, and in the context of existing policies, Council resolved the following at the March 2015 meeting:

"RESOLVED that, in accordance with the adopted position of Council, with regard to zero tolerance to graffiti:

1. Council repaints the handrails on Smiths Creek Bridge Uki as resources permit.
2. The affected family and the Uki Residents Association be consulted regarding options for a suitable alternative memorial to all children lost in the Uki district.
3. The draft Graffiti Plan of Management, currently under development, specifically defines any unauthorised or unapproved painting of public infrastructure assets as graffiti, to be dealt with in accordance with the actions under the Plan."

A meeting with community members was held in May 2015 to discuss a suitable alternative memorial as per the Council resolution. At this meeting it was stressed that an alternative location should be sought, preferably not involving either Council assets or land, but that if it did, this would need to be considered through due process. It was suggested that UKIRA make a submission to the Public Art Reference Group (PARG) on the preferred alternative. Part 1 of the resolution, the repainting, was put in hold for this process to take place.

Subsequently the PARG has received a number of proposals for alternate bridge rail designs from UKIRA. Initially these were still based on rainbow colour schemes, which were considered by the asset owner (Roads and Stormwater Unit) to be inconsistent with the previous Council resolution. Following further negotiation within the Uki community, an alternate design for a mountain scape has been proposed, and is supported by the PARG. It will be undertaken as a community initiated and based, public art project, to be funded and maintained by UKIRA in accordance with a Public Art Installation Agreement. Should the art not be maintained adequately, the Council reserves the right to remove the artwork and reinstate standard bridge hand railing maintenance.

RECOMMENDATION:

That Council enters into a Public Art Installation Agreement with the Uki Village and District Residents Association (UKIRA) to permit the repainting of the Kyogle Road Bridge at Smiths Creek, Uki with a mountain scape design, in accordance with the recommendation of the Public Art Reference Group (PARG).

REPORT:

Background

In November 2014, community members carried out unauthorised rainbow coloured painting of the handrails of the Kyogle Road Bridge at Smiths Creek Uki as a memorial tribute to a local boy who died one year earlier. Council received a large number of both complaints and support for the "rainbow bridge", and at the November meeting resolved to seek community opinion through the Uki Village and District Residents Association (UKIRA).

In March 2015, Council considered a further report following receipt of the results of a community survey undertaken and compiled by UKIRA. The survey confirmed strong support for keeping the rainbow bridge (around 70% of respondents), but also significant objections. The primary basis for these objections related to the unauthorised nature of the works (i.e. that it was graffiti), and the various connotations of the rainbow colour scheme (i.e. "we are not Nimbin").

As asset owner, the rainbow painting was considered to be inappropriate due to Council's previous stance on graffiti, that this form of roadside tribute was beyond the scope of existing policy and did not relate to a road related incident, and that the rainbow colour scheme was not readily interpreted as a tribute.

In consideration of the community feedback, Council resolved the following:

"RESOLVED that, in accordance with the adopted position of Council, with regard to zero tolerance to graffiti:

- 1. Council repaints the handrails on Smiths Creek Bridge Uki as resources permit.*
- 2. The affected family and the Uki Residents Association be consulted regarding options for a suitable alternative memorial to all children lost in the Uki district.*
- 3. The draft Graffiti Plan of Management, currently under development, specifically defines any unauthorised or unapproved painting of public infrastructure assets as graffiti, to be dealt with in accordance with the actions under the Plan."*

Council's Manager Roads and Stormwater met with UKIRA representatives, the affected family, and others on 1 May 2015 to discuss a suitable alternative memorial as per the Council resolution. At this meeting it was stressed that an alternative location should be sought, preferably not involving either Council assets or land, but that if it did, this would need to be considered through due process, and likely involve further community consultation. It was suggested that the group make submission to the Public Art Reference Group (PARG) with new proposals supported by UKIRA.

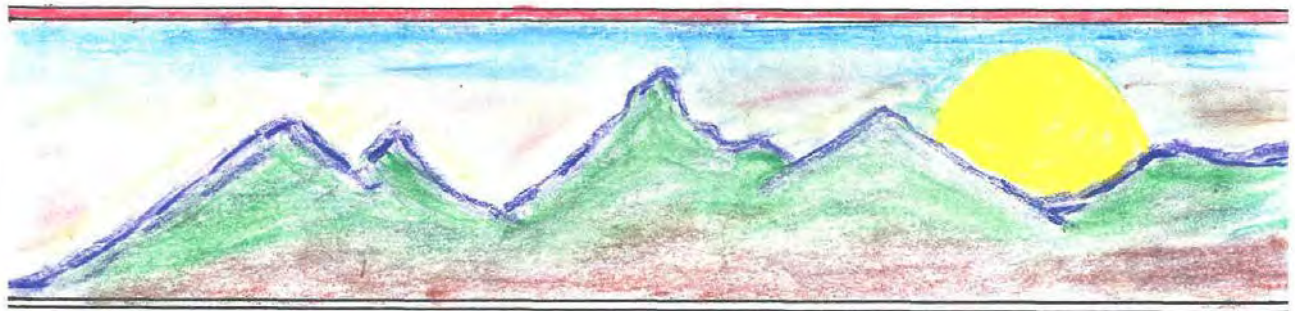
UKIRA Options

Despite the above discussions, UKIRA has continued to support memorial art work on the bridge handrails, and have submitted various designs to the PARG for assessment.

Initially UKIRA's favoured design retained the rainbow colour scheme but in a mountain scape design. While the PARG considered this design to have merit, the asset owner (Roads and Stormwater Unit) did not support the design as there were few material

differences between it and the current rainbow painting which has proved to be divisive in the local community. Continued vandalism of the artwork and ongoing pressure from objectors were considered likely.

UKIRA went back to the community and through a consultative process produced another design (refer below). This design retains the mountain scape, but has a more subdued colour scheme. This was assessed favourably by the PARG, and addresses the previous concerns of the community objectors. The PARG application includes the undertaking from UKIRA that it will fund the initial repainting of the handrails, as well as continued maintenance of the artwork. This satisfies the concerns of the asset owner, and will be formalised in a Public Art Installation Agreement. Should UKIRA fail to maintain the artwork adequately, the Roads and Stormwater Unit reserves the right to remove the artwork and reinstate standard bridge hand railing maintenance.



OPTIONS:

1. The recommendations of the PARG be adopted by Council, to allow UKIRA to repaint and then maintain the handrails of the Kyogle Road bridges as a public art installation memorial, subject to a Public Art Installation Agreement.
2. Council rejects the UKIRA proposal and instructs the Roads and Stormwater Unit to remove the memorial painting from the handrails and reinstate standard bridge hand railing maintenance.

Option 1 is the recommendation of this report.

CONCLUSION:

Adoption of the recommended option to allow UKIRA to repaint and maintain the handrails of the Kyogle Road Bridge at Smiths Creek will resolve a long running issue that has created tension in the local community and risked setting untenable precedents for other similar assets. The endorsement of the PARG puts in place a suitable governance framework for this and similar proposals, and considers the needs of the asset owner.

COUNCIL IMPLICATIONS:

a. Policy:

Graffiti Vandalism Management v1.0.
Roadside Tributes v1.1.

b. Budget/Long Term Financial Plan:

According to the application from UKIRA the initial costs of repainting the handrails and then maintaining the artwork by way of annual repainting will be borne by UKIRA, and not Council. As such, there are no budgetary impacts of the recommendation.

c. Legal:

The proposed public artwork will be subject to a Public Art Installation Agreement between Council and UKIRA, as applicant. This agreement needs to cover arrangements for costs, responsibilities for ongoing maintenance, insurance, public liability, and work health safety when undertaking the works within the road reserve.

d. Communication/Engagement:

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

The process leading up to this report involved consultation with community representatives, the affected family, and other concerned community members. Council has received a large number of submissions relating to the bridge, which indicate a large degree of community sentiment, either in favour of or against the current rainbow painting.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Public Art Reference Group (PARG) Assessment Report to Executive Management Team meeting held 21 October 2015 (ECM 3972727).

23 [E-CM] Water Supply and Sewerage Benchmarking Report 2014-2015

SUBMITTED BY: Water and Wastewater

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
 - 2.3 Provide well serviced neighbourhoods
 - 2.3.2 Provision of a secure, high quality and reliable drinking water supply services which meets health and environmental requirements and projected demand
 - 2 Supporting Community Life
 - 2.3 Provide well serviced neighbourhoods
 - 2.3.3 Provision of high quality and reliable wastewater services which meets health and environmental requirements and projected demand
-

SUMMARY OF REPORT:

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

In general Council's performance has been rated as satisfactory, good or very good. There are eight (8) items out of 56 criteria related to water that DPI Water, in their suggested Action Plan, considers may require review. Each of these has been reviewed.

Similarly there are seven (7) items out of 57 criteria related to sewerage that DPI Water, in their suggested Action Plan, considers may require review. Each of these has been reviewed.

RECOMMENDATION:

That the Water Supply and Sewerage NSW Benchmarking 2014-2015 report provided by Department of Primary Industries Water (DPI Water) be received and noted.

REPORT:

Background

Each year the DPI Water prepares a NSW Water Supply and Sewerage Performance Monitoring Report. The Report provides an overview of the current status and future water supply and sewerage needs for NSW. The Report presents key performance indicators for all NSW urban water utilities. This enables each utility to monitor and improve its performance through benchmarking against similar utilities.

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

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

Discussion – Water

Council was acknowledged as receiving a "Very Good" rating in the implementation of Best Practice Requirements. Similarly it achieved a "Very Good" rating in Residential Revenue from User Charges, health criteria of Physical Compliance, Chemical Compliance and Microbiological compliance with 100% compliance. Council also received a rating of "Very Good" in service levels for Number of Main Breaks and economic indicators of Interest Cover, Loan Payment and Water Main Cost.

Council received a "Good" rating for Residential Use Charges, Residential Access Charges, Typical Residential Bill, Typical Developer Charges, Number of Main Breaks, Economic Rate of Return and Net Debt to Equity.

Within the Action Plan prepared for Council by DPI Water only eight (8) items from 56 criteria were identified as "May Require Review". These are addressed below.

Renewals Expenditure

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

Employees

Council has 2.0 employees per 1,000 properties versus the state median of 1.5. This is due to, firstly, the amount of infrastructure per 1,000 properties, the requirement to operate 3 water treatment plants and the highly technical nature of the membrane treatment plants and specifically Bray Park Water Treatment Plant.

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

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

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

Further, due to rapid growth, a significant level of resources are also required to review the servicing requirements for, and financial implications associated with, new developments as well as plan for major augmentations.

Water Quality Complaints

Water quality complaints are 5 per 1000 properties as compared to the state median of 4. The result may be due to high levels of manganese in the water supply, a matter which is presently under investigation.

Water Service Complaints

The level of water service complaints is now 16.6 per 1,000 properties as compared to 28.2 in the last reporting period and the present state average of 4. A review of the complaints register showed that the definition used by Tweed Shire Council was much broader than that used by DPI Water. As an example Tweed Shire Council presently records the notification of a leak as a complaint whereas DPI Water would not. It is anticipated the water service complaints will continue to fall as the definitions used by Council become consistent with those used across the State.

Total Days Lost

The percentage days lost is a measure of the days lost through sickness, injury or industrial dispute. Council had a total days lost of 4.1% as compared to the state median of 2.9%. This is a reduction from last year. A review of the data indicates the high percentage is not due to workplace injury but sickness unrelated to the work place. There were a small number of individuals who took more than 20 days sick leave which may have skewed the result.

Management Costs

Council management costs for water are \$185 per property versus a state average of \$141. Council's management cost per property has risen approximately 5% from the 2013-2014 result. Notwithstanding, the result is reflective of high administrative and corporate support costs via Activity Based Costing paid to General Fund.

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

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

Treatment Costs

Council treatment cost per property has reduced from \$82 in 2013-2014 to \$80 in 2014-2015 versus a state median of \$58. The reduction is used to better management of items such as power and chemical usage. The cost is still higher than the state median due to the cost of operating the advanced technology at Bray Park WTP required for the treatment of manganese, dissolved organic carbon and algal blooms.

Pumping Costs

Council's pumping costs have reduced from \$45 per property to \$36 per property, just above the state median of \$31. This has been achieved through initiatives such as utilisation of off peak tariffs to further reduce the pumping costs.

Discussion – Sewerage

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

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

Employees

Council has 2.5 employees per 1,000 properties versus the state average of 1.6. This is due to firstly the amount of infrastructure per 1,000 properties, the requirement to operate 8 sewage treatment plants and the highly technical nature of nutrient removal sewage treatment plants such as Banora Point, Kingscliff, Hastings Point and Murwillumbah.

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

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

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

Percentage effluent reused

Council's percentage of effluent reused, at 7%, is low compared to the state median of 10%. This is primarily due to high rainfall in the area and limited opportunities to reuse large

quantities. The majority of authorities achieving high levels of reuse were located in drier and or rural areas having small sewerage schemes.

Notwithstanding Council is actively pursuing reuse opportunities with the implementation of the policy Financial Assistance to the Proponents of Recycled Water Schemes. Council is progressing opportunities at the Tweed River Jockey Club. Council is providing financial assistance to the Tweed River Jockey Club for training track watering.

Non-Residential Revenue

For Council this is 17% which is only marginally below the state median of 18%. It is reflective of the level of industry within Tweed Shire and Trade Waste Charges. It is considered satisfactory by officers.

Operating Cost

The operating cost has risen from \$505 per property to \$524 per property versus a state median of \$420. A large portion of this amount is made up of administration costs which are a payment from the Sewerage Fund to General Fund for administration based on Activity Based Costing. If this amount is subtracted from the \$524 the operating cost would be below the state median.

Treatment Costs

Council's treatment cost is \$187 per property as compared to the state median of \$145. The higher than state median cost is due to high level (tertiary) of treatment provided at the wastewater treatment plants. Notwithstanding, Council aims to reduce costs through energy audits and the identification of opportunities to reduce power consumption.

Pumping Costs

Council pumping costs have reduced from \$101 per property to \$100 per property. The state median is \$72. The higher than state median cost is due to the topography of the area and large number of sewage pump stations. Notwithstanding, Council has achieved reductions in an environment where costs are increasing.

CONCLUSION:

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

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

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

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Not applicable

c. Legal:

Not Applicable

d. Communication/Engagement:

Inform - We will keep you informed

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. TBL Water Supply Performance 2014-2015 (ECM4039621)

Attachment 2. TSC Water Supply - Action Plan (ECM4039574)

Attachment 3. TBL Sewerage Performance 2014-2015 (ECM4039605)

Attachment 4. TSC Sewerage - Action Plan (ECM4039600)

24 [E-CM] Creation of Easement to Drain Sewage Over Lot 2 DP 1192152, Sedalia Place, Banora Point

SUBMITTED BY: Design

FILE REFERENCE: DA15/0218.01

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Council has granted development consent in relation to DA15/0218.01 for the subdivision of Lot 2 DP 1192152 which includes condition 79 requiring the creation of an easement to drain sewage 3 metres wide over the existing sewer line servicing adjoining properties.

The applicant has now submitted an application for the creation of the easement together with a Transfer Granting Easement to be lodged and registered at Land & Property Information (LPI), Sydney. The Transfer Granting easement will create an Easement to Drain Sewage 3 wide and variable width over Lot 2 in DP 1192152 benefiting Tweed Shire Council which satisfies the consent condition. The Transfer Granting Easement needs to be executed by Council under Common Seal prior to registration by the applicant.

RECOMMENDATION:

That

- 1. Council approves the creation of the proposed Easement to drain sewage 3 wide and variable width over Lot 2 DP 1192152 which benefits Council as an easement in gross.**
- 2. All documentation be executed under the Common Seal of Council.**

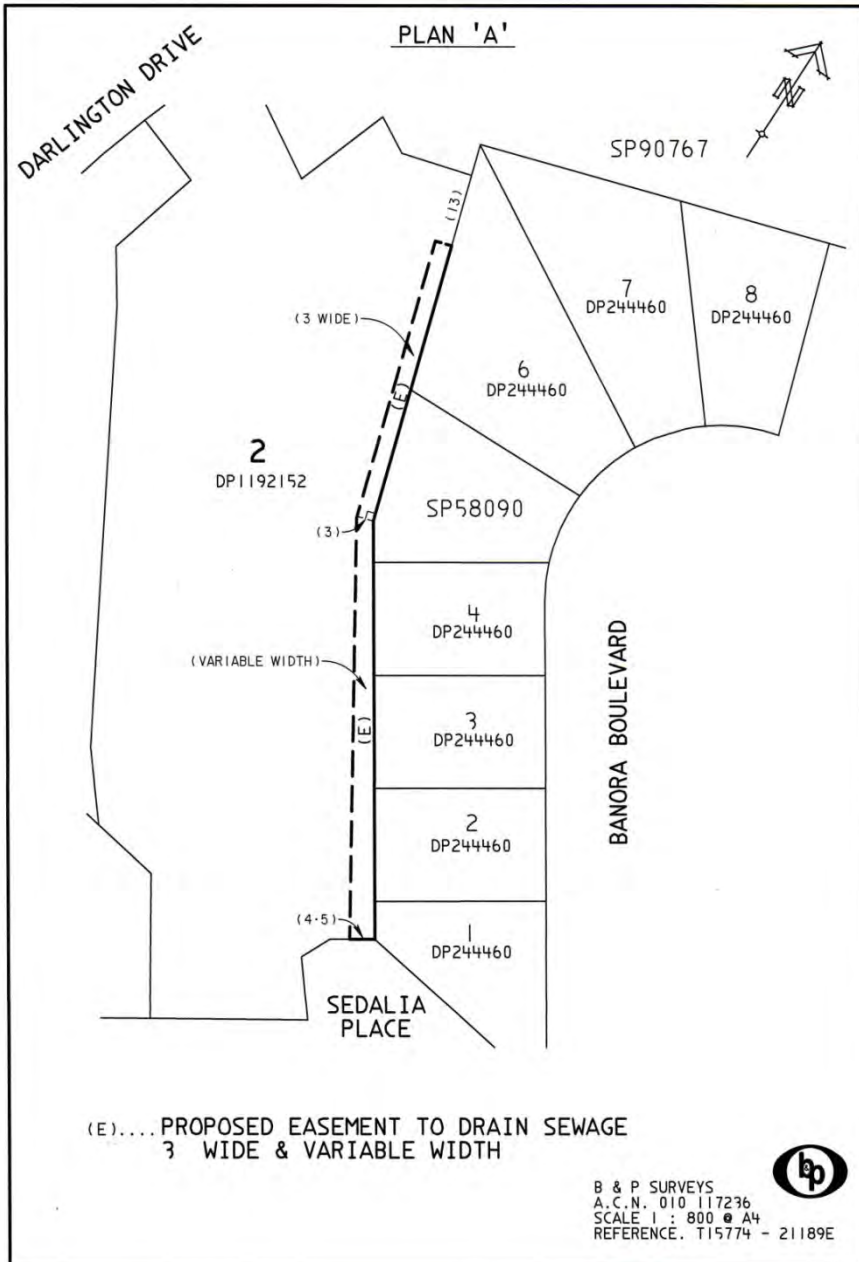
REPORT:

Council has provided development consent in relation to DA15/0218.01 for the subdivision of Lot 2 DP 1192152 which includes at clause 79 a condition requiring the creation of an easement to drain sewage 3 wide over the existing sewer line servicing adjoining properties.

Consent condition 79 of DA15/0215.01 states:

79. Prior to the issue of an occupation certificate, documentary evidence of creation of the required 3.0m easement over the existing sewer on the lot that services the properties in Banora Boulevard shall be submitted to Tweed Shire Council.

A copy of the plan of Easement over Lot 2 DP 1192152 (marked E) is shown below.



OPTIONS:

1. Council approves the Creation of the Easement to Drain Sewage 3 wide and variable over Lot 2 in DP 1192152.
2. Council does not approve the Creation of the Easement to Drain Sewage 3 wide and variable over Lot 2 in DP 1192152.

CONCLUSION:

The applicant has now submitted an application for the creation of the easement together with a Transfer Granting Easement to be lodged and registered at Land & Property Information (LPI), Sydney. The Transfer Granting easement will create an Easement to Drain Sewage 3 wide and variable width over Lot 2 in DP 1192152 benefiting Tweed Shire Council which satisfies the consent condition. The Transfer Granting Easement needs to be executed by Council under Common Seal prior to registration by the applicant.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

No future budget implications.

c. Legal:

Creates a legal right for Council to access and maintain the subject sewer line.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

25 [E-CM] Easement for Drainage - 218 Kennedy Drive, Tweed Heads West

SUBMITTED BY: Design

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Council at its meeting of 19 February 2015 resolved to purchase Lot A DP407658, 218 Kennedy Drive Tweed Heads West for the purpose of installation of stormwater pipes associated with ongoing upgrade works along Kennedy Drive.

Settlement of the property was effected in June 2015 and the land was subsequently classified as Operational.

All works have now been completed and as it is proposed to on-sell the property it is necessary to create an Easement for Drainage 3 metres wide over Lot A in DP407658 by transfer granting easement.

To enable registration of the transfer granting easement Council is required to execute the document under the Common Seal of Council.

RECOMMENDATION:

That Council:

- 1. Approves the creation of an Easement for Drainage 3 wide over Lot A DP407658, and**
- 2. Executes all necessary documents under the Common Seal of Council.**

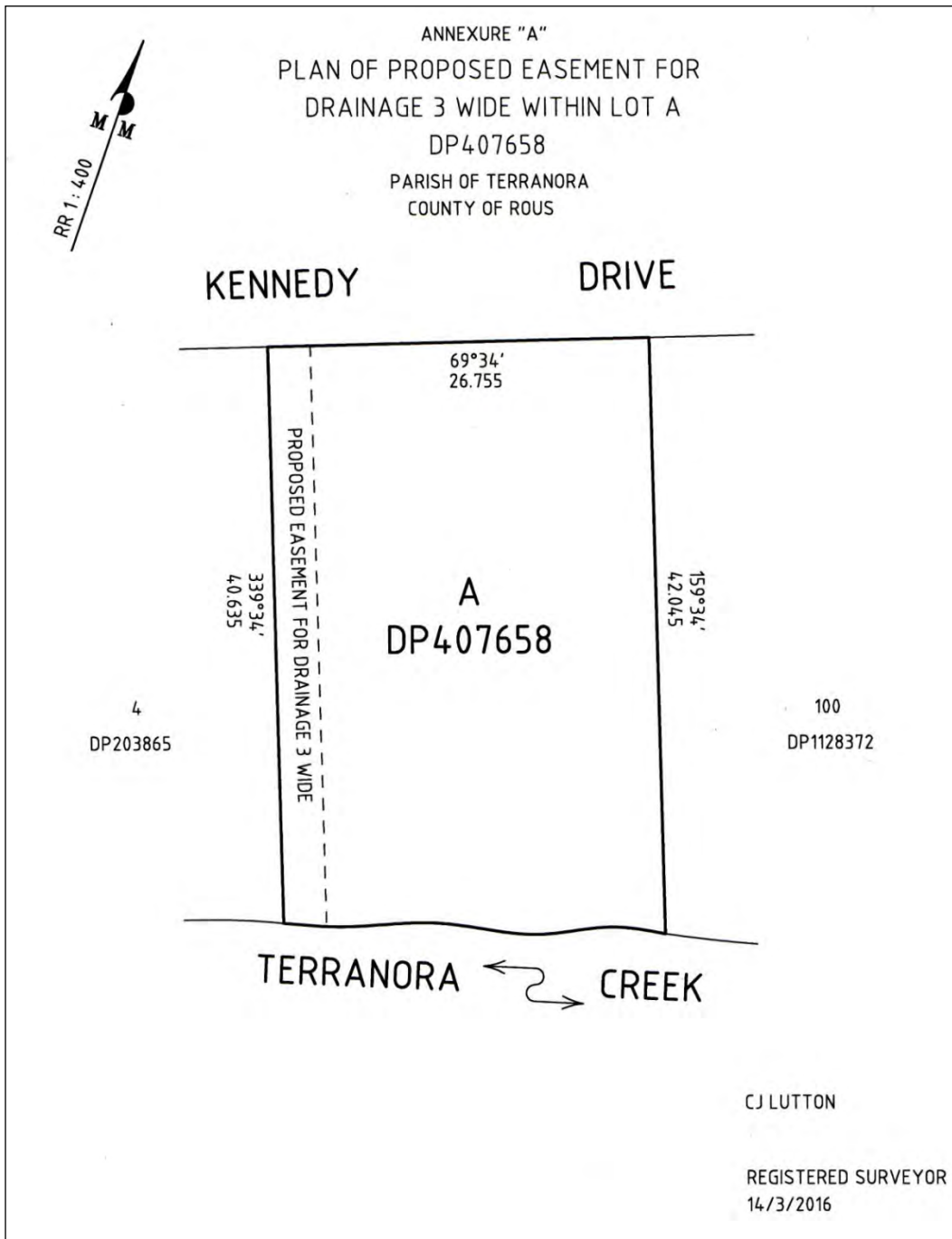
REPORT:

Council at its meeting of 19 February 2015 resolved to purchase Lot A DP407658, 218 Kennedy Drive Tweed Heads West for the purpose of installation of stormwater pipes associated with ongoing upgrade works along Kennedy Drive.

Settlement of the property was effected in June 2015 and the land was subsequently classified as Operational.

All works have now been completed and as it is proposed to on-sell the property it is necessary to create an Easement for Drainage 3 metres wide over Lot A in DP407658 by transfer granting easement. (Refer to Diagram 1).

Diagram 1 – Plan of Proposed Easement for Drainage 3 metres wide within Lot A DP407658:



OPTIONS:

It is intended to on-sell the property now that works are complete. To protect the Council infrastructure it is necessary to create an Easement for Drainage and ensure it is registered on Title.

CONCLUSION:

To enable registration of the transfer granting easement Council is required to execute the document under Common Seal.

COUNCIL IMPLICATIONS:

a. Policy:

Not Applicable.

b. Budget/Long Term Financial Plan:

The creation of the Easement for Drainage is associated with the construction and upgrade works carried out within Kennedy Drive and thus funding for the creation of the easement is included in that budget.

c. Legal:

Creates legal rights for stormwater drainage and access over the subject property.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM THE DIRECTOR CORPORATE SERVICES

26 [CS-CM] Volunteer Policy Version 2.1

SUBMITTED BY: Human Resources

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

The Volunteer Policy has been updated in Version 2.1 to include reference to the Alcohol and Other Drugs in the Workplace Non-Employee Workers Protocol, and is now required to be publicly exhibited inviting submissions for the mandatory period of 42 days.

The amended Policy is reproduced within the body of this report for consideration.

RECOMMENDATION:

That Council places the Draft Volunteer Policy, Version 2.1 on public exhibition for 28 days, inviting submissions for 42 days, from 24 May 2016, as required under S160 of the Local Government Act 1993.

REPORT:

As per summary.

The Draft Volunteer Policy, Version 2.1 is reproduced below for reference, particularly *Associated Documentation* which has added *Alcohol and Other Drugs in the Workplace Non-employee Workers Protocol*:



Policy

Volunteers

Version 2.1

Adopted by Council at its meeting on XXXXXXX

Minute No: YY

Division:
Section:
File Reference:
Historical Reference:

Corporate Services
Human Resources
Council Policies/Protocols/Procedures
Previously included in OMS Manual

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Volunteers

Policy Objective

- To ensure that volunteering remains a mutually beneficial activity.
- To recognise the important contributions volunteers make to achieve Council and Community goals.
- To define the relationship between Council staff and volunteers.
- To provide a safe and healthy workplace for volunteers.
- To identify and provide training to ensure activities are undertaken in a safe manner.
- To provide appropriate supervision and/or direction to ensure activities are performed to the standard required.
- To ensure volunteers do not replace paid workers nor constitute a threat to the job security of paid workers.

Definitions

Council Volunteer In accordance with the national Standards for Involving Volunteers in Not-For-Profit Organisations, Council adopts as its definition of volunteering:

Formal volunteering is an activity that takes place in not for profit organisations or projects and is undertaken:

- *To be of benefit to the community and the volunteer,*
- *Of the volunteer's own free will and without coercion,*
- *For no financial payment, and*
- *In designated volunteer positions only.*

Organisation Not for profit organisations such as service clubs, charitable organisations, Rural Fire Service and the like that usually carry their own insurance and manage the involvement of their volunteers through their organisations.

Program Coordinator Council employee who is responsible for the administration of the volunteer program in their area of responsibility and leading the volunteer group.

Program Manager Council employee who is responsible for managing the project and carry out risk assessments, training and attendance sheets.

Unit Manager/
Section Coordinator Council employee with delegated responsibility to manage the functions of a department within Council.

Policy Background

Tweed Shire Council recognises and values the substantial support and ongoing contribution made by volunteers and volunteer groups to the quality of life of the citizens of the Tweed. Council staff benefit from the efforts of volunteers, whilst volunteers experience the satisfaction of participating. Volunteers help to build strong, healthy and inclusive communities.

Council is committed to providing the community with the best possible service delivery. To achieve this, a high level of commitment and competence is required from all those who provide that service, including volunteers. Support for Council volunteers and the development of volunteering within the Shire of Tweed will enhance Council's vision of building a stronger, sustainable and healthy community for future generations.

Council acknowledges that there has been a growth of volunteers across its programs and this policy addresses the need to formalise roles, responsibilities and boundaries of all involved in the volunteering process. Council is required to fulfil its duty of care to volunteers and to the existing workforce and is committed to providing a safe working environment for all staff and volunteers. To achieve this it is necessary for all volunteers and Council officers responsible for volunteer programs to comply with Council Policies, Protocols and Procedures.

Policy

This policy applies to ALL volunteers undertaking activities for and on behalf of Council, including advisory committee members.

Responsibilities

- | | |
|--------------------------------------|--|
| General Manager | <ul style="list-style-type: none">• ensure adherence to Policies and Procedures.• ensure WHS principles are enforced and adhered to in the workplace. |
| Unit Manager/
Section Coordinator | <ul style="list-style-type: none">• effective implementation of Volunteer Policy and Procedures in area of responsibility.• ensure supervisors have all necessary resources available for operating the volunteer program they are responsible for. |
| Program Manager | <ul style="list-style-type: none">• monitor safety of volunteer work area(s) and ensure risks are minimised.• ensure that volunteers are trained and competent to perform the required volunteer tasks.• ensure adequate supervision of volunteers.• ensure risk management procedures are implemented and followed.• ensure attendance records for volunteers are completed and recorded. |

Human Resources	Develop, monitor and review Council's Volunteer Policy, procedures and associated protocols.
Work Health and Safety Section	Responsible for providing WHS advice and workplace consultation with the program manager to manage safety risks associated with volunteer management.
Volunteers	<ul style="list-style-type: none">• take care for the health and safety of themselves and others and through act or omission do not place themselves or others in danger;• comply with the Volunteer Policy;• promptly report all incidents, accidents, illness and any risks to health, safety and the environment to the program coordinator.

Associated Documentation

To support the management of Council's Volunteer Program, the following documentation must be read:

- Procedure - Volunteers
- Council's Code of Conduct
- [Alcohol and Other Drugs in the Workplace Non-Employee Workers Protocol](#)

All relevant documentation will be provided to volunteers at induction.

Responsible Behaviour and Code of Conduct

As a volunteer of Tweed Shire Council certain behaviours are expected whilst undertaking volunteer duties.

- ⇒ No volunteer is to be under the influence of alcohol or illegal substances when volunteering.
- ⇒ Volunteers must behave in a responsible and reliable manner at all times in the work environment.
- ⇒ Volunteers are acting as representatives of Council and should adhere to the highest standards of honesty, integrity and confidentiality.
- ⇒ If medication is required, volunteers should ensure all necessary medications are with them at all times.
- ⇒ All volunteers will have access to a basic first aid kit.

Insurances

Tweed Shire Council has Personal Accident Insurance which includes coverage of volunteers. It should be noted that the following limitations apply:

- Compensation will not be payable for those volunteers under the age of 10 years or over the age of 90 years.

Related Legislation

Not applicable

Compliance

Not applicable

Forms

Not applicable

Review Period

This policy will be reviewed within 12 months of the election of each new Council or more frequently in the event of any legislative changes or change in circumstances.

Useful Links

<http://www.tweed.nsw.gov.au/Volunteers>

Version Control:

Version History		
Version #	Summary of changes made	Date changes made
1.0	Previously included in Operational Management System (OMS) Manual	
2.0	Complete rewrite of Policy.	30 August 2012
2.0	Incorporated into new policy template	20 June 2013
2.1	Page 5: Associated Documentation updated to include reference to the "Alcohol and Other Drugs in the Workplace Non-Employee Workers Protocol".	6 August 2015

OPTIONS:

That Council:

1. Places the Draft Volunteer Policy, Version 2.1 on public exhibition, as required under S160 of the Local Government Act 1993.
2. Makes further amendments to the Draft Volunteer Policy, Version 2.1 and places on public exhibition, as required under S160 of the Local Government Act 1993.

CONCLUSION:

That Council places the Draft Volunteer Policy, Version 2.1 on public exhibition, as required under S160 of the Local Government Act 1993.

COUNCIL IMPLICATIONS:

a. Policy:

Volunteers v2.0

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.

The Draft Volunteer Policy, Version 2.1 be exhibited for a period of 28 days and accepts public submissions for a period of 42 days as per Section 160 of the Local Government Act 1993.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

27 [CS-CM] Draft Events Sponsorship Policy, Version 1.0

SUBMITTED BY: Director

Valid



Supporting Community Life



Strengthening the Economy

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
 - 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
 - 2.1.1 Work closely with government and community organisations to improve services to children and families, youth, elderly, Indigenous people, disadvantaged and minority groups and to build stronger and more cohesive communities
- 3 Strengthening the Economy
 - 3.1 Expand employment, tourism and education opportunities
 - 3.1.2 Attract major events to the Tweed
 - 3.1.3 Provide opportunities for visitors to enjoy access to the arts through cultural facilities, festivals and programs
 - 3.1.4 Market the Tweed as a destination for business and tourism
 - 3.1.6 Support creative practitioners and entrepreneurs to access professional and business development opportunities, to enhance their contribution to the creative economy
 - 3.3 Maintain and enhance the Tweed lifestyle and environmental qualities as an attraction to business and tourism

SUMMARY OF REPORT:

The process of providing both financial assistance and in kind support to event organisers has been reviewed in accordance with the actions outlined in the Tweed Shire Events Strategy 2016-2020 Action Plan, adopted by Council on 18 February 2016.

This review has resulted in the creation of the draft Events Sponsorship Policy which provides a framework for Council to offer financial assistance to event organisers to develop, host and grow festivals and events in the Tweed Shire.

It is to be noted that as actions from the Events Strategy are implemented over the Strategy's four year implementation period, further reviews and updates may be required of the Events Sponsorship Policy, Events Sponsorship Guidelines and the Events Sponsorship Application Form.

The draft Events Sponsorship Policy, Version 1.0 will replace the Festivals and Events Policy, Version 1.1, which has previously been the Policy providing Council a framework for the distribution of grants and funding.

RECOMMENDATION:

That Council:

- 1. Exhibits the draft Events Sponsorship Policy, Version 1.0 for a period of 28 days commencing Friday 20 May 2016, and accepts public submissions for a period of 42 days, up until Friday 30 June 2016, as per Section 160 of the Local Government Act 1993.**
- 2. Supports the introduction of the Events Sponsorship Guidelines, Version 1.0.**
- 3. Endorses the Events Sponsorship Application Form to be available for public distribution on Friday 20 May 2016.**
- 4. Supports the opening of the 2016/2017 Events Sponsorship Funding round from 20 May 2016 closing on 24 June 2016.**

REPORT:

The process of providing both financial assistance and in kind support to event organisers has been reviewed in accordance with the actions outlined in the Tweed Shire Events Strategy 2016-2020 Action Plan, adopted by Council on 18 February 2016.

This review has resulted in the creation of the draft Events Sponsorship Policy which provides a framework for Council to offer financial assistance to event organisers to develop, host and grow festivals and events in the Tweed Shire.

The aims and objectives of the draft Events Sponsorship Policy are to:

- Drive social, community, environmental and economic outcomes for the Tweed region (noting the important link between community outcomes and economic benefits).
- Generate local economic activity and development within Tweed Shire.
- Further develop the region's capacity to deliver authentic and well-organised events.
- Attract external visitation to The Tweed.
- Enhance and honour the personality of the region and desires of the community.

It is recognised that each event has a unique characteristic and therefore the relative importance of these objectives will vary from event to event. The means for qualifying and measuring outcomes related to these objectives is crucial, and will be reflected in both the application form and funding agreements for successful applicants. It will also be a requirement to report these outcomes in their project reports and acquittals.

All applications will be assessed against the eligibility criteria by relevant Council Officers with all eligible applications presented to Councillors in a Councillor Workshop for discussion and consideration. The recommendations from that Workshop will be presented in a report to the next Council meeting for determination of the recommended applications.

Full *or* partial *or* no funding for the applications may be recommended by Council and all applicants will be advised of the outcome of their application.

Further information regarding eligibility and conditions of funding, application and assessment process, and assessment criteria are in the draft Policy attached.

Also attached is the draft Events Sponsorship Guidelines which includes additional information around the timing/logistics, advertising assistance from Council, funding available, how to lodge the application, and who to contact for further information.

It is to be noted that as actions from the Events Strategy are implemented over the Strategy's four year implementation period, further reviews and updates may be required of the Events Sponsorship Policy, Events Sponsorship Guidelines and the Events Sponsorship Application Form.

OPTIONS:

That Council:

1. Exhibits the draft Events Sponsorship Policy, Version 1.0 for a period of 28 days commencing Friday 20 May 2016, and accepts public submissions for a period of 42

days, up until Friday 30 June 2016, as per Section 160 of the Local Government Act 1993.

2. Supports the introduction of the Events Sponsorship Guidelines, Version 1.0.
3. Endorses the Events Sponsorship Application Form to be available for public distribution on Friday 20 May 2016.
4. Does not support the draft Events Sponsorship Policy, Version 1.0 being placed on public exhibition, the introduction of the Events Sponsorship Guidelines, Version 1.0 or the opening of the Events Sponsorship funding round on 20 May 2016.

CONCLUSION:

In previous years, applications for event funding opened annually in March each year, with one round of funding, including multi-year options. However, with the adoption of the Tweed Shire Events Strategy 2016-2020 by Council on 18 February 2016 the process of providing both financial assistance and in kind support to event organisers has been reviewed in accordance with the actions identified in the Strategy's Action Plan.

As a result of the funding round being delayed, some events could be disadvantaged if the application process is not commenced at the earliest opportunity. Therefore it is proposed, subject to Council's support, the funding application round open on Friday 20 May 2016, whilst the draft Events Sponsorship Policy is on public exhibition.

Councillors will be not be assessing the funding applications until after the close of the public exhibition period, with both the draft Events Sponsorship Policy and funding requests considered at the Council meeting on 21 July.

COUNCIL IMPLICATIONS:

a. Policy:

Events Strategy Version 1.0 (adopted 18 February 2016).

The draft Events Sponsorship Policy, Version 1.0 will replace the Festivals and Events Policy, Version 1.1.

The draft Events Sponsorship Policy will be reviewed in conjunction with the Community Sponsorship Policy as required, and to assist in implementing the actions from the Tweed Shire Events Strategy 2016-2020.

b. Budget/Long Term Financial Plan:

A budget allocation has been made in the draft 2016/2017 Budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

Subject to Council's support:

1. The draft Events Sponsorship Policy will be placed on public exhibition for 28 days, commencing 20 May 2016, with submissions accepted for 42 days from the commencement date of exhibition. A public exhibition notice will appear on Council's website on Friday 20 May 2016, with an advertisement appearing in the Tweed Link on Tuesday 24 May 2016.
2. A copy of the draft Policy, Guidelines and application form will be forwarded to event organisers on Friday 20 May 2016.

UNDER SEPARATE COVER/FURTHER INFORMATION:

- | | |
|---------------|--|
| Attachment 1. | Draft Events Sponsorship Policy Version 1.0 (ECM 4051294). |
| Attachment 2. | Draft Events Sponsorship Guidelines, Version 1.0 (ECM 4051578) |
| Attachment 3. | Draft Events Sponsorship Application Form (ECM 4052817). |
-

28 [CS-CM] TASTE of Kingscliff and Tweed Coast Festival, July 2016 - Request for Funding

SUBMITTED BY: Director

Valid



Supporting Community Life



Strengthening the Economy

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
- 2.1.3 Provide opportunities for residents to enjoy access to the arts, festivals, sporting activities, recreation, community and cultural facilities
- 3 Strengthening the Economy
- 3.1 Expand employment, tourism and education opportunities
- 3.1.2 Attract major events to the Tweed

SUMMARY OF REPORT:

The Community Sponsorship funding round opened on 21 March and closed on 22 April 2016. In this funding round an application for \$20,000 was received from Taste Northern Rivers Incorporated for the TASTE of Kingscliff and Tweed Coast Festival (Taster at Salt), to be held from Friday 8 July to Monday 11 July 2016.

At the Councillor Workshop conducted on 28 April 2016 where applications for the Community Sponsorship funding were assessed, it was determined that Council consider the application from Taste Northern Rivers Incorporated as a separate report. This decision was based on the associated suite of events aligning more with the Festivals and Events Policy funding round.

This year the Festivals and Events funding round (previously opening annually in March) was delayed to enable the review of the method of granting financial assistance and providing in kind support, as outlined in the Tweed Shire Events Strategy 2016-2020 Action Plan. As a result the draft Events Sponsorship Policy, Version 1.0 was created and will replace the Festivals and Events Policy, Version 1.1. The draft Events Sponsorship Policy, Version 1.0 is the subject of a separate report to Council's meeting of 19 May 2016.

As Councillors will be not be assessing event funding applications under the proposed new Events Sponsorship Policy until the Council meeting of 21 July, which is after the Taster at Salt event, a determination of funding support is required.

RECOMMENDATION:

That:

- 1. Council provides \$10,000 financial (cash) support to Taste Northern Rivers Incorporated for the TASTE of Kingscliff and Tweed Coast Festival (Taster at Salt), to be held from Friday 8 July to Monday 11 July 2016.**
- 2. Any funding provided for the Taster at Salt event is conditional upon Taste Northern Rivers Incorporated providing Council with a report detailing the return on investment arising out of the event.**

REPORT:

The Community Sponsorship funding round opened on 21 March and closed on 22 April 2016. In this funding round an application for \$20,000 was received from Taste Northern Rivers Incorporated for the TASTE of Kingscliff and Tweed Coast Festival (Taster at Salt), to be held from Friday 8 July to Monday 11 July 2016.

The objective of the Community Sponsorship Policy is to provide financial assistance by way of a sponsorship agreement to local community groups and organisations that deliver enhancements to the identity and character, environment, health, well-being and connectedness of Tweed Shire Council residents. Applications were assessed against priorities identified in the Community Strategic Plan 2013/2023.

TASTE of Kingscliff and Tweed Coast Festivals is a series of food and family friendly events held during the area's slowest tourism period. The event includes walk, cycle and drive tours, cooking classes, dining events, movie night, bbq's and lunches with a two day tasting event.

At the Councillor Workshop conducted on 28 April 2016 where applications for the Community Sponsorship funding were assessed, it was determined that Council consider the application from Taste Northern Rivers Incorporated as a separate report. This decision was based on the associated suite of events aligning more with the Festivals and Events Policy funding round.

This year the Festivals and Events funding round (previously opening annually in March) was delayed to enable the review of the method of granting financial assistance and providing in kind support, as outlined in the Tweed Shire Events Strategy 2016-2020 Action Plan. As a result the draft Events Sponsorship Policy, Version 1.0 was created and will replace the Festivals and Events Policy, Version 1.1. The draft Events Sponsorship Policy, Version 1.0 is the subject of a separate report to Council's meeting of 19 May 2016.

Last year Council received an application to fund this Festival under the Festivals and Events Policy, however it was deemed ineligible for funding as the applicant was not an incorporated body. This year the applicant is an incorporated body.

As Councillors will not be assessing event funding applications under the proposed new Events Sponsorship Policy until the Council meeting of 21 July, which is after the Taster at Salt event, a determination of funding support is required.

OPTIONS:

That:

1. Council provides \$10,000 financial (cash) support to Taste Northern Rivers Incorporated for the TASTE of Kingscliff and Tweed Coast Festival (Taster at Salt), to be held from Friday 8 July to Monday 11 July 2016.
2. Any funding provided for the Taster at Salt event is conditional upon Taste Northern Rivers Incorporated providing Council with a report detailing the return on investment arising out of the event.

CONCLUSION:

Whilst the Taster at Salt Festival links strongly with the food theme identified in the Tweed Shire Events Strategy 2016-2020, it is recommended that Council provides \$10,000 of financial (cash) support for the Taster at Salt Festival.

Council officers are currently working with various organisations in establishing a Tweed Shire Food Hub Forum to promote and celebrate the region as a clean, green and sustainable food bowl. Given the strong positioning of food in Council's adopted Events Strategy and the potential collaborative projects as likely outcomes of the Food Hub Forum, future funding for food related events demonstrating strong local partnerships will be a focus of Council's Events Attraction priorities.

COUNCIL IMPLICATIONS:

a. Policy:

Festival & Events Policy v1.1 adopted 23 January 2014.
Events Strategy 1.0 adopted 18 February 2016.

The draft Events Sponsorship Policy, Version 1.0 is the subject of a separate report to Council's meeting of 19 May 2016.

The draft Events Sponsorship Policy, Version 1.0 will replace the Festivals and Events Policy, Version 1.1.

b. Budget/Long Term Financial Plan:

The 2015/2016 budget allocation for festival funding has been exhausted.

There is, however, funding available from the Major Events Attractions budget should Council wish to proceed with the recommended sponsorship in this financial year.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

29 [CS-CM] RFO2016037 Printing of Rates, Water and Sundry Debtor Notices

SUBMITTED BY: Financial Services

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Request for Offer RFO2016037 was called to source a printing contractor with the capacity to receive, interpret, manipulate and format large quantities of electronic data to facilitate the printing and issue of Council's rates, water and sundry debtor notices.

Offer submissions closed at 4.00pm (local time) on 13 April 2016 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah.

Recommendations have been formulated based on the Evaluation Criteria which are as per the approved Offer Evaluation Plan and as included in the body of this report.

RECOMMENDATION:

That in respect to Contract RFO2016037 Printing of Rates, Water and Sundry Debtor Notices:

1. **Council awards the contract to Virid Pty Ltd t/as IQ Mail Solutions (ABN 36 105 071 485) for an initial 3 year and one month (commencing 1 June 2016) term with a possible 1 x 24 month extension, accepting the Alternative Offer submitted.**
2. **The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.**
3. **ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain:-**
 - (c) **information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.**
 - (d) **commercial information of a confidential nature that would, if disclosed:**
 - (i) **prejudice the commercial position of the person who supplied it, or**
 - (ii) **confer a commercial advantage on a competitor of the council, or**
 - (iii) **reveal a trade secret.**

REPORT:

Offer Background

Request for Offer RFO2016037 Printing of Rates, Water and Sundry Debtor Notices was called to source a printing contractor with the capacity to receive, interpret, manipulate and format large quantities of electronic data to facilitate the printing and issue of Council's rates, water and sundry debtor notices.

Offers were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Offer submissions closed at 4.00pm (local time) on 13 April 2016 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah, NSW, 2484.

The work to be performed under the contract will comprise of the provision of all materials, plant and labour and the performance of all operations necessary for the complete and proper supply of the printing and preparing for issue of Council's rates, water and sundry debtor notices and related correspondence.

Request for Tender AQ2013051 was previously issued for these services and a contract formed with IQ Mail Solutions. That contract was dissolved by Council's Internal Auditor due to the post-contract inclusion of postage (as a service and a cost) which elevated the contract value above the Council approval limit.

Offer Advertising

As per the requirements of the Local Government Regulation 2005, the Request for Offer was officially advertised for RFO2016037 Printing of Rates, Water and Sundry Debtor Notices from 19 March 2016 in the *Sydney Morning Herald*, *Brisbane Courier Mail* and *Gold Coast Bulletin* newspapers, in the *Tweed Link*, and on Council's eTender website.

Offer Addendums

There were two Notices to Bidders issued before close of Offer.

Addendum No. 1 was issued on 22 March to supplement the Technical Specification with further detail relating to the different types of Water Notices and to answer a question relating to the pricing table.

Addendum No. 2 was issued on 5 April to remove the Notice type 'Sundry Debtors Tax Invoices' from the core Services due to advice received from the project team that this item will, at least initially, continue to be produced, printed and issued in-house by Council. Bidders were requested to price this item as an Option instead of as part of the core Services.

Offer Submissions

Offer submissions closed at 4.00pm (local time) on 13 April 2016 in the Tender box located in the foyer of the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484. Seven Offers were recorded at the Tender Box opening and their details are as follows:

Bidder	ABN
ABnote Australasia Pty Ltd	25 072 977 292
Chandler	17 040 166 154
Forms Express Pty Ltd	14 006 771 428
Lane Print & Post	89 008 201 750
Print Mail Logistics Limited	14 103 116 856
SEMA Operations Pty Ltd	30 158 886 741
Virid Pty Ltd t/as IQ Mail Solutions	36 105 071 485

In addition to its conforming Offer, Virid Pty Ltd t/as IQ Mail Solutions also submitted an Alternative Offer as allowed for and in accordance with the Request for Offer documentation.

Offers were evaluated based on the criteria in the table below, which were also listed in the Conditions of Offering and in the approved Offer Evaluation Plan. The details of the price and non-price evaluation results are shown in the attached Offer Evaluation Report.

Criterion	Document Reference	Weighting (%)
Price and market competitiveness including estimated financial net cost/benefit to Council	Schedule 5.2 and Schedule 5.6 if used by the Bidder	40%
Proposed methodology, including: <ul style="list-style-type: none"> adequacy of resources to provide the Services (particularly appropriately experienced staff and capable systems) Quality Assurance procedures 	Schedule 5.4 and Schedule 5.6 if used by the Bidder Schedule 5.7	25%
Relevant previous experience as an organisation, including: <ul style="list-style-type: none"> Experience and demonstrated effectiveness in integrating and preparing data migration in a Local Government (or equivalent) environment Experience and demonstrated effectiveness in printing & distribution services within a Local Government (or equivalent) environment Environmental performance 	Schedule 5.4 Schedule 5.4 Schedule 5.8	25%
Local Content	Schedule 5.9	10%
	Total	100

The Offer Evaluation Panel consisted of the following Council officers:

Position
Senior Contracts Engineer
Supervisor - Revenue & Utility Services
Corporate Compliance Officer

A copy of the Offer Evaluation Report is included in ATTACHMENT 1, with scoring at ATTACHMENT 2, which are CONFIDENTIAL in accordance with Section 10A(2)(c) and (d) of the Local Government Act 1993:

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

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

OPTIONS:

Council may either:

- accept the recommended Offer that, having regard to all the circumstances, best appears to meet the requirements of the Request for Offer and provide value for money, or
- reject the recommendation, including reasons for this course of action, or
- decline to accept any of the Offers, including reasons for this course of action.

If it is recommended to decline to accept any of the Offers, a recommendation on a way forward may be made in accordance with Clause 178 of the Local Government (General) Regulations (2005).

CONCLUSION:

While all Offers were found to meet the requirements of the Request for Offer, the Alternative Offer from Virid Pty Ltd t/as IQ Mail Solutions was found by the Evaluation Panel to provide the best overall value for money proposition, and, as recommended, should be appointed to as the Provider for Contract RFO2016037 Printing of Rates, Water and Sundry Debtor Notices.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Policy v1.8, in accordance with Local Government (General) Regulations 2005.

b. Budget/Long Term Financial Plan:

Due allowance has been made within the budget for costs associated with the printing and issue of Council's rates, water and sundry debtor notices.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Offer Evaluation Report (ECM 4049326)

(Confidential) Attachment 2. Offer Evaluation Scoring Sheet (ECM 4049356)

30 [CS-CM] Quarterly Budget Review - March 2016

SUBMITTED BY: Financial Services

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
 - 1.2 Improve decision making by engaging stakeholders and taking into account community input
 - 1.2.3 Financial requirements and the community's capacity to pay will be taken into account when meeting the community's desired levels of service
-

SUMMARY OF REPORT:

This is the third quarter statutory budget review for this financial year and summarises the estimated expenditure and income changes to the 2015/2016 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 2016 in all Funds.

RECOMMENDATION:

That the:

1. Quarterly Budget Review Statement as at 31 March 2016 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 2016.

Description	Change to Vote	
	Deficit	Surplus
General Fund		
<u>Expenses</u>		
Employee costs	25,000	0
Materials & Contracts	0	68,250
Interest	0	0
Other Operating costs	133,000	0
Capital	765,000	0
Loan Repayments	0	0
Transfers to Reserves	0	0
	<u>923,000</u>	<u>68,250</u>

Description	Change to Vote	
Income		
Rates and Annual Charges	0	0
Interest revenue	0	0
Operating Grants & Conts	0	2,750
Capital Grants & Conts	0	0
User Charges & Fees	0	0
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	0	852,000
Transfers from Reserves	0	0
Asset Sales	0	0
	<u>0</u>	<u>854,750</u>
Net Surplus/(Deficit)		<u>0</u>
	Deficit	Surplus
Sewer Fund		
Expenses		
Employee costs	0	0
Materials & Contracts	78,602	0
Interest	0	0
Other Operating costs	0	0
Capital	185,000	0
Loan Repayments	0	0
Transfers to Reserves	0	218,027
	<u>263,602</u>	<u>218,027</u>
Income	0	0
Rates and Annual Charges	0	0
Interest revenue	9,895	0
Operating Grants & Conts	0	0
Capital Grants & Conts	0	0
User Charges & Fees	0	0
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	0	396,125
Transfers from Reserves	340,655	0
Asset Sales	0	0
	<u>350,550</u>	<u>396,125</u>
Net Surplus/(Deficit)		<u>0</u>
Water Fund		
Expenses		
Employee costs	0	0
Materials & Contracts	114,538	0
Interest	0	0
Other Operating costs	0	0
Capital	35,000	0
Loan Repayments	0	0
Transfers to Reserves	0	166,538
	<u>149,538</u>	<u>166,538</u>

Description	Change to Vote	
<u>Income</u>		
Rates and Annual Charges	0	0
Interest revenue	0	0
Operating Grants & Conts	0	0
Capital Grants & Conts	0	0
User Charges & Fees	0	0
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	0	0
Transfers from Reserves	17,000	0
Asset Sales	0	0
	<hr/>	<hr/>
	17,000	0
Net Surplus/(Deficit)	<hr/>	<hr/>
		0

REPORT:

Budget Review 31 March 2016 (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. Also listed are what effect the variations will have, if any, on the various Fit for the Future ratios. The changes which will have such an effect are listed below:

Description	\$	\$	
General Fund			
	Net Effect on 2015/2016 Budget	Net Effect on LTFP	Fit for the Future Impact
Additional resources DA environmental assessment	25,000		Negative
Conduct Review Panel	10,000		Negative
Printing & Stationery	-48,200		Positive
Software maintenance	13,200		Negative
	0	0	

Detailed list of changes

In/Ex	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
1. Proposed Variations						
General						
Ex	1	Ex-Op	Eviron gardens Visitors Centre	360,000	-313,000	Re allocation
Ex	1	Ex-Capital	Tweed Heads Museum Building	0	313,000	Replacement
Ex	2	Ex-Op	Anchorage Revetment wall	0	70,000	Repairs
Ex	2	Ex-Op	Waterways program		-30,000	Funding for above
Ex	2	Ex-Op	Coastal landscape costs	200,000	-40,000	Funding for above
Ex	3	Ex-OpEmp	Development Applications - additional resources - environmental assessment	0	25,000	Increase in environmental assessment for DAs
Ex	4	Ex-Capital	Car Parking - Carlin Reserve	0	55,000	Additional car parking Carlin Reserve
Ex	4	Ex-Capital	Unexpended grant funds	100,485	-55,000	Funding for above
Ex	5	Ex-Op	Conduct Review Panel	77,569	10,000	Increased activity
Ex	5	Ex-Op	Printing & Stationery	137,917	-48,200	Re allocation
Ex	5	Ex-Op	Software maintenance	1,076,768	13,200	eRecruitment software
Ex	6	Ex-Op	Speed zone review - Dungay Ck Road		2,750	RMS funded project
In	6	In-OG&C	RMS grant funding		-2,750	Funding for above
Ex	7	Ex-Op	Development assessment consultancies		17,000	External consultancy/investigations
Ex	7	Ex-OpOther	DA legal expenses	265,225	-17,000	Funding for above
Ex	8	Ex-Capital	Pottsville Rd - Coronation Ave to house 1128		1,200,000	Road upgrade
Ex	8	Ex-Capital	Unallocated Rehabilitation	3,308,245	-748,000	Funding for above
In	8	In-Recoup	Contribution Plan 4 (Roads)	-467,220	-452,000	Funding for above
Ex	9	Ex-Capital	Ballymore Crt Banora Point	160,000	-160,000	Adjust Construction budget

In/Ex	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
						(Drainage)
Ex	9	Ex-Capital	Banner Lane Murwillumbah	70,000	-70,000	Adjust Construction budget (Drainage)
Ex	9	Ex-Capital	Elanora Avenue Pottsville	650,000	797,112	Adjust Construction budget (Drainage)
Ex	9	Ex-Capital	Drainage construction unallocated	567,112	-567,112	Adjust Construction budget (Drainage)
Ex	10	Ex-Op	Salt SLSC	85,000	250,000	Contribution to club
Ex	10	Ex-OpOther	Fingal SLSC	78,692	150,000	Contribution to club
In	10	In-Recoup	Contribution Plan 16 (Surf Life Saving)	-85,000	-400,000	Funding for above
					<u>0</u>	
			Sewer Fund			
In	11	Ex-Op	Operations		78,602	Budget reassessed
Ex	11	Ex-Capital	Various Capital Works		185,000	New or brought forward projects
In	11	In-Interest	Interest		9,895	Funding adjustment
Ex	11	Ex-TTR	Transfers to Asset Replacement Res.		-218,027	Funding adjustment
In	11	In-Recoup	Transfers from Capital Contributions Res.		-396,125	Funding adjustment
In	11	In-TFR	Transfers from Asset Replacement Res.		340,655	Funding adjustment
					<u>0</u>	
			Water Fund			
In	12	Ex-Op	Operations		114,538	Budget reassessed
Ex	12	Ex-Capital	Various Capital Works		35,000	New project
Ex	12	Ex-TTR	Transfers to Asset Replacement Res.		-166,538	Funding adjustment
In	12	In-TFR	Transfers from Asset Replacement Res.		17,000	Funding adjustment
					<u>0</u>	
			2. Variations Arising from Council Resolutions			
Ex	13	Ex-Op	Entry Statements	55,000	90,000	February 18, 2016 Council resolution
Ex	13	Ex-Op	Major Event Attraction	172,250	-55,000	February 18, 2016 Council resolution
Ex	13	Ex-Op	Economic Development Fund	321,757	-35,000	February 18, 2016 Council resolution
Ex	14	Ex-Op	Festivals Policy funding	66,648	10,000	March 17, 2016 Council resolution
Ex	14	Ex-Op	Major Event Attraction	117,250	-10,000	Funding for above
					<u>0</u>	
			Summary of Votes by Type			
			2015/16 Variations		0	
			Council Resolutions		0	
					<u>0</u>	
			Key to Category codes			
		Ex-OpEmp	Employee costs			
		Ex-Op	Materials & contracts			
		Ex-Interest	Interest on loans			
		Ex-OpOther	Other operating expenses			
		Ex-Capital	Capital works			
		Ex-Loan				
		Reps	Repayment on principal on loans			
		Ex-TTR	Transfers to reserves			
		In-Rates	Rates & annual charges			
		In-Interest	Interest income			
		In-OG&C	Operating grants & contributions			

In/E x	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
		In-CG&C	Capital grants & contributions			
		In-Operating	User charges & fees			
		In-OpOther	Other operating income			
		In-Loan	Loan funds			
		In-Recoup	Recoupment from s64 & s94 funds			
		In-TFR	Transfers from reserves			
		In-Sales	Proceeds from sale of assets			
			<u>Expenses</u>			
			Employee costs		25,000	
			Materials & Contracts		124,890	
			Interest		0	
			Other Operating costs		133,000	
			Capital		985,000	
			Loan Repayments		0	
			Transfers to Reserves		-384,565	
					883,325	
			<u>Income</u>			
			Rates and Annual Charges		0	
			Interest revenue		9,895	
			Operating Grants & Conts		-2,750	
			Capital Grants & Conts		0	
			User Charges & Fees		0	
			Other Operating Revenue		0	
			Loan Funds		0	
					-	
			Recoupments		1,248,125	
			Transfers from Reserves		357,655	
			Asset Sales		0	
					-883,325	
			Net		0	
			Summary of Votes - by Division			
			Corporate Services		-80,000	
			Planning & Regulation		25,000	
			Community & Natural Resources		0	
			Engineering		55,000	
			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 2016

Original Budget (000's)				Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)	
	Sep Review (000's) *	Dec Review (000's)	Revised Budget (000's)				
Income							
Rates and Annual Charges	98,087	-	-	98,087	-	98,087	75,920
User Charges and Fees	41,375	-	75	41,450	-	41,450	33,254
Interest and Investment Revenue	7,752	640	(5)	8,387	(10)	8,377	6,854
Other Revenues	1,875	128	-	2,003	-	2,003	1,900
Grants & Contributions - Operating	16,273	52	230	16,555	3	16,558	14,884
Grants and Contributions - Capital	3,006	1,152	2,425	6,583	-	6,583	3,672
- Contributions (S94)	6,744	-	-	6,744	-	6,744	7,193
Net gain from the disposal of assets	-	-	-	-	-	-	37
Total Income	175,112	1,972	2,725	179,809	(7)	179,802	143,714
Expense							
Employee costs	51,595	535	-	52,130	25	52,155	35,882
Borrowing Costs	12,976	(71)	-	12,905	-	12,905	8,334
Materials & Contracts	47,452	21,598	236	69,286	125	69,411	27,081
Depreciation	42,058	-	-	42,058	-	42,058	31,544
Legal Costs	447	-	-	447	-	447	303
Consultants	385	-	-	385	-	385	293
Other Expenses	15,293	79	(138)	15,234	133	15,367	7,515
Net Loss from Disposal of Assets	-	-	-	-	-	-	-
Total Expenses	170,206	22,141	98	192,445	283	192,728	110,952
Net Operating Result	4,906	(20,169)	2,627	(12,636)	(290)	(12,926)	32,762
Net Operating Result before capital items	(4,844)	(21,321)	202	(25,963)	(290)	(26,253)	21,897

Funding Statement - Consolidated - Source & Application of Funds

Operating Result (Income Statement)	4,906	(20,169)	2,627	(12,636)	(290)	(12,926)
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	Original Budget (000's)			Revised Budget (000's)	Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
		Sep Review (000's) *	Dec Review (000's)				
Add Back non-funded items:							
Depreciation	42,058	-	-	42,058	-	42,058	
		-	-	-	-	-	
Add non-operating funding sources							
Transfers from Externally Restricted Cash	9,912	1,177	3,178	14,267	8,774	23,041	
Transfers from Internally Restricted Cash	10,382	29,604	(429)	39,557	(7,884)	31,673	
Proceeds from sale of assets	3,559	-	-	3,559	-	3,559	
Loan Funds Utilised	1,976	9,102	-	11,078	-	11,078	
Repayments from Deferred Debtors	-	-	-	-	-	-	
Funds Available	72,793	19,714	5,376	97,883	600	98,483	
Funds were applied to:							
Purchase and construction of assets	31,145	20,491	4,462	56,098	985	57,083	
Repayment of principal on loans	7,731	(4)	-	7,727	-	7,727	
Transfers to Externally Restricted Cash	7,490	-	-	7,490	-	7,490	
Transfers to Internally Restricted Cash	26,427	(773)	914	26,568	(385)	26,183	
Funds Used	72,793	19,714	5,376	97,883	600	98,483	
Increase/(Decrease) in Available Working Capital	-	-	-	-	-	-	

Income and Expense- General Fund Budget Review Statement for the quarter ended 31 March 2016

Original Budget (000's)				Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
	Sep Review (000's) *	Dec Review (000's)	Revised Budget (000's)			
Income						
Rates and Annual Charges	67,629		67,629		67,629	52,170
User Charges and Fees	19,270		19,345	-	19,345	15,834
Interest and Investment Revenue	3,837		3,837	-	3,837	3,752
Other Revenues	1,594	128	1,722	-	1,722	1,552
Grants & Contributions - Operating	15,417	52	15,699	3	15,702	14,009
Grants and Contributions - Capital	3,006	1,152	6,583	-	6,583	3,672
- Contributions (S64/S94)	1,722		1,722		1,722	3,749
Net gain from the disposal of assets			-		-	37
Total Income	112,475	1,332	116,537	3	116,540	94,775

Expense

Employee costs	40,643	535	41,178	25	41,203	29,456
Borrowing Costs	6,149	(71)	6,078	-	6,078	3,766
Materials & Contracts	29,017	21,057	50,782	(68)	50,714	20,750
Depreciation	25,959		25,959		25,959	19,469
Legal Costs	447		447		447	303
Consultants	94		94		94	236
Other Expenses	11,473	79	11,414	133	11,547	5,902
Net Loss from Disposal of Assets			-		-	
Total Expenses	113,782	21,600	135,952	90	136,042	79,882

Net Operating Result

(1,307)	(20,268)	2,160	(19,415)	(87)	(19,502)	14,893
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Net Operating Result before capital items

(6,035)	(21,420)	(265)	(27,720)	(87)	(27,807)	7,472
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Funding Statement - General Fund - Source & Application of Funds

Operating Result (Income Statement)	(1,307)	(20,268)	2,160	(19,415)	(87)	(19,502)
Add Back non-funded items:						
Depreciation	25,959		25,959	-	25,959	
Add non-operating funding sources						

	Original Budget (000's)			Revised Budget (000's)	Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
		Sep Review (000's) *	Dec Review (000's)				
Transfers from Externally Restricted Cash	1,374	751	523	2,648	8,378	11,026	
Transfers from Internally Restricted Cash	1,317	27,140	614	29,071	(7,526)	21,545	
Proceeds from sale of assets	3,559			3,559	-	3,559	
Loan Funds Utilised	1,976	9,102		11,078	-	11,078	
Internal charges				-		-	
Repayments from Deferred Debtors				-		-	
Funds Available	32,878	16,725	3,297	52,900	765	53,665	
Funds were applied to:							
Purchase and construction of assets	21,916	16,656	3,095	41,667	765	42,432	
Repayment of principal on loans	3,867	(4)	-	3,863	-	3,863	
Transfers to Externally Restricted Cash	2,468			2,468		2,468	
Transfers to Internally Restricted Cash	4,627	73	202	4,902	-	4,902	
Funds Used	32,878	16,725	3,297	52,900	765	53,665	
Increase/(Decrease) in Available Working Capital	-	-	-	-	-	-	

Income and Expense- Sewer Fund Budget Review Statement for the quarter ended 31 March 2016

	Original Budget (000's)			Revised Budget (000's)	Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
		Sep Review (000's)	Dec Review (000's)				
Income							
Rates and Annual Charges	25,366			25,366	-	25,366	19,923
User Charges and Fees	1,343			1,343	-	1,343	2,363
Interest and Investment Revenue	2,500	260	86	2,846	(10)	2,836	1,897
Other Revenues	16			16	-	16	14
Grants & Contributions - Operating	470			470	-	470	495
Grants and Contributions - Capital				-		-	-
- Contributions (S64/S94)	1,458			1,458	-	1,458	1,267
Net gain from the disposal of assets				-		-	
Total Income	31,153	260	86	31,499	(10)	31,489	25,959

Original Budget (000's)				Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
	Sep Review (000's)	Dec Review (000's)	Revised Budget (000's)			
Expense						
Employee costs	6,563		6,563	-	6,563	3,170
Borrowing Costs	2,291		2,291	-	2,291	1,155
Materials & Contracts	8,674	44	8,793	78	8,871	2,878
Depreciation	9,266		9,266	-	9,266	6,950
Legal Costs			-	-	-	-
Consultants	145		145	-	145	24
Other Expenses	2,503		2,503	-	2,503	932
Net Loss from Disposal of Assets			-		-	
Total Expenses	29,442	44	29,561	78	29,639	15,109
Net Operating Result	1,711	216	1,938	(88)	1,850	10,850
Net Operating Result before capital items	253	216	480	(88)	392	9,583

Funding Statement - Sewer Fund - Source & Application of Funds

Operating Result (Income Statement)	1,711	216	11	1,938	(88)	1,850
Add Back non-funded items:						
Depreciation	9,266	-	-	9,266	-	9,266
Add non-operating funding sources						
Transfers from Externally Restricted Cash	3,899	445	(761)	3,583	396	3,979
Transfers from Internally Restricted Cash	6,150	1,032	(532)	6,650	(341)	6,309
Proceeds from sale of assets				-	-	-
Loan Funds Utilised				-	-	-
Repayments from Deferred Debtors				-	-	-
Funds Available	21,026	1,693	(1,282)	21,437	(33)	21,404
Funds were applied to:						
Purchase and construction of assets	6,765	2,483	(1,591)	7,657	185	7,842
Repayment of principal on loans	2,606			2,606	-	2,606
Transfers to Externally Restricted Cash	1,458			1,458	-	1,458
Transfers to Internally Restricted Cash	10,197	(790)	309	9,716	(218)	9,498
Internal charges				-	-	-
Funds Used	21,026	1,693	(1,282)	21,437	(33)	21,404

Original Budget (000's)				Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
	Sep Review (000's)	Dec Review (000's)	Revised Budget (000's)			
Increase/(Decrease) in Available Working Capital	-	-	-	-	-	

Income and Expense- Water Fund Budget Review Statement for the quarter ended 31 March 2016

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

Income

Rates and Annual Charges	5,092			5,092	-	5,092	3,827
User Charges and Fees	20,762			20,762	-	20,762	15,057
Interest and Investment Revenue	1,415	380	(91)	1,704	-	1,704	1,205
Other Revenues	265			265	-	265	334
Grants & Contributions - Operating	386			386	-	386	380
Grants and Contributions - Capital				-		-	-
- Contributions (S64/S94)	3,564			3,564	-	3,564	2,177
Net gain from the disposal of assets				-		-	
Total Income	31,484	380	(91)	31,773	-	31,773	22,980

Expense

Employee costs	4,389			4,389	-	4,389	3,256
Borrowing Costs	4,536			4,536	-	4,536	3,413
Materials & Contracts	9,761	497	(547)	9,711	115	9,826	3,453
Depreciation	6,833			6,833	-	6,833	5,125
Legal Costs				-	-	-	-
Consultants	146			146	-	146	33
Other Expenses	1,317			1,317	-	1,317	681
Net Loss from Disposal of Assets				-		-	
Total Expenses	26,982	497	(547)	26,932	115	27,047	15,961

Net Operating Result

	4,502	(117)	456	4,841	(115)	4,726	7,019
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Net Operating Result before capital items

	938	(117)	456	1,277	(115)	1,162	4,842
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Original Budget (000's)				Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
	Sep Review (000's)	Dec Review (000's)	Revised Budget (000's)			

Funding Statement - Water Fund - Source & Application of Funds

Operating Result (Income Statement)	4,502	(117)	456	4,841	(115)	4,726
Add Back non-funded items:						
Depreciation	6,833	-	-	6,833	-	6,833
Add non-operating funding sources						
Transfers from Externally Restricted Cash	4,639	(19)	3,416	8,036	-	8,036
Transfers from Internally Restricted Cash	2,915	1,432	(511)	3,836	(17)	3,819
Proceeds from sale of assets				-		-
Loan Funds Utilised				-	-	-
Repayments from Deferred Debtors				-		-
Funds Available	18,889	1,296	3,361	23,546	(132)	23,414
Funds were applied to:						
Purchase and construction of assets	2,464	1,352	2,958	6,774	35	6,809
Repayment of principal on loans	1,258			1,258	-	1,258
Transfers to Externally Restricted Cash	3,564			3,564	-	3,564
Transfers to Internally Restricted Cash	11,603	(56)	403	11,950	(167)	11,783
Internal charges				-		-
Funds Used	18,889	1,296	3,361	23,546	(132)	23,414
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 2016 and should be read in conjunction with other documents in the QBRS.

Capital Budget Review Statement - Consolidated - for the quarter ended 31 March 2016

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

Capital Funding **

Rates and other untied funding	11,377	155	(98)	11,434	313	11,747	5,805
Capital Grants & Contributions	3,004	6,177	2,425	11,606		11,606	5,735
Internal Restrictions (Reserves)	10,109	8,261	(1,043)	17,327		17,327	8,563
External Restrictions							
- s64 & s94 funds	8,851	754	3,178	12,783	672	13,455	6,649
Other Capital Funding Sources							
- loans	1,976	5,140		7,116		7,116	3,517
Income from sale of assets							
- plant and equipment	3,559			3,559		3,559	1,759
- Land,Buildings,Furniture,Fittings							
Total Capital Funding	38,876	20,487	4,462	63,825	985	64,810	32,028

Capital Expenditure

New Assets

- Plant and Equipment		2,067		2,067		2,067	420
- Land,Buildings,Furniture,Fittings		1,197		1,197	313	1,510	873
- Roads, Bridges, Footpaths	148	520	3,350	4,018		4,018	1,226
- Drainage							
- Water & Sewer Infrastructure	2,061		2,561	4,622		4,622	657
- Other	300	1,948		2,248		2,248	1,484

Renewals (Replacement)

- Plant and Equipment	8,416			8,416		8,416	4,130
- Land,Buildings,Furniture,Fittings	100	643		743		743	1,638
- Roads, Bridges, Footpaths	8,841	4,056	(473)	12,424	(748)	11,676	4,301
- Drainage		1,567		1,567		1,567	107
- Water & Sewer Infrastructure	3,420	3,835	(10)	7,245	220	7,465	2,790
- Other	4	100	(26)	78		78	120

Upgrades

- Plant and Equipment							
- Land,Buildings,Furniture,Fittings							16
- Roads, Bridges, Footpaths	3,006	2,788		5,794	1,200	6,994	4,021
- Drainage	1,100	1,765		2,865		2,865	2,527
- Water & Sewer Infrastructure	3,749		(1,184)	2,565		2,565	2,074
- Other		5	244	249		249	192
Loan Repayments (principal)	7,731	(4)		7,727		7,727	5,452
Total Capital Expenditure	38,876	20,487	4,462	63,825	985	64,810	32,028

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 31 March 2016 and should be read in conjunction with other documents in the QBRs.

* Note: includes carried forward works revotes

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

Cash and Investments Budget Review Statement for the quarter ended 31 March 2016

	Original Budget			Recommended changes for Council Resolution	Projected year end result	Actual * YTD
	Sep Review	Dec Review	Revised Budget			
	(000's)	(000's)	(000's)	(000's)	(000's)	(000's)
Unrestricted	5,185		5,185		5,185	5,659
Externally restricted						
RTA Contributions	0		0		0	130
Developer contributions	27,869	(150)	27,197	(2,056)	25,141	28,886
Domestic waste management	15,280		15,280		15,280	15,280
Special Rates	202		202		202	228
Special purpose grants	0		0		0	2,000
Water Supplies	43,208		43,208		43,208	46,000
Sewerage Services	63,105		63,105		63,105	67,000
Other	23,405		23,405		23,405	21,961
Total Externally restricted	173,069	(150)	172,397	(2,056)	170,341	181,485
Internally restricted						
Employee Leave entitlements	11,581		11,581		11,581	11,581
Unexpended loans	0		0		0	6,000
Unexpended grants	0		0		0	2,500
7 Year Plan	0		0		0	3,000
Works Carried Forward	0		0		0	9,000
Replacement of Plant and Vehicles	3,111		3,111		3,111	3,000
Tip improvements	9,093		9,093		9,093	9,159
Asset renewals	8,716		8,716		8,716	8,000
Other	6,687	15	6,088		6,088	6,000
Total Internally restricted	39,188	15	38,589	0	38,589	58,240
Total Restricted	212,257	(135)	210,986	(2,056)	208,930	239,725
Total cash and investments	217,442	(135)	216,171	(2,056)	214,115	245,384
Available cash	5,185	0	5,185	0	5,185	5,659

* 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	239,725
Total invested funds as per March Investment Report	245,195
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. The last bank reconciliation was completed to 11 February 2016.

Reconciliation of cash and investments:

	(000's)
Cash and investments as per above	245,384
Cash on hand and at bank	189
Investments	<u>245,195</u>
	245,384

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 31 March 2016 and should be read in conjunction with other documents in the QBRS.

Key Performance Indicators Budget Review Statement for the quarter ended 31 March 2016

Note that KPIs will be distorted by the short reporting period (9 months), and 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>29,171</u>	3.7:1
Current liabilities	7,838	
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.

Comment:

Higher than it would be for the annual calculation, as expenditure throughout the year will run down cash and receivables.

	Amounts	Indicator
2. Debt Service Ratio		
	(000's)	
Debt Service Cost	13,786	10.84%
Selected operating income	127,122	
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 2016 and should be read in conjunction with other documents in the QBRs.

Budget Review Contracts and Other Expenses for the quarter ended 31 March 2016

PART A-Contracts Listing		Contract value	Commencement	Duration of	Budgeted
Contractor	Contract detail & purpose	\$	date	contract	(Y/N)
East Coast Asphalt & Concrete Edging Pty Ltd - ABN 51 755 877 285	RFO2015162 - 2015/2016 Asphalt Resurfacing Program	\$1,106,420.79	29/03/2016	9 weeks	Y
JHA Recruitment & Staff @ Work Pty Ltd - ABN 77 100 120 474	RFO2015126 Provision of Manual Traffic Control Teams for Council Works	Schedule of Rates	01/01/2016	2 years	Y

PART B - Consultancy and Legal expenses		Expenditure	Budgeted
Expense		YTD \$	(Y/N)
Consultancies		312,922	Y
Legal expenses		308,369	Y

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 31 March 2016 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 31/3/2016 indicates that Council’s projected financial position at 30/6/2016 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 26/4/2016
“Responsible Accounting Officer”
Manager Financial Services
Tweed Shire Council

OPTIONS:

Not Applicable

CONCLUSION:

Refer to Statutory Statement above.

COUNCIL IMPLICATIONS:

a. Policy:

Not Applicable

b. Budget/Long Term Financial Plan:

As detailed in the report.

c. Legal:

No-Legal advice has not been received.

Attachment of Legal Advice-Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

31 [CS-CM] Corporate Quarterly Performance Report 1 January to 31 March 2016

SUBMITTED BY: Corporate Governance

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

The Corporate Quarterly Report for the period 1 January to 31 March 2016 is presented to Council for consideration.

This report and accompanying attachments detail the progress of the 2015/2016 Operational Plan activities up to 31 March 2016.

RECOMMENDATION:

That Council receives and notes the Corporate Quarterly Performance Report as at 31 March 2016.

REPORT:

At the Council meeting held 18 June 2015 the Operational Plan 2015/2016 was adopted by Council and a reporting structure has been developed which is based upon four themes identified below:



Civic Leadership - Aim: To set the overall direction and long-term goals for the Tweed in accordance with community aspirations.



Supporting Community Life - Aim: To create a place where people are healthy, safe, connected and in harmony with the natural environment, to retain and improve the quality of community life.



Strengthening the Economy- Aim: To strengthen and diversify the region's economic base in a way that complements the environmental and social values of the Tweed.



Caring for the Environment - Aim: For Council and the community to value, respect and actively participate in the care and management of our natural environment for current and future generations.

OPTIONS:

Not Applicable.

CONCLUSION:

An undertaking given through the overarching Community Strategic Plan was that the General Manager will report quarterly to Council on the progress in meeting activities and targets of the Operational Plan. This is the third quarterly report on the progress of the 2015/2016 plan and following adoption by Council will be made available via the Integrated Planning and Reporting Framework page on Council's website.

COUNCIL IMPLICATIONS:

a. Policy:

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

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

In line with the impacts of the adopted Operational Plan.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Corporate Quarterly Performance Report for the period 1 January to 31 March 2016 (ECM 4049187)

32 [CS-CM] Compliments and Complaints Analysis Report for the Period 1 January to 31 March 2016.

SUBMITTED BY: Corporate Governance

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

The Compliments and Complaints Handling Policy contains a quarterly reporting requirement. The Policy is designed to:

- Ensure compliments and complaints received are appropriately recorded;
- Recognise and acknowledge compliments Council receives;
- Deal with complaints in a fair and equitable manner; and
- Increase the level of customer satisfaction with the way feedback is handled, and in the delivery of services and systems.

The Compliments and Complaints Analysis Report for the period 1 January to 31 March 2016 analyses compliments and complaints and is provided for the information of Council.

RECOMMENDATION:

That Council receives and notes the Compliments and Complaints Analysis Report for the period 1 January to 31 March 2016.

REPORT:

The Compliments and Complaints Handling Policy contains a quarterly reporting requirement. The Policy is designed to:

- Ensure compliments and complaints received are appropriately recorded;
- Recognise and acknowledge compliments Council receives;
- Deal with complaints in a fair and equitable manner; and
- Increase the level of customer satisfaction with the way feedback is handled, and in the delivery of services and systems.

There are many instances where Council is complimented on the broad range of services it provides to the community, often in the form of a follow up phone call, written thank you or certificate of appreciation. These occasions highlight when Council has met or exceeded citizen expectations. Information about compliments Council receives often goes unrecognised because, unlike complaints, they require little action. However Council values its staff and compliments are an important feedback mechanism to organisational performance as well as a good sign of an engaged and active community.

A complaint is an expression of dissatisfaction, made in:

- a) respect to a Council Officers role in the provision of service delivery or lack of service delivery that has allegedly affected an individual, group or body of stakeholders whether justified or not; or
- b) the quality of service provided by council; or
- c) failing to act upon a request from the public and policies adopted by council.

A complaint can progress from Council's lack of action following the lodgement of a customer request for service or a request for information.

It is not a request for service (customer request management), or information, or an explanation of a policy or procedure, or objections to a development application before Council determination.

The complaint report is presented to Council, detailed by type and outcomes/actions on a quarterly basis, without personal identifying particulars of complainants or associated persons or properties.

Complaints principally refer to the:

- Failure of Council Officers to comply with Council's Customer Service Charter in not responding to items within 14 days in accordance with the Correspondence - Response to Policy.
- Respondents being dissatisfied with the actions of Council Officers in handling their original request for service.
- Complainants being dissatisfied by decisions made by Council.

The complaint type has been categorised in accordance with the Council's organisational structure. This methodology assists in monitoring the effectiveness of Council's handling of complaints and improving service delivery.

Council received 71 compliments for the period 1 January to 31 March 2016, as follows:

Compliment Type	Ref	Details of Compliment	Comments
Office of General Manager	1.1	Thanking Council Staff for their contributions to the development and maintenance of Pottsville village.	Noted by Directors.
	1.2	Customer Service – Thank you for responding to correspondence.	Referred to appropriate Council Officer.
	1.3	3 Compliments - Appreciation in the delivery of services rendered by different officers /departments within Council, questionnaire on parks and Brick by Brick Exhibition.	Referred to appropriate Council Officers.
Corporate Services	2.1	Customer Service – 16 Compliments appreciation for excellent service.	Referred to appropriate Council Officers.
Planning and Regulation	3.1	Customer Service – 7 Compliments appreciation for excellent service.	Referred to appropriate Council Officers.
Engineering	4.1	Crams Farm – Compliment on its presentation- real credit to Council.	Referred to appropriate Council Officers.
	4.2	Roads Maintenance – 5 Compliments Appreciation for prompt maintenance or improvements to Roads.	Referred to Works Supervisor.
	4.3	Footpath Maintenance – 2 Compliments- Appreciation for prompt maintenance attention.	Referred to Works Supervisor.
	4.4	Road Safety – Appreciation for prompt response to situation.	Referred to appropriate Council Officer.
	4.5	Rail Trail – 2 Compliments -Appreciation for continued support by Council.	Noted by Director.
Community and Natural Resources	5.1	Parks Signage – thank you for correcting spelling on the sign.	Referred to Sign Supervisor.
	5.2	Tree Maintenance – 9 compliments – commend staff for excellent tree maintenance work.	Referred to Tree Supervisor.
	5.3	Mosquito Spraying – Appreciation for treating the mosquito problem around Bilambil Heights.	Referred to appropriate Council Officer.
	5.4	Customer Service – 5 compliments appreciation for excellent service, including cemetery.	Referred to appropriate Council Officers.
	5.5	Kingscliff Foreshore Revitalisation Project – 4 Compliments - Thank you for presenting detailed information on the project.	Referred to Council Project Officer.
	5.6	Waste Services – Commend Council on weekly service and half yearly household clean up service.	Noted by Coordinator.
	5.7	Parks Maintenance – 3 Compliments Appreciation for quick response and expediting a solution.	Referred to appropriate Council Officer.
	5.8	Water Maintenance – 2 Compliments Efficient service in repairing water meter and general maintenance.	Referred to Water Unit Supervisors.
	5.9	Tweed Regional Aquatic Centre -	Referred to Manager

Compliment Type	Ref	Details of Compliment	Comments
		Murwillumbah – Appreciation for tour of facility.	Recreation Services.
	5.10	Knox Park – 2 Compliments - Congratulate Council on the new facilities.	Referred to appropriate Council Officer.
	5.11	Kingscliff Foreshore Management- Thank you for information provided to visit by school students.	Referred to appropriate Council Officer.
	5.12	Museum – Thank you to Council Staff and Volunteers for hosting an event.	Referred to appropriate Council Officer.
	5.13	Tree Vandalism – Thank you for prompt action in replacing sign and fence.	Referred to appropriate Council Officer.

During this quarter 18 complaints have been recorded as follows:

Complaint Type	Ref	Details of Complaint	Comments
Office of General Manager	1.1	Murwillumbah - Requesting a further investigation into handling of a development application.	Further investigation conducted, complainant advised the result of the investigation.
	1.2	Complaint – failed by Council’s standard of service, request legal fees be waived and consideration be given to refunding any interest owing.	Detailed investigation undertaken – Email response sent outlining Council’s action in responding to the complaint.
Corporate Services	2.1	Have received no response to previous email – legal fees being charged for missed rate payments – notices never reached the owner.	Response being prepared.
Planning and Regulation	3.1	South Murwillumbah - Complaint regarding the handling of dog matters over Christmas/ New Year period – request thorough investigation of the matter.	Thorough investigation undertaken which has resulted in a change in dog handling procedures. Persons involved in the matter have been informed.
	3.2	Dwelling Entitlement Search Application - 12 business days since Council’s records indicate application & fees was received – told various dates for posting – request search response be signed and emailed today.	Dwelling Entitlement Search response emailed on the day complaint received.
	3.3	Kingscliff - Issue with dog noise – highlighting inadequate handling of previously lodged customer requests.	Detailed investigation conducted, further communication held with complainants, which has resulted in enforcement action being implemented.
	3.4	Tweed Heads South - Complaint about time taken to process development application.	Development Application had been in the process of being assessed- Consent Notice issued 3 days after receiving complaint – Application received on 4 December 2015, Consent Notice issued on 18 February 2016.
	3.5	Pottsville - Illegal Camping - No response to previous email regarding ranger staff conduct and handout referring to illegal camping.	Email sent apologising for not responding to email – response included information on problems faced by Council in enforcing illegal camping.

Complaint Type	Ref	Details of Complaint	Comments
	3.6	Pottsville - Development Application system, Council should improve its system & consistency so people are not waiting so long for DA approval.	Detailed email sent advising of actions taken by Council in determining development application – as the bushfire report did not accompany the development application, determination was delayed.
	3.7	Casuarina - Dividing fence – have not received updates on matter fence is still in place, will take the matter further.	Complaint investigated – email response sent advising of Council's fencing requirements.
	3.8	Tweed Heads West – no response to previous emails regarding overgrown allotment, request reason why customer request OVG16/0085 will not be processed and requesting response to enquiry - removal of marked trees on property.	Complainant advised matters being investigated.
	3.9	Penalty Infringement Notice – no response to previous letter or acknowledgement – Council has zero customer service.	Email sent apologising for not responding to previous letter and including a detailed response to information requested.
Engineering	4.1	Main Road Fingal Head - Entirely dissatisfied with the poor and dangerous state of road - no response to previous email.	Email was previously responded to – sent to incorrect email address – apology now sent advising of works proposed to be included in 2016/2017 programme.
	4.2	Brooks Road Kynnumboon– Refer to customer request in December 2015 to have roadsides along road slashed – still has not happened – creating dangerous situation.	Email sent advising that the road is to be slashed during week of 10 March 2016.
	4.3	Bogangar – water is still pooling in front of property – after several contacts with Council there has been nothing done.	Email sent advising that the problem is being investigated.
	4.4	Banora Point – Refer to many previous requests to have grass cut along banks of waterway behind property – some areas cleared but not area complaining about.	Email sent seeking clarification of the complaint – Subsequently the complainant has advised that the subject area has been cleared.
	4.5	Murwillumbah – Customer Request logged on 30 November 2015, for repair of pothole, to date has not been repaired, now causing serious erosion to kerb and gutter.	Letter sent advising that the pothole is due for rectification during mid-April 2016.
	4.6	Murwillumbah – continuing drainage problems faced as a result of previous work performed by Council in 2014.	Complaint currently under investigation.
Community and Natural Resources		Nil	

OPTIONS:

Mandatory report in accordance with Council's Compliments and Complaints Handling Policy v1.4.

CONCLUSION:

The Compliments and Complaints Analysis Report for the period 1 January to 31 March 2016 be received and noted.

COUNCIL IMPLICATIONS:

a. Policy:

Compliments and Complaints Handling v1.4.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

33 [CS-CM] Legal Services Register for the Period 1 January to 31 March 2016

SUBMITTED BY: Corporate Governance

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

The Legal Services Register Report 1 January to 31 March 2016 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 net amount for legal instructions for the period 1 January to 31 March 2016 is \$150,310.

The principal legal instructions that relate to this quarter include:

- 2783 – 137 Adcocks Road Stokers Siding \$1,089
- 2791 - DA14/0164 – 27-37 Bells Boulevard, Salt-defence \$9,135
- 2794 – DA15/0201 - 40 Creek Street, Hastings Point \$14,761
- 2795 – Soorley Street – Unauthorised Works \$704
- 2797 – DA15/0422 Sea Breeze Estate \$37,341
- 2799 – DA15/0742 Point Break Circuit, Kingscliff \$4,384
- 2801 – Tanglewood Sewerage Treatment Plant Class 2 Appeal \$13,322
- Council Policy – Mayor and Councillors Expenses \$2,584
- Local Government Act – advice \$6,945
- Local Government Act – advice on Waste Services Contract \$9,545
- Homestead Holiday Park- payment of awarded legal costs \$50,000

This brings the total legal expenditure for the period 1 July 2015 to 31 March 2016 to \$297,574.

RECOMMENDATION:

That the Legal Services Register report for the period 1 January to 31 March 2016 be received and noted.

REPORT:

Expenditure incurred on legal instructions for the period 1 January to 31 March 2016 follows:

Category 1 Planning and Environmental Law	Category 2 Local Government Law	Category 3 Commercial/Property Law	Category 4 District/Local Court
\$80,736	\$19,074	\$0	\$50,500

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 2016
DLA Piper Australia	\$17,953	\$13,322
HWL Ebsworth Lawyers	\$17,666	\$9,135
Lindsay Taylor Lawyers	\$11,067	\$0
Maddocks Lawyers	\$49,672	\$38,045
Marsdens Law Group	\$41,390	\$14,761
Sparke Helmore Lawyers	\$23,166	\$5,473
Wilshire Webb Staunton Beattie Lawyers	\$0	\$0
Other		
Stacks/The Law Firm	\$1,135	\$0
Sub Total	\$162,049	\$80,736

Category 2 Local Government Law (litigation and advice)	Year to Date	Current Period 1 January to 31 March 2016
DLA Piper Australia	\$2,841	\$0
Lindsay Taylor Lawyers	\$12,643	\$9,545
Local Government Legal	\$0	\$0
Maddocks Lawyers	\$16,197	\$0
Marsdens Law Group	\$0	\$0
Prevention Partners NSW	\$24,740	\$6,765
Other		
Hall & Wilcox Lawyers	\$7,114	\$2,764
Sub Total	\$63,535	\$19,074

Category 3 Commercial/Property Law	Year to Date	Current Period 1 January to 31 March 2016.
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 2016
DLA Piper Australia	\$0	\$0
Stacks /The Law Firm	\$68,000	\$50,500
Other	0	0
Russell Baxter Solicitor	\$3,990	\$0
Sub Total	\$71,990	\$50,500
Total	\$297,574	\$150,310

LEGAL SERVICES REGISTER as at 31 March 2016

Category 1 - Planning and Environmental Law					
Provider (Reference)	Description	General instructions	Costs	Comments	Current Status as at 2 May 2016
Stacks/The Law Firm (2763)	Tweed River Hacienda Holiday Park. - unauthorised works by site owner.	Land and Environment Court - prosecution of site owner for ignoring Notice of Intention to issue Order. Subsequent Order.	<i>Prev. Years</i> \$30,054 15/16 \$1,135 Total \$31,189	Judgment was handed down on 30 September 2014 when the prosecution was dismissed on the basis of a technicality in how the Order was served. New civil proceedings against site owner have now commenced in the Land and Environment Court. Directions proceedings held on 24 April 2015.	In Progress. Matter heard on 1-2 July 2015- Judgment in favour of Council, respondent to carry out works and pay 75% of Council's costs of the hearing (75% of \$29,122.73 amounts to \$21,842.05). Costs not paid. Action being taken to recover costs.
Sparke Helmore Lawyers (2773)	Prospero/Colin Streets, Murwillumbah.	Class 4 Civil Enforcement action initiated against owners.	<i>Prev. Years</i> \$115,036 15/16 \$17,693 Total \$132,729	Consent Orders were issued against one of the parties. On 17 June 2015, consent orders were issued against the other party. Council at its meeting of 16 July 2015 resolved to issue contempt of the consent orders proceedings and to seek recovery of costs against both parties.	Completed. Consent Orders for cost has been agreed by the two parties - \$20,000 and \$10,000 respectively – both paid. Fence Order matter discontinued.

Provider (Reference)	Description	General instructions	Costs	Comments	Current Status as at 2 May 2016
Sparke Helmore Lawyers (2783)	137 Adcock's Road, Stokers Siding.	Council at its Planning Committee Meeting held on 4 December 2014 resolved to institute Class 4 Action for construction of illegal earthworks.	<p><i>Prev. Years</i> \$4,214 15/16 \$1,089 Total \$5,303</p>	Evidence being gathered for Council's Solicitor to institute action-action completed and referred to Solicitor.	In Progress. Owner contacted Council. Agreement entered into to rectify illegal earthworks.
HWL Ebsworth (2791)	DA14/0164 27-37 Bells Boulevard, Dual use of existing tourist accommodation.	Defend Class 1 Appeal in Land & Environment Court.	<p><i>Prev. Years</i> \$10,853 15/16 \$17,666 Total \$28,519</p>	9 April 2015 Planning Committee recommendation to Council that it engages Solicitor to negotiate Consent Orders or enter into a S34 Agreement. Consent Orders hearing date for 14 May 2015 was vacated. Notice of Motion seeking leave for Mantra to be adjointed was listed for 22 May 2015 and was consented to by the applicant.	In Progress. Matter was listed for various case management and conciliation conferences during 2015 and 2016. Section 34 Agreement being prepared to finalise the appeal.
Lindsay Taylor Lawyers (2792)	DA13/0401 Cylinders Drive, Kingscliff Applicants appeal against the refusal of Section 96 modification.	Council at its meeting on 6 August 2015 resolved to instruct its solicitors to negotiate consent orders or a Section 34 if appropriate.	<p>15/16 \$11,067</p>	Section 34 conference conducted on 25 August 2015.	Completed. Parties agreed to amend conditions of consent at the conference.

Provider (Reference)	Description	General instructions	Costs	Comments	Current Status as at 2 May 2016
Marsdens Law Group (2794)	DA15/0201 40 Creek Street, Hastings Point.	Defend Class 1 Appeal in Land & Environment Court.	15/16 \$41,390	Planning Committee at its meeting on 6 August 2015 resolved to defend this matter. Proceedings were listed for a directions hearing on 10 September and 21 December 2015, where applicant was requested to provide further information.	In Progress. Telephone mention held on 22 April 2016. Appeal referred to a conciliation conference.
Maddocks (2795)	Unauthorised works - Existing use rights - Soorley Street, Tweed Heads South.	Provide legal opinion on existing use rights.	15/16 \$4,353	Letter sent to solicitors for property owner seeking answer to existing use rights questions. - no answer. 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. Solicitor investigating avenues available to implement Council resolution.
Maddocks (2797)	DA15/0422 65 lot subdivision – Sea Breeze Estate- Class 1 Appeal – Deemed Refusal.	Council at its meeting on 22 October 2015, resolved that solicitors be engaged to defend the appeal for Development Application DA15/0422.	15/16 \$45,319	Ecourt meeting held on 9 November 2015, Section 34 Conference meetings held on 22 January, 29 January, 16 March and 23 March 2016. Directions hearing held on 22 April 2016 to determine hearing dates.	In Progress Hearing dates set down for 15,16 and 17 May 2016.
Sparke Helmore (2799)	Point Break Circuit Kingscliff- Class 1 Appeal DA15/0742 for conversion of a Boathouse to a Combined Boathouse and Dwelling.	Council at its meeting held on 3 March 2016 resolved that it engage solicitors to defend the appeal.	15/16 \$4,384	Directions meeting held on 14 March and 4 April 2016.	In Progress Appeal set down for a hearing on 14 and 15 June 2016.

Provider (Reference)	Description	General instructions	Costs	Comments	Current Status as at 2 May 2016
DLA Piper (2801)	Tanglewood Sewerage Treatment Plant Class 2 Appeal relating to Section 68 application.	Council at its meeting held on 17 September 2015 resolved that it be represented at the Class 2 Appeal to meet its Statutory obligation.	15/16 \$17,953	Directions meeting held on 28 September 2015 and on Friday 22 January 2016, matter stood over for further directions hearing for 4 March 2016. Subsequent discussions held with applicant and participants.	Completed. Participants in the matter are content with Council's response in dealing with the matter. Applicant on 16 March 2016 discontinued the proceedings.

Category 2 - Local Government Law

Provider (Reference)	Description of Matter	General Instructions	Costs to date	Comments	Current Status as at 2 May 2016.
Prevention Partners NSW	Local Government Act.	Provide appropriate advice on staffing matter.	15/16 \$10,849	Advice provided in dealing with the staffing matter.	Completed.
Prevention Partners NSW	Council Policy – Mayor and Councillors Expenses.	Review policy and provide appropriate advice.	15/16 \$9,710	Advice provided, together with a workshop with Councillors.	Completed.
Prevention Partners NSW	Local Government Act.	Provide appropriate advice on contractor matter.	15/16 \$1,572	Advice provided in dealing with the contractor matter.	Completed.
Prevention Partners NSW	Local Government Act.	Provide appropriate advice on contract matter.	15/16 \$2,609	Advice provided in dealing with the matter.	Completed.
Hall & Wilcox	Local Government Act	Provide appropriate advice of Local Government Act clarification	15/16 \$7,114	Advice provided	Completed
Lindsay Taylor Lawyers (10166)	Extension of Waste Services Contract.	Provide detailed advice on the Waste Services Contract.	<i>Prev. Years</i> \$3,330 15/16 \$12,643 Total \$15,973	Detailed advice received on Council's legislative powers in dealing with an extension of the Waste Services Contract and subsequent preparation of new Waste Service Contract.	Completed.
Maddocks	Industrial Instrument Issue.	Provide advice on an industrial instrument issue matter.	15/16 \$10,000	Advice provided.	Completed.

Provider (Reference)	Description of Matter	General Instructions	Costs to date	Comments	Current Status as at 2 May 2016.
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.
Australian Financial Securities Authority / DLA Piper	Review of release of documents.	Review of released documents.	<i>Prev. Years</i> \$13,775 15/16 \$2,841 Total \$16,616	Advice provided.	Completed.
Maddocks (881769)	Local Government Act.	Provide appropriate advice and undertake investigation in dealing with matter.	15/16 \$6,197	Investigation undertaken and advice provided.	Completed.

Category 3 - Commercial/Property Law

Provider (Reference)	Description of Matter	General Instructions	Costs to Date	Comments	Current Status as at 2 May 2016

Category 4 - District/Local Court

Provider (Reference)	Description of Matter	General Instructions	Costs to Date	Comments	Current Status as at 2 May 2016.
Stacks/The Law Firm (2698) (130331)	Homestead Holiday Park compliance matters.	Council resolved on 24 January 2012 to seek legal advice on breach of legislation to operate the Homestead Caravan Parks.	<i>Prev. Years</i> \$48,318 15/16 \$67,500 Total \$115,818	Local court found against Council on 18 June 2013. Council appealed to Land and Environment Court. Matter held on 26 November 2013. Land and Environment Court decision of 30 January 2015 dismissed Council's two appeals and costs were awarded against Council with 28 days to pay.	Completed. Two claims for costs have been lodged with Council – \$67,500 paid.
Stacks the Law Firm	Local Court challenge to issue of a Penalty Infringement Notice.	Defend challenge in Local Court.	15/16 \$500	Decision made to withdraw Penalty Infringement Notice.	Completed.

Category 4 - District/Local Court					
Provider (Reference)	Description of Matter	General Instructions	Costs to Date	Comments	Current Status as at 2 May 2016.
Russell Baxter Solicitor	Local and District Court Appeals.	Defend Appeal issues in Local and District Court.	<i>Prev. Years</i> \$6,150 15/16 \$3,990 Total \$10,140	Appeal heard in District Court on 21 August 2015.	Completed. Appeal dismissed. Applicant to pay Council's costs of \$2,000 with six months to pay-currently outstanding.

OPTIONS:

Not Applicable

CONCLUSION:

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

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Total legal services budget - \$415,631.

Total legal expenditure to 31 March 2016 - \$297,574.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

34 [CS-CM] Monthly Investment and Section 94 Development Contribution Report for Period ending 30 April 2016

SUBMITTED BY: Financial Services

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

This report is provided to Council to advise details of monies Council has invested in accordance with Section 625 of the Local Government Act 1993.

There is a requirement by Council's investment consultant to allow at least five working days following the end of the month to provide the statistics for this report. Due to this time constraint and the Council requirement to receive reports 10 days prior to the Council meeting, there will be an addendum report provided to Council for consideration at its meeting on 19 May 2016.

RECOMMENDATION:

Refer to addendum report.

REPORT:

As per summary.

OPTIONS:

Not Applicable.

CONCLUSION:

Not Applicable.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Local Government (General) Regulations 2005 - Section 212 - Reports on council investments

"(1) The responsible accounting officer of a council:

(a) must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:

(i) if only one ordinary meeting of the council is held in a month, at that meeting, or

(ii) if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and

(b) must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies.

(2) The report must be made up to the last day of the month immediately preceding the meeting."

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

35 [SUB-TRMAC] Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 11 February 2016

SUBMITTED BY: Community and Cultural Services



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

The Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 11 February 2016 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 Thursday 11 February 2016 be received and noted.

REPORT:

The Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 11 February 2016 are reproduced as follows for the information of Councillors.

Venue:

Coolamon Centre

Time:

2.00pm

Present:

Cr Barry Longland; Judy Kean (Museum Director); Sandra Flannery (Community); Fay O'Keeffe (Community); Joan Smith (Tweed Heads Historical Society); Daphne Mellor (Tweed Heads Historical Society); Helena Duckworth (Uki & South Arm Historical Society); Esma Thompson (Uki & South Arm Historical Society); Max Boyd (Murwillumbah Historical Society); Tony Clark (Murwillumbah Historical Society); Gary Fiddler (Community); Sandra Flannery (Community).

Apologies:

Janet Swift (Community); Jim Sachs (Tweed Heads Historical Society); Peter Budd (Community); Robyn Grigg (Manager Community and Cultural Services); Tracey Stinson (Director Community & Natural Resources).

Minutes of Previous Meeting:

Moved: Gary Fiddler

Seconded: Helena Duckworth

RESOLVED that the Minutes of the Tweed Regional Museum Advisory Committee meeting held Thursday 10 December 2015 be accepted as a true and accurate record of the proceedings of that meeting.

The Motion was Carried.

FOR VOTE – Unanimous.

Business Arising:

No business arising.

Agenda Items:

1. Museum Director Report

Report was previously sent to members.

Judy confirmed that there have been updates since the report was sent, and asks if there are any questions. No questions.

Moved: Tony Clark

Seconded: Esma Thompson

RESOLVED that the Museum Director's Report be endorsed by the Committee.

The Motion was Carried.

FOR VOTE – Unanimous.

2. De-accessions and acquisitions

Judy updated the Committee regarding the number of offers of donation the Museum is getting from community for collections related to the Tweed.

Moved: Gary Fiddler

Seconded: Sandra Flannery

RESOLVED that the proposed de-accessions and acquisitions be accepted by the Committee.

The Motion was Carried.

FOR VOTE – Unanimous.

3. Uki & South Arm Historical Society Report

Report was previously sent to members.

Moved: Helena Duckworth

Seconded: Esma Thompson

RESOLVED that the Uki & South Arm Historical Society Report be noted by the Committee.

4. Murwillumbah Historical Society Report

The report was tabled, there were no questions.

Moved: Tony Clark

Seconded: Max Boyd

RESOLVED that the Murwillumbah Historical Society Report be noted by the Committee.

5. Tweed Heads Historical Society Report

The report was previously sent to members. Judy asked a question regarding the callout to the community and libraries for newspapers dated 1910 to 1914 regarding digitisation. Joan clarified that State Library Queensland, NSW State Library and Gold Coast Local Studies Library would perform digitisation.

Moved: Joan Smith

Seconded: Daphne Mellor

RESOLVED that the Murwillumbah Historical Society Report be noted by the Committee.

6. Friends

No report was submitted prior to the meeting. Gary Fidler updated the Committee that the Bunnings BBQ grossed \$1600 and netted \$1400 profit due in part to food donated by the Tweed Heads Bowling Club. He thanked Tony Clark for working at the BBQ, noting the level of cooperation between groups was very valuable.

A donation from the Friends for \$4,000 to the Museum was noted. Max suggested that the value of this donation and the TRM Deductible Gift Recipient (DGR) Fund was worthy of publicity and celebration. Judy suggested brochure for the DGR to coincide with celebration of the donation. Senior Citizens day was raised for Friends involvement, Judy indicated she would discuss the day with the Friends outside of this meeting.

Moved: Gary Fiddler

Seconded: Sandra Flannery

RESOLVED that the Friends update be noted by the Committee.

General Business:

7. Proposed 2016 meeting schedule

Judy tabled the proposed 2016 meeting schedule, presenting - Option 1 Business as Usual meetings and Option 2 alternating Museum Advisory Committee meetings with new Museum Coordination meetings. Judy emphasised that the Coordination meetings would assist forward planning under the umbrella of the Museum Service Agreement up to 2 to 3 years in advance. Key items for discussion would include research programs, displays, collection development and events. Judy emphasised that the people selected for the Coordination meetings would need to carry some authority to make decisions at the meetings and report back to the individual Committees. She recommended Option 2 be endorsed. Joan led a discussion about removing the December meeting.

Option 2 – endorsed meetings and dates, 2016

<i>Month 2016 Meeting</i>	<i>Day/Date (second Thursdays)</i>	<i>Time</i>	<i>Due date for Reports/ Agenda items to be submitted by MAC members</i>	<i>Meetings papers distributed to MAC members by</i>
February Museum Advisory	Thursday, 11th	2pm	Fri, 21 January	Fri, 28 January
March Coordination	Thursday, 10	2pm		
May Museum Advisory	Thursday, 12	2pm	21 April	28 May
July Coordination	Thursday, 14	2pm		
September Museum Advisory	Thursday, 8	2pm	18 Aug	25 Aug
November Coordination	Thursday, 10	2pm		

Moved: Gary Fidler

Seconded: Helena Duckworth

RESOLVED that Option 2 be endorsed by the Committee with the December meeting removed.

The Motion was Carried.

FOR VOTE – Unanimous.

8. General discussion regarding Option 2 and cooperation in line with the Service Agreement

Max again articulated the level of cooperation between groups leading to the success of the Bunnings BBQ. He thanked Tony, Fay and Jayne and again endorsed this level of team work.

After Judy tabled the meeting options for 2016 there was a return to discussions about coordination across the Committees. This was particularly discussed in relation to research,

displays and annual events. Max indicated that the Murwillumbah Historical Society was ready for a list of research topics in advance, generated by the Museum Director. There was further discussion regarding how the Coordination meetings would work and what they would cover, Judy indicated this did not need to be fleshed out in full in this meeting as it would form the Agenda for the first Coordination meeting.

Next Meeting:

The next meeting will be the inaugural Coordination Meeting, held 10 March 2016 at 2pm. The meeting location was not confirmed.

The meeting closed at 2.50pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - reviewed 21 August 2012 (ECM3283132).

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

36 [SUB-CHAC] Minutes of the Community Halls Advisory Committee Meeting held Monday 22 February, 2016

SUBMITTED BY: Community and Cultural Services

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

The Minutes of the Community Halls Advisory Committee Meeting held Monday 22 February, 2016 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Community Halls Advisory Committee Meeting held Monday 22 February, 2016 be received and noted.

REPORT:

The Minutes of the Community Halls Advisory Committee Meeting held Monday 22 February, 2016 are reproduced as follows for the information of Councillors.

Venue:

Crabbes Creek Hall, 29 Crabbes Creek Road, Crabbes Creek

Time:

10.20am

Present:

Reg Robinson (Crabbes Creek Hall) (Chair), Margaret Hulbert (Crabbes Creek Hall), Geoff Davis (Piggabeen Hall), Peter Hurcombe (Fernvale Hall), Cr Carolyn Byrne (Tweed Shire Council), Steve Sweetnam (Doon Doon Hall), Marlene Protheroe (Piggabeen Hall), Janet Tkachenko (Pottsville Beach Hall), Maree Edwards (Chillingham Hall), Lisa Smith (Tweed Shire Council) (Minutes)

Apologies:

Claire Masters (Limpinwood Hall), Sue & Brian Breckenridge (Tumbulgum Hall)

Ex-officio:

Anne McLean (Tweed Shire Council), Shannon Rees (Tweed Shire Council)

Minutes of Previous Meeting:

Moved: Marlene Protheroe

Seconded: Janet Tkachenko

RESOLVED that the Minutes of the Community Halls Advisory Committee (CHAC) meeting held Monday 23 November 2015, be accepted as a true and accurate record of the proceedings of that meeting.

OUTSTANDING MATTERS REPORT:

OM1 Fire Safety Inspections and Certification:

Shannon Rees confirmed that Chillingham, Limpinwood and Pottsville Beach Community Halls have now been issued frames to display certificates. Doon Doon Community Hall is still being followed up.

Action: Shannon Rees of Tweed Shire Council (TSC) to follow up provision of certificate of compliance for Doon Doon Community Hall.

OM2 Draft Management Agreement (Community Hall Management Committee):

Shannon Rees advised she will follow up on the signed copy from Crystal Creek Hall.

Shannon advised the committee that she will soon call for copies of annual financial statements, minutes of meetings (as required) etc. as confirmed in the signed Management Agreements and requested any members who have already compiled such documentation to please send it through.

This item is now closed.

OM3 Community Hall Management Committee Guidelines:

At the last meeting members were asked to forward through to Shannon Rees the current Fee Structure for their halls. Shannon has received information from: Doon Doon, Piggabeen and Tumbulgum. Still to be received are: Pottsville Beach, Crabbes Creek, Chillingham, Crystal Creek, Fernvale and Limpinwood.

Remaining items held over to Agenda Item 1.

Action: Fee structure information to be provided to Shannon Rees by the following Hall Committees: Pottsville Beach, Crabbes Creek, Chillingham, Crystal Creek, Fernvale and Limpinwood.

OM4 Safe Food Handling Regulations for Management Committees and hall hirers
Shannon Rees confirmed that Kitchen and Water Audits have been issued to all halls. Council will follow up on NSW Public Health Unit water safety guidelines. Shannon informed that all halls now have water quality warning stickers placed at appropriate taps in the halls. If any members require more stickers please request these from Shannon.

This item is now closed.

OM5 Community Infrastructure Framework (CIF):

Shannon Rees confirmed a copy of the presentation made by Emma Whittlesea at the last meeting had been circulated to all committee members.

This item is now closed.

OM6 Draft Community Halls Governance Framework Issues Paper: Hall capacity assessments by Coastline to be circulated.

Discussions were held between Reg Robinson of Crabbes Creek Hall and Shannon Rees of Tweed Shire Council to discuss options to adjust capacity numbers for specific events if appropriate. There are no further actions required.

This item is now closed.

OM7 Draft Community Halls Policy

Copy of Policy forwarded to Pamela Gray of Limpinwood Hall as requested.

This item is now closed.

OM8 Review Draft Templates

Shannon Rees advised the Committee of a query from a member regarding the "Initial Here" section on each page - was it necessary. Shannon advised she was still following up on this query and Anne McLean requested advice from Councillor Carolyn Byrne. Cr Byrne advised that another option would be having the agreement to be signed on the last page, as this generates the expectation that all pages prior have been read. It was agreed by the Committee that the placement of the "Initial Here" requirement on each page remain as is.

Geoff Davis of Piggabeen Hall inquired about the correct process to follow when hiring to the same group on consecutive days, for a long period of time, asking was a new Hire Form required to be complete for each individual hire date. Shannon Rees of TSC confirmed it would be sufficient to apply a date range to the form covering the full hire period. Cr Byrne

also suggested that the entry of 'hire period commencing 01/01/2016' for example, could then show a 'hire period concluding' date of 'Until Further Notice'.

Remaining matters held over to Agenda Item 2.

OM9 Committee Contact List

Shannon Rees confirmed the Committee Contact Lists have been distributed to all members. Shannon asked that all members bear in mind that one list provides information for all hall contacts, and the other provides information for members specific to this Committee.

This item is now complete.

Janet Tkachenko of Pottsville Beach Community Hall asked for advice on the number of executive positions required on individual committees and whether this is three or four. Shannon Rees advised it would depend on the 'incorporated' status of the committee. Shannon advised this topic would be further covered during the review of the templates, however, as a minimum, each committee should have a Chairperson, a Secretary, and a Treasurer.

Shannon Rees requested that any changes to committee membership should be advised to Council as soon as possible. Cr Byrne suggested that adding this as an agenda item for Hall Committee AGM agendas could be an effective way to ensure this information is provided.

Steve Sweetnam of Doon Doon Hall understood it was a requirement to have a Council Officer present as Returning Officer at the Hall AGM. However, Shannon Rees confirmed this is not a requirement, but whoever acts as the Returning Officer must not have any conflict of interest with the nominated positions.

These topics to be discussed further in Agenda Item 1.

OM10 Communications

Shannon Rees confirmed postal addresses have been received from Piggabeen and Fernvale.

This item is now complete.

Agenda Items:

A1 Draft Community Hall Management Committee Guidelines

The Committee undertook a review of the Draft Guidelines and made the following comments:

Section 1: Functions and Delegations

1.1 Introduction

No changes required.

1.2 Role of the Community Halls Advisory Committee

No changes required.

1.3 Community Hall Management Committee Guidelines

No changes required.

1.4 Delegation of Function

No changes required.

Moved: Marlene Protheroe (Piggabeen Hall)

Seconded: Steve Sweetnam (Doon Doon Hall).

Section 2 2: Hall Management Responsibility

2.1 Hall Committee Responsibilities

Reg Robinson raised concerns over the requirement to maintain financial records and provide financial statements to Council. The reporting requirement for incorporated associations to the Department of Fair Trading does not seem to be as extensive as the reporting required by Draft Template 9. Shannon Rees responded to confirm the requirement to provide statements is a requirement of the Department of Fair Trading. Shannon referred members to the draft template to determine if this form is too onerous. Janet Tkachenko noted the level of detail provided to the Department of Trading was not as extensive as that required of Draft Template 9. Anne McLean confirmed that any financial reports signed by an auditor will be acceptable.

Maree Edwards inquired about access to hall committee funds by Council. Shannon Rees confirmed Council would not generally pursue this action. However, Council is entitled to decline any request for financial support, particularly with regard to the broader context of financial constraints and budgets for all community facilities. Cr Byrne discussed the advantages of being financially sustainable in that a hall committee might have a particular project to work on and Council may match the committee dollar for dollar in order to complete the project.

Geoff Davis asked if a definition for 'light maintenance' has been set as yet. Shannon confirmed this is yet to be defined. It is suggested that any work that involves a trade qualification would not be considered light maintenance, nor any work where power tools are involved. Shannon will continue to follow this up.

Janet Tkachenko commented that the guidelines are not specific in ensuring the hall is fit for purpose at all times and asked whose responsibility is this. Anne McLean confirmed that Council is assessing all facilities to establish fit for purpose status. There will be some staged improvement works but a timeline is yet to be set. Janet sought guidance on what process to follow in the meantime, to which Anne advised it would be a discussion between Council and the individual hall committee and this can be done via a Maintenance Form. Cr Byrne discussed the need to decline some bookings due to the suitability of the venue and that it would be helpful to provide guidance to hirers on other suitable halls within the Shire.

The Committee agreed bullet point: 'Complying with legislative and statutory requirements' should also show: 'including Department of Fair Trading'.

2.2 Limitation of Powers

Cr Byrne suggested the removal of the words: 'For example' from the final sentence, which should now read: 'Hall Committees may not make decisions concerning the following:'. The bullet list is to remain as is.

Geoff Davis sought guidance on the meaning of the phrase: 'unreasonably withholding consent for the letting of the hall'. Cr Byrne explained this occurs when the Booking Officer holds a bias against the intended use of the hall. It does not cover sound risk management processes where a committee meets to discuss the hiring of the hall for an event that is not considered appropriate, or the hall is not fit for purpose.

2.3 Council Policy

Shannon Rees discussed the inclusion of 'Community Halls Policy' to listing of policies. Anne McLean confirmed this should be included.

2.4 Accountability

Reg Robinson requested the inclusion of a reference to the Department of Fair Trading, to which Shannon Rees noted the clause needs to be clear this obligation is only to Committees that are incorporated. Those excluded (not incorporated) are: Doon Doon, Limpinwood and Crystal Creek.

Janet Tkachenko asked if information regarding committee members should be provided within the reporting requirements here, which Shannon Rees confirmed. Bullet point two to be revised as follows: 'provide reports, minutes, names of committee members, minutes and financial statements to Council via the Community Halls Advisory Committee as required.'

Shannon Rees requested inclusion of office bearers to those responsible. The alteration to be as follows: 'Hall Committees and office bearers are required to:'.

2.5 Council's Roles and Functions

Geoff Davis requested clarification on the reference to volunteers, are they covered if they come to carry out work at the hall? Cr Byrne confirmed they would be, as long as the volunteer does not receive any payment for their time. Working bees etc. would all be considered volunteer work.

2.6 Termination of Management Authority

No changes required.

Moved: Janet Tkachenko (Pottsville Beach Community Hall)

Seconded: Margaret Hulbert (Crabbes Creek Hall).

Section 3: Appointment and Membership

3.1 Hall Committee Membership

Cr Byrne noted that the number of members for an incorporated group should be amended to: 'Hall Committees shall have a minimum of seven members including four office bearers - chair, deputy chair (optional), secretary, treasurer - and ordinary members. Unincorporated committees will number not less than three including Office Bearers.'

Committee members inquired about the need for members to be residents of the Tweed Shire, asking why this was necessary. Anne McLean responded to note firstly that the document is a guideline, and secondly that it is preferable the Hall Committee members be residents to show a commitment to the community. This may be helpful in avoiding situations where residents from other areas come into the community with the intention of securing premises with their own events becoming the priority.

3.2 Representation on Hall Committee

No changes required.

3.3 Vacation of Office

Janet Tkachenko asked what process to follow if a member is seriously ill. Cr Byrne noted at the point the member can resign from their position.

3.4 Procedure for obtaining new membership

No changes required.

3.5 Hall Committee Positions

3.5.1 Office Bearers (also known as the Executive)

Reg Robinson requested inclusion of the position Deputy Chairperson or Vice President.

Janet Tkachenko requested the inclusion of the position Booking Officer.

Cr Byrne requested an amendment to the last paragraph: 'A Hall Committee member may fill a maximum of two Office Bearer roles; however, these roles cannot be the Chairperson or the Vice Chairperson.'

Shannon Rees to ensure wording clearly defines the difference between incorporated and non-incorporated committee requirements.

3.5.2 Election of Office Bearers

No changes required.

3.5.3 Procedures for Election

Marlene Protheroe requested the inclusion of an additional sentence at the end of the paragraph: 'Contact details of newly elected members to be provided to Tweed Shire Council with an updated contact list to be circulated to members of the Community Halls Advisory Committee.'

Moved: Marlene Protheroe (Piggabeen Hall)

Seconded: Steve Sweetnam (Doon Doon Hall).

Section 4: Meeting Procedures

4.1 Quorum

No changes required.

4.2 Agenda

No changes required.

4.3 Conduct of Business

No changes required.

4.4 Correspondence

No changes required.

4.5 Minutes of Meeting

No changes required.

4.6 Voting

No changes required.

Moved: Marlene Protheroe (Piggabeen Hall)

Seconded: Geoff Davis (Piggabeen Hall).

Section 5: Financial Matters

5.1 Financial Issues

Marlene Protheroe inquired about the scrutiny applied by Council to the Hall Committee financial situation. Maree Edwards also had concerns should Council find that the hall is not financially viable what action could be taken? Anne McLean confirmed that, should Council decide to repurpose an asset community consultation would take place. Cr Byrne confirmed that Council does sell assets on a continual basis and it is always presented to Council for consideration. Community consultation would take place in such a situation. Council is responsible for public money and some assets can be repurposed.

5.2 Delegation of financial control

No changes required.

5.3 Accounting

Reg Robinson expressed concern over the requirement to maintain records for seven years and asked is on-line banking an acceptable form of record keeping. Cr Byrne confirmed you can go back simply for two years and then make a request to the banking institution to go back further, noting that the banks have the same responsibility in record keeping.

5.4 Out of Pocket Expenses

No changes required.

Moved: Margaret Hulbert (Crabbes Creek Hall)

Seconded: Marlene Protheroe (Piggabeen Hall).

Section 6: Insurance / Risk Management

6.1 Building Insurance

No changes required.

6.2 Hall Committee Members' Insurances

6.2.1 Public and Property Liability Insurance: Hall Committee members are covered by public and product liability insurance

No changes required.

6.2.2 Personal Accident Insurance

No changes required.

6.2.3 Association and Officials Liability Insurance

No changes required.

6.3 Casual and Regular Hirers' Insurance Liability

Geoff Davis requested clarification on non-commercial and non-profit making activities. Cr Byrne confirmed where the hall is hired for profit making activity the hirer is required to hold their own insurance. Where a not for profit organization is holding an event where funds are raised, if those funds are returned to the Hall or offered to a charity this would all be within the guidelines.

6.4 Other Hirers' Insurance Liability

No changes required.

6.5 Definitions

No changes required.

Moved: Janet Tkachenko (Pottsville Beach Community Hall)

Seconded: Steve Sweetnam (Doon Doon Hall).

Section 7: Management of the Facility

7.1 Conditions of Hire

No changes required.

7.2 Fees and Charges

No changes required.

7.3 Bond

No changes required.

7.4 Cleaning

No changes required.

7.5 Maintenance

No changes required.

7.6 Development Application and Grant Application Requirement

Steve Sweetnam inquired about the need to be incorporated in order to apply for grants. This was confirmed by Shannon Rees and Cr Byrne. Anne McLean advised that Council could auspice a grant application with the support of the Committee. The availability of future grants is to be included as an Agenda item at future meetings. Shannon Rees did ask members to review communication issued to all members as grant availability is often forwarded for information. Anne McLean also advised members to be diligent when reviewing lead times for grant availability as they are often quite a short turn-around. Anne confirmed Community Sponsorship grant applications for repairs or improvements to the hall would not be eligible as it is a Council facility. However, applications for programs or events could be eligible.

Anne McLean excused herself from the meeting at 11.55am as she was required to attend another meeting.

7.7 Legal Issues

No changes required.

7.8 Pecuniary Interest

No changes required.

7.9 Sub Committees

No changes required.

7.10 Clerical Support

No changes required.

Moved: Peter Hurcombe (Fernvale Hall)

Seconded: Geoff Davis (Piggabeen Hall)

Section 8: Maintenance and Services Provided to the Halls

8.1 Repairs and Maintenance

No changes required.

8.2 Council's responsibilities

Maree Edwards queried the requirement for the Hall Committee to pay for excess water or water deliveries. Shannon suggested this may be particularly related to taps being left on accidentally or negligently. Shannon will confirm the intention of the clause and discuss further with Committee Members. The terms of payment for water supply will vary from hall to hall depending on the land the hall is located on. Shannon to include notes regarding drought and dry conditions to clarify the meaning of this clause.

8.3 Hall Committees' Responsibilities

No changes required.

Moved: Marlene Protheroe (Piggabeen Hall)

Seconded: Geoff Davis (Piggabeen Hall)

Section 9: Council Policies

Reg Robinson requested more information regarding these policies, what are they, where can they be found? Shannon Rees advised the policies are all available via Council website. Committees are not required to adopt these policies, however, Committees should maintain an awareness of the content as they are managing a Council facility.

Moved: Steve Sweetnam (Doon Doon Hall)

Seconded: Geoff Davis (Piggabeen Hall).

Appendix 1: Hall Committee Members Roles and Responsibilities

Maree Edwards commented on the extent of responsibilities for the Booking Officer, asking were all of these tasks necessary. The Committee agreed all items should remain.

Moved: Margaret Hulbert (Crabbes Creek Hall)
Seconded: Marlene Protheroe (Piggabeen Hall)

Appendix 2: Standard Formats for Meetings and Correspondence

Shannon Rees will include a standing item for Hall AGMs to forward reporting through to Council and to the Department of Fair Trading.

Moved: Peter Hurcombe (Fernvale Hall)
Seconded: Janet Tkachenko (Pottsville Beach Community Hall)

Action: Changes to Draft Community Hall Management Committee Guidelines, encompassing all recommended changes in A1 to be made by Tweed Shire Council and presented for further discussion at the next meeting.

AI2 Draft Templates

Review of templates held over until the next meeting. Shannon Rees requested fee structure information be forwarded by those who have not yet provided this information. Shannon asked all other members to review the information provided and advise any changes prior to the next meeting. This is to allow circulation of the document prior to the meeting so discussion can take place.

Committee members were asked to review the templates prior to the next meeting. It was also suggested trialling the forms to determine their suitability so that changes can be recommended at the next meeting.

Action: All committee members to review template documentation to allow discussion at the next meeting.

AI3 CHAC Nominated Representatives List

This listing was circulated to all Committee members prior to the meeting with paper copies made available during the meeting to those who had requested it.

This item is now complete.

AI4 Hall Management Committees Contact List

This listing was circulated to all Committee members prior to the meeting with paper copies made available during the meeting to those who had requested it.

This item is now complete.

Inwards Correspondence:

1. Community Halls Advisory Committee Nomination - Limpinwood Hall

Shannon Rees advised the form requires further completion and will be tabled at the next meeting if received.

Outgoing Correspondence:
Nil.

General Business:

1. Scheduling Next Meeting

Peter Hurcombe of Fernvale Hall advised he will not be available to attend meetings on Mondays and Tuesdays in future due to work commitments. Shannon Rees confirmed a review of the standing day would take place annually and suggested that Peter request attendance by Rick Dobbie. Marlene Protheroe offered to hold the next meeting at Piggabeen Hall and this offer was accepted by the Committee.

Reg Robinson requested an item to be included on the next meeting agenda to discuss upcoming events at each hall.

Action: Agenda Item 'Upcoming Events' to be included on the agenda for the next meeting.

Next Meeting:

The next meeting of the Community Halls Advisory Committee will be held 10.00am 23 May 2016 at Piggabeen Hall.

The meeting closed at 12.27pm with thanks given to Margaret Hulbert for providing lunch.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - adopted 16 April 2015 (ECM3635284).

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

37 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 30 March 2016

SUBMITTED BY: Natural Resource Management

Valid



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Caring for the Environment
 - 4.4 Manage the Tweed coastline to ensure a balance between utilisation and conservation
 - 4.4.1 Recognise and accommodate natural processes and climate change
-

SUMMARY OF REPORT:

The Minutes of the Tweed Coastal Committee Meeting held Wednesday 30 March 2016 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Tweed Coastal Committee Meeting held Wednesday 30 March 2016 be received and noted.

REPORT:

The Minutes of the Tweed Coastal Committee Meeting held Wednesday 30 March 2016 are reproduced as follows for the information of Councillors.

Venue:

“Kingscliff Matters” Shop Front

Time:

1.05pm

Present:

Cr Barry Longland (Chair); Suzi Bourke (Cabarita Beach-Bogangar); Jason Pearson (Kingscliff); David Cranwell (Pottsville); Roger Graf (Fingal Head); Jane Lofthouse, Marama Hopkins (Tweed Shire Council).

Informal:

Verity Rollason (BMT WBM); Matt Lee (Tweed Shire Council).

Apologies:

Cr Katie Milne; Ben Fitzgibbon (Office of Environment and Heritage); Pat Dwyer (Department of Primary Industries - Fisheries NSW); John Harbison (Mooball); Tim Jack Adams (Kingscliff); Tom Alletson (Tweed Shire Council).

Minutes of Previous Meeting:

Moved: Cr Longland

Seconded: Roger Graf

RESOLVED that the Minutes of the Tweed Coastal Committee meeting held Wednesday 10 February 2016 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

BA1. Illegal Camping at Lot 156 Hastings Point

Deferred to next meeting. As this lot is private land Council would have limited powers to act.

BA2. Damaged Interpretation Signs in Coastal Creeks

Jane to follow up with Tom Alletson regarding replacement of signage In the coastal estuaries.

Agenda Items:

A1. Draft Kingscliff - Dreamtime Beach Coastal Zone Management Plan

Verity provided an overview of plan, background, content and intent.

The Draft Plan identifies three precincts for the purposes of management actions:

- Hazard Protection Precinct – to manage the impact of coastal hazards on foreshore assets through protection structures

- Passive Community Use Precinct – to support a range of passive recreational activities and allow natural coastal processes to occur. Provide for sand nourishment and dune vegetation enhancement of this area.
- Natural Beach and Habitat Precinct – to allow natural coastal processes to occur and maintain and enhance natural values.

Jason requested that maintenance of surfing amenity be included as an objective.

Jane requested that committee members encourage their groups and interested parties to forward a submission to the plan. It is on exhibition until 4 May.

General Business:

GB1. Fingal Head

Roger had forwarded a document which raised various issues relating to Fingal Head. Jane advised that she would forward these issues to the relevant staff within Council for a response directly to Roger as they were mostly operational activities rather than strategic issues for the Tweed Coastal Committee.

GB2. Tweed Sustainable Agriculture Strategy

The Draft Tweed Sustainable Agriculture Strategy is on public exhibition until 11 May 2016. The document is available on Council's website or contact Eli Szandala for more information.

GB3. Ambrose Brown Park

David requested an update on the status of repair to the walkway from Ambrose Brown Park to the estuary. Jane to consult with Rod Keevers.

Next Meeting:

The next meeting of the Tweed Coastal Committee will be held on Wednesday 8 June 2016.

The meeting closed at 2.45pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - reviewed 21 August 2012 (ECM2947539)

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

38 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 April 2016

SUBMITTED BY: Community and Cultural Services

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 April 2016 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

1. **The Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 April 2016 be received and noted; and**
2. **The Executive Management Team's recommendations be adopted as follows:**
 - A4. **Renee Saunders (Tweed Shire Council)**
 - (a) **PtV15/0021 Kingscliff Foreshore Revitalisation Works**

That in relation to the PtV15/0021 Kingscliff Foreshore Revitalisation Works the Aboriginal Advisory Committee confirms its recommendation of 4 December 2015:

'that the:

1. ***AAC notes the proposed Kingscliff foreshore protection works and central park development project and endorses the recommended Aboriginal cultural heritage management approach, including the engagement of a cultural monitor during excavations beyond 2.6m associated with construction of the seawalls, with evaluation for the need for ongoing monitoring to be determined based on the level of disturbance encountered.***

2. *Tweed Byron Local Aboriginal Land Council to be engaged for Aboriginal cultural heritage induction training.*

noting that if it isn't explicitly noted in the Part V Development Assessment documentation that it will be included as a condition of consent.

A6. DA16/0180 Eco tourist facility at Lot 1 DP 361917 No. 215 South Pumpenbil Road, Pumpenbil - Simon Halcrow (Tweed Shire Council)

That the Aboriginal Advisory Committee recommends that in relation to DA16/0180 at Lot 1 DP 361917 No. 215 South Pumpenbil Road, Pumpenbil:

1. Tweed Byron Local Aboriginal Land Council site monitors be engaged during all ground disturbance works at each of the six locations.
2. The excavation work be undertaken in stages as advised by the Aboriginal site monitors.
3. Recommendations 1 and 2 above be incorporated into the consent conditions for the Development Application.

Business Arising from meeting held on 4 March 2016

A7. Village Entry Signage

That:

1. Council notes the preferred traditional names and cultural meaning for Chillingham, Murwillumbah, Tumbulgum and Tyalgum as follows:
 - (a) Chillingham - Chinnangum - Crossing at the foot of a Blackbean
 - (b) Murwillumbah - Moorwooloombah - Place of big nose (bleeding)
 - (c) Tumbulgum - Tumbul - Small leafed fig tree
 - (d) Tyalgum - Daldalgum - Tall timbers
2. Council seek further advice from the Aboriginal Advisory Committee if further interpretation of these cultural names and meanings is required.

REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 April 2016 are reproduced as follows for the information of Councillors.

Venue:

Minjungbal Aboriginal Museum and Cultural Centre

Time:

9.00am

Present:

Leweena Williams (Tweed Aboriginal Corporation for Sport), Jackie McDonald (Tweed Wollumbin Aboriginal Education Consultative Group representative), Desrae Rotumah (Tweed Aboriginal Co-operative Society), Victor Slockee (Canowindra representative), Cr Gary Bagnall (arrived at 10.10am), Des Williams (Tweed Byron Local Aboriginal Land Council representative) (arrived at 10.15am).

Ex-officio:

Robyn Grigg, Anne McLean Robert Appo (Tweed Shire Council), Gabby Arthur (Tweed Shire Council) (Minutes).

Guests (in order of arrival):

David Clarke (Crown Lands) (arrived at 9.56am), Jon Lynch and Iain Lonsdale (Tweed Shire Council) (arrived at 11.00am), Renee Saunders, Kelly Edwards, Simon Halcrow (Tweed Shire Council) (arrived at 11.50am), Tim Robins (Everick) (arrived at 1.20pm).

Apologies:

Mayor Katie Milne, Tracey Stinson (Tweed Shire Council).

In the absence of a quorum, the meeting commenced as a discussion with notes being taken. It was noted that the AAC would not be able to make any recommendations/resolutions until a quorum was achieved.

A2. Crown Lands - Local Lands Pilot - David Clarke (Crown Lands)

David Clarke presented a Powerpoint on the Crown Lands - Local Lands Pilot and advised that he would provide a factsheet to the AAC following the meeting.

Quorum achieved at 10.10am

David recognised the importance of Aboriginal use of Crown Land and the role for potential management of Crown Land.

Jackie referred to the Gold Coast Airport site (Crown Reserve 59360) and asked David for feedback on the transfer of the Crown Reserve. David noted that he is not aware of the particulars of that site but could look into it.

The AAC thanked David for his presentation.

Action: CDO-Aboriginal to liaise with David Clarke at Crown Lands regarding factsheet and circulate to AAC.

David Clarke left the meeting at 11.10am.

Chair: Victor Slockee

Moved: Leweena Williams

Seconded: Desrae Rotumah

RESOLVED that the Chair was declared vacant and nominations were called. Victor Slockee was nominated and was unanimously elected to Chair the meeting.

Victor Slockee opened the meeting with a welcome to all present and paid respect to Elders past and present.

A3. Iain Lonsdale and Jon Lynch (Tweed Shire Council)

(a) Height of buildings review - Fingal Head (Fingal)

Iain and Jon tabled a background note in relation to the Fingal Head height of buildings review as follows:

Background

- The project originates from a Councillor Notice of Motion (20 June 2013) citing community concern regarding the transition in measurement of building height from 'storeys' to 'metres' brought about by the Tweed Standard Instrument Order LEP, being the Tweed Local Environmental Plan 2014, as well recent development applications. This review was more recently endorsed through Council's adoption (6 August 2015) of the Strategic Planning and Urban Design Work Priorities Plan.
- Building height within the Fingal Head residential and commercial footprint has historically been confined to two storeys, and this had previously been implemented through the Tweed LEP 2000. Land outside this area has predominately had a three-storey height limit.
- A storey which exceeds 4.5 metres for residential buildings is counted as two storeys; accordingly a two storey building under the Tweed LEP 2000 could be as tall as 9 metres.
- In April 2014, the Tweed LEP 2014 was formally gazetted and replaced the Tweed LEP 2000 as it related to Fingal Head, with the exception of areas of Deferred Matters. Under the Tweed LEP 2014, the maximum height of buildings within the residential and commercial footprints of Fingal Head is 9 metres - and 10 metres outside that area - which is measured from existing ground level.
- While the previous LEP 2000 definition theoretically enabled two storey developments to reach a height of nine metres, it precluded more than two storeys from occurring without a formal variation process. A three storey development could be constructed within 9 metres building height, provided the allotment is free of flooding and topographic constraints.
- In summary, the former LEP 2000 regulated building height by counting the number of 'storeys' at 4.5 metres each, whereas the new LEP regulates the height in metres only and makes no reference to how many storeys a building can achieve.

Project Status

- The Project commenced in late 2015 with a desktop review of planning provisions, site constraints and audit of recent approvals.
- In February 2016, landowners were notified of the Project, invited to a 'Community Conversation' session at the Fingal School and also invited to participate in a survey to help distil the views of the community regarding development, particularly focusing on height.

- On 10 March 2016 the Community Conversation was held, with approximately 55 participants.
- On 23 March 2016 the period for survey submissions closed.
- Approximately 120 survey responses were received. Council officers are currently collating those submissions.

Going forward

- Council officers have sought a workshop session with the Councillors to discuss the process undertaken thus far, the feedback obtained and provide some preliminary ideas in response.
- A formal report will be prepared for discussion at a future Planning Committee meeting.
- Whilst it is dependent on any actions proposed and the ultimate resolution of the Councillors, a formal public exhibition will likely occur shortly after.

Leweena noted that as a resident of Fingal, certain developments are changing Fingal. Leweena noted her views that it is important to capture the comments from long term Aboriginal residents whose families have lived in Fingal for generations and who believe Fingal is under serious development pressure and that Aboriginal community input is needed to inform all decisions. Iain advised that he can discuss this further with TBLALC and meet with the long term residents and get their comments before reporting back to Council on the Building Heights Review.

Leweena asked how the building height can be capped in the LEP given that if the land is flood prone a Development Application (DA) is lodged for the fill of the land and then a separate DA for a dwelling. In this example, the dwelling could be above the 9 metre to 10 metre cap.

Leweena asked is a Locality Plan being developed for Fingal. Iain explained that a Locality Plan may follow the Building Height Review but the Plans are initially being developed for areas under most pressure of development.

Iain advised that if it is appropriate for the height of buildings to be reduced, it needs to be done through the Fingal Head Building Height Review and if it was successful then the LEP would need to be amended.

Iain advised that they will follow up with some further community consultation.

(b) Kingscliff Locality Plan ('KLP')

Iain and Jon tabled a background note in relation to the Kingscliff Locality Plan (KLP) as follows:

The Study Area

- The 'Locality' is a broader concept than the area defined by postcodes or survey boundaries.
- In particular, the KLP focuses on lands bounded by the Pacific Highway to the north extending to the locality boundary with Chinderah, Fingal Head, the Tweed Coast Road to the west and south to the locality boundary with Casuarina. The study area also includes Cudgen Village given the proximity and strong historic relationship with Kingscliff and the need to more holistically consider the broader locality context, particularly in relation to land use, desired future character and traffic management

considerations. The study area includes part of Chinderah (south of the Pacific Highway) as it marks the interface between the existing light industrial estate and those lands to the south.

Objective of the Locality Plan

- The purpose of the new KLP is to provide a strategic planning framework to guide the future growth and expansion of this locality, to preserve local character and greenspace, facilitate business and employment opportunity, encourage housing diversity and recommend measures to improve public domain and create a more contemporary place to live, work and recreate.
- The KLP will form the strategic direction to inform future Planning proposals (LEP amendments).
- A set of development controls will complement the KLP to provide additional design guidance particularly within the Kingscliff town centre and over future greenfield development sites.

Project Status

- To date Council has undertaken:
 - o Community Vision survey and workshop (September 2014)
 - o Statutory Context Report
 - o Context Issues and Opportunities Report
 - o Enquiry by Design Workshop (October 2015)
 - o Enquiry by Design Report
 - o Draft Precinct Plans
 - o Two week shop front exhibition (March 2016)
- Next stage will be to review feedback from the shopfront exhibition and prepare the final draft of the KLP and Development Control Plan.
- The final draft of the KLP and Development Control Plan will undergo a further round of public exhibition.

Draft Precinct Plans

- Currently seeking feedback on the draft Precinct Plans. The precinct plans provide specific strategies relating to 12 identified character precincts which make up the KLP study area.
- Some of the key initiatives include:
 - o Reviewing building height in the town centre to retain and strengthen the existing built form character along Marine Parade (reducing height to 11.0 metres), while allowing for additional growth and expansion of the town centre along Turnock Street (increasing height to 16.6 metres).
 - o Encouraging shop-top housing over undeveloped land adjoining the town centre.
 - o Provide site specific subdivision and design guidance on infill development sites.
 - o Encourage greater pedestrian and cycling connections within the town centre and to surrounding residential areas.
 - o Facilitate the development of new east-west and north-south road links.
 - o Facilitate the protection and management of land identified as environmentally and/or ecologically important through appropriate land use zoning and provisions for ongoing habitat management.
 - o Facilitate development of a Business and Knowledge Precinct to encourage employment generation, possibly including a business park, creative industries hub, university or education precinct, and retail centre.

Aboriginal Cultural Heritage References

- The Context Issues and Opportunities Report:
 - o A section on Aboriginal heritage as prepared and endorsed by the Tweed Byron Local Aboriginal Land Council in consultation with Council's Community Development Officer – Aboriginal, Mr Rob Appo (Page 62).
 - o Corresponding draft strategies on page 74.
- The Precinct Plans:
 - o Reference to Lots 1 and 2 DP 1117599 (Lot 490) and Aboriginal Land Claim 36519 being granted (page 24).
 - o Corresponding draft strategy (No.11) on page 28 stating 'Liaise and consult with the Tweed Byron Aboriginal Land Council regarding the future planning and management of Lots 1 and 2 DP 1117599 (Lot 490)'.
 - o Reference note on page 47 indicating that within the North Kingscliff Precinct there are areas of known and potential Aboriginal cultural heritage significance based off the Aboriginal Cultural Heritage Mapping Plan.
 - o Corresponding draft strategy (No.2) on page 52 stating 'Given the known and potential occurrence of Aboriginal Cultural Heritage sites within this precinct, there will be a requirement to undertake an Aboriginal Cultural Heritage Assessment in consultation with the Tweed Byron Aboriginal Land Council regarding the future planning, design and construction of development within this precinct.'

Going forward

- Whilst the Draft KLP – Precinct Plan is on exhibition until 1 April 2016, any AAC feedback and input will be encouraged for the next month (until 6 May).
- A first draft KLP and Development Control Plan is expected around July 2016 and will be brought back to the AAC for consultation and will be place on public exhibition for a four week period.

Renee Saunders, Kelly Edwards, Simon Halcrow arrived at 11.50am

Discussion in relation to the inclusion in the KLP of localities such as Wommin Bay, Cudgen and Chinderah. Iain noted that the Strategic Planning and Urban Design Unit is happy to note these localities as having their own identity in the KLP. Into the future Chinderah will have its own Locality Plan. Iain advised that they can make some changes to the KLP to identify the boundaries of the surrounding suburbs.

Jon requested that the AAC review the documents and an AAC submission be submitted by 6 May 2016 for consideration in the drafting of the final KLP and Development Control Plan.

Jackie was provided with a copy of the draft KLP document which she will deliver to Chinderah Progress Association.

Action: CDO-Aboriginal to liaise with Unit Coordinator - Strategic Planning and Urban Design (Iain Lonsdale), Urban Designer (Jon Lynch) and Tweed Byron Local Aboriginal Land Council (Leweena Williams) to arrange a community consultation workshop for the Kingscliff Locality Plan.

Action: Administrative Officer to circulate to AAC submission details for the Kingscliff Locality Plan.

Jon Lynch and Iain Lonsdale left at 12.12pm
Leweena Williams left at 12.14pm
Robyn Grigg left at 12.14pm

A4. Renee Saunders (Tweed Shire Council)

(a) PtV15/0021 Kingscliff Foreshore Revitalisation Works

Council's Development Assessment Unit has received a Part 5 Application (PtV15/0021) for foreshore protection works and the establishment of a central park and cycleway at Marine Parade, Kingscliff. The application is in conjunction with DA16/0076 for the redevelopment of the Kingscliff Beach Holiday Park which has been reviewed previously by AAC. Feedback is sought from the AAC regarding the 'Due Diligence Assessment' submitted with this application and in particular;

- Whether there are any issues with the development proposed as part of this application given part of the site is referred to as an intangible story place? and
- If any further information is required with respect to the Cultural Heritage aspects of the submitted application? and
- If there are any conditions of consent that the AAC would like to see applied in the event of approval being granted for the proposal?

The submitted Review of Environmental Factors (REF) indicates that the proposal has been discussed at AAC with the recommendation that monitors are present during site works.

Renee confirmed that today she is speaking about the Kingscliff Foreshore, Central Park, rock seawall and proposed cycleway.

Moved: Jackie McDonald

Seconded: Des Williams

RECOMMENDATION that in relation to the PtV15/0021 Kingscliff Foreshore Revitalisation Works the Aboriginal Advisory Committee confirms its recommendation of 4 December 2015 *'that the:*

1. *AAC notes the proposed Kingscliff foreshore protection works and central park development project and endorses the recommended Aboriginal cultural heritage management approach, including the engagement of a cultural monitor during excavations beyond 2.6m associated with construction of the seawalls, with evaluation for the need for ongoing monitoring to be determined based on the level of disturbance encountered.*
2. *Tweed Byron Local Aboriginal Land Council to be engaged for Aboriginal cultural heritage induction training.'*

noting that if it isn't explicitly noted in the Part V Development Assessment documentation that it will be included as a condition of consent.

(b) 41 lot industrial subdivision at Lot 12 DP 1015369 Kudgerie Avenue, Cudgera Creek Council's Development Assessment Unit has received a Development Application (DA15/1018) for a 41 lot industrial subdivision at Cudgera Creek. The proposal includes earthworks and roadworks and will be completed in four stages.

The submitted Cultural Heritage Assessment (attached) identifies a possible Scarred Tree on the site however concludes that due to the age of the tree it was unlikely to be of cultural

significance. Officers have referred this application to Office of Environment and Heritage (OEH) for comment also.

Feedback is sought from the AAC regarding the 'Cultural Heritage Assessment' submitted with this application and in particular;

- Whether there are any issues with the development proposed as part of this application? and
- If any further information is required with respect to the Cultural Heritage aspects of the submitted application? and
- If there are any conditions of consent that the AAC would like to see applied in the event of approval being granted for the proposal?

It was noted that the submitted Cultural Heritage Assessment was submitted to Council to inform the rezoning process of the land. The land has since been rezoned to part Industrial to facilitate the proposed subdivision.

Rob advised that Everick's report of March 2010 identified the site has a Scarred Tree which was subsequently registered however after the registration took place, an arborist was engaged and determined the age of the tree at between 50 and 60 years. There is a recommendation in the Everick report that the site be deregistered by OEH. OEH has advised that it does not support the site being deregistered. The AHIMS site card does not accurately show the true location of the site.

Action: CDO-Aboriginal to forward copy of Everick report of March 2010 to AAC.

Renee confirmed that she has sent a copy of the DA and Everick's report of 2010 to OEH for assessment however she has not yet received its determination.

Moved: Des Williams

Seconded: Jackie McDonald

RESOLVED that in relation to Lot 12 DP 1015369 Kudgerie Avenue, Cudgera Creek when comment is received by Council from OEH, Council Planners will come back to the AAC seeking further advice.

Action: Council Officers to confirm that the Scarred Tree is within the area zoned environmental.

Action: CDO-Aboriginal to liaise with Aboriginal Sites Officer, Ashley Moran at OEH to request his views regarding the Scarred Tree in writing.

Action: CDO-Aboriginal to provide AAC members with copies of relevant documents in relation to this development.

A6. DA16/0180 Eco tourist facility at Lot 1 DP 361917 No. 215 South Pumpenbil Road, Pumpenbil - Simon Halcrow (Tweed Shire Council)

Council is in receipt of a development application for an eco- tourist facility at Lot 1 DP 361917 No. 215 South Pumpenbil Road, Pumpenbil. The details of the application are as follows:

- The subject site contains an existing dwelling and associated outbuildings (sheds).
- The proposed Eco Tourist Facility proposal consists of the construction of 5 x 1 bedroom and 1 x 2 bedroom single storey self-contained tourist cabins.
- The cabins will be located across the extent of the property at elevated locations to utilise existing rural views surrounding the site.
- The application material provides that all access roads for the proposal are via the existing internal driveway. Each cabin will also require connection with onsite sewer management systems which will require some minor excavation works for the installation of 3000L septic tanks and effluent absorption trenches (beds) and associated plumbing. Each cabin will be connected to reticulated electricity supply.

The application has been accompanied by a Cultural Heritage Assessment prepared by Everick Heritage Consultants dated January 2016. This assessment included details seeking further consultation with the TBLALC.

The site is identified within Council's draft Aboriginal Cultural Heritage Mapping Plan as a predictive site.

Simon requested advice as to whether the AAC has any concerns regarding Aboriginal Cultural Heritage for the site. The AAC requested a site monitor be on-site during earthworks associated with the development as there may be artefacts within the development footprint.

Robert advised that there are AHIMS registered sites and unregistered sites within a 2km radius of this site.

Moved: Des Williams

Seconded: Desrae Rotumah

RECOMMENDATION that the Aboriginal Advisory Committee recommends that in relation to DA16/0180 at Lot 1 DP 361917 No. 215 South Pumpenbil Road, Pumpenbil:

1. Tweed Byron Local Aboriginal Land Council site monitors be engaged during all ground disturbance works at each of the six locations.
2. The excavation work be undertaken in stages as advised by the Aboriginal site monitors.
3. Recommendations 1 and 2 above be incorporated into the consent conditions for the Development Application.

Renee Saunders, Kelly Edwards and Simon Halcrow left at 1.20pm
Tim Robins arrived at 1.20pm

Minutes of Previous Meeting:

Moved: Cr Gary Bagnall

Seconded: Des Williams

RESOLVED that the Minutes of the Aboriginal Advisory Committee meeting held Friday 4 March 2016 be accepted as a true and accurate record of the proceedings of that meeting.

A5. Tim Robins (Everick)

(a) Winchelsea Way, Terranora - Rezoning Application

Tim tabled the Aboriginal Cultural Heritage Assessment dated April 2016 for a rezoning planning proposal at Winchelsea Way, Terranora.

Tim advised the application seeks to rezone the land as 'large lot residential'. There is currently no proposal for the number of lots.

Most of this site has been walked over by Adrian Piper and Cyril Scott of TBLALC about 10 years ago however the whole site was walked over again with the TBLALC in February 2016. Tim advised that the conclusions after the original site inspection with TBLALC was low potential and during the second walkover it confirmed that it was a low risk area.

Tim is seeking an understanding of whether the AAC has knowledge of cultural values associated with the site and an opinion at the next meeting as to whether or not the AAC has any concerns with the proposed rezoning.

The planning proposal will be submitted to Council in the next two to three weeks.

Tim was requested by Jackie to provide her with a copy of the contaminated land report for the proposal as there has been a dip site identified on the property.

Action: CDO-Aboriginal to request copy of contaminated land report for the proposal from Everick.

(b) Lot 1 DP 779976 No. 26 Tringa Street, Tweed Heads West

Tim tabled the Cultural Heritage Assessment report dated March 2016 for a proposed 67 lot residential subdivision at Lot 1 DP 779976 No. 26 Tringa Street, Tweed Heads West.

Tim advised that a walkover was conducted by Adrian Piper and Levi McDonald of TBLALC. Jackie noted that the walkover inspection was undertaken on 4 March 2016 not 2 March 2016 and requested that the date in Section 6.1 of the report be amended.

Everick's conclusion is that the project plans on heritage grounds are acceptable and would like the AAC's comments.

Des advised that he would be very surprised if any artefacts would be found on the site as it was used as a building materials dumping site.

(c) Cobaki Lakes Cultural Heritage Parks - Concept Plan modifications

Tim advised that a submission has been made to the Department of Planning for Modification 4 for the Concept Plan that would convert the three parks into two parks making the parks larger and that will be enshrined in the Concept Plan. The detailed Concept Plans are not being approved by the Department, it is just the Modification 4.

Jackie enquired what Leda has come up with regarding employment at Cobaki after eight years. Tim advised that Leda has passed this item on to him. Tim is to send out the documentation to enable individuals to register as soon as possible. Tim advised that in the register there is an option to put down skills and certificates but it isn't essential. Tim advised the employment recruitment may go through Skilled.

Tim Robins left the meeting at 2.23pm

Business Arising:

Business Arising from meeting held on 4 March 2016

A7. Village Entry Signage

Rob advised that a resolution is required from the AAC regarding preferred traditional place names that might be incorporated into new/replacement entry signage at Murwillumbah, Tumbulgum, Chillingham and Tyalgum as the project needs to be completed before 30 June 2016.

Rob advised that there isn't a requirement to have traditional place names on every village entry sign in the Shire but it is up to the AAC as to which villages would be suitable for the signage. It might not be appropriate to have cultural names on all signs as not all names listed by the Geographical Names Board are correct.

Rob suggested that the two best villages for entry signage would be Cudgen and Burringbar given that both the meanings and spellings are in keeping with Bundjalung language.

Rob suggested that a media release be prepared to inform the community in relation to the cultural place names as per Cr Bagnall's Notice of Motion.

Cr Bagnall suggested that consultation with the community and residents associations with the proposal to incorporate traditional place names on village signage. Rob advised that if this is to happen, it needs to happen in consultation with Manager Roads and Stormwater.

Moved: Cr Gary Bagnall

Seconded: Des Williams

RECOMMENDATION that the Aboriginal Advisory Committee:

1. Accepts the preferred traditional names and cultural meaning for Chillingham, Murwillumbah, Tumbulgum and Tyalgum as follows:
 - (a) Chillingham - Chinnangum - Crossing at the foot of a Blackbean
 - (b) Murwillumbah - Moorwooloombah - Place of big nose (bleeding)
 - (c) Tumbulgum - Tumbul - Small leafed fig tree
 - (d) Tyalgum - Daldalgum - Tall timbers
2. Council to seek further advice from the Aboriginal Advisory Committee if further interpretation of these cultural names and meanings is required.

Agenda Items:

A1. Outstanding Matters Report

Not discussed. Item deferred to next meeting.

A7. Robert Appo (Tweed Shire Council)

(a) Opportunities for Aboriginal designs and artworks within the Tweed Council Administrative building at Tweed Heads

Rob advised that there will be an official opening of the Tweed Heads Administrative Building in May 2016.

Rob sought advice from the AAC as to whether it would like to nominate a community member to do a 'Welcome to Country' or an 'Acknowledgement' as part of the opening. The

AAC advised that it would prefer an Acknowledgement be done by the Mayor or the Mayor's representative at the official opening of the Tweed Heads Administrative Building.

Rob advised that he will work with the AAC regarding the Aboriginal acknowledgement signage following the official opening.

(b) Reconciliation Action Plan (RAP) and Memorandum of Understanding (MOU)
Not discussed. Item deferred to next meeting.

(c) 2016 Local Government Aboriginal Network Conference - Interpretative signage project
Not discussed. Item deferred to next meeting.

Inwards Correspondence:
Nil.

Outwards Correspondence:
Nil.

General Business:
Nil.

Next Meeting:
The next meeting of the Aboriginal Advisory Committee will be held Friday 6 May 2016.

The meeting closed at 3.20pm.

EXECUTIVE MANAGEMENT TEAM COMMENTS:

A4. Renee Saunders (Tweed Shire Council)

(a) PtV15/0021 Kingscliff Foreshore Revitalisation Works

Nil.

A6. DA16/0180 Eco tourist facility at Lot 1 DP 361917 No. 215 South Pumpenbil Road, Pumpenbil - Simon Halcrow (Tweed Shire Council)

Nil.

Business Arising from meeting held on 4 March 2016

A7. Village Entry Signage

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

A4. Renee Saunders (Tweed Shire Council)

(a) PtV15/0021 Kingscliff Foreshore Revitalisation Works

That in relation to the PtV15/0021 Kingscliff Foreshore Revitalisation Works the Aboriginal Advisory Committee confirms its recommendation of 4 December 2015:

'that the:

- 1. AAC notes the proposed Kingscliff foreshore protection works and central park development project and endorses the recommended Aboriginal cultural heritage management approach, including the engagement of a cultural monitor during excavations beyond 2.6m associated with construction of the seawalls, with evaluation for the need for ongoing monitoring to be determined based on the level of disturbance encountered.*
- 2. Tweed Byron Local Aboriginal Land Council to be engaged for Aboriginal cultural heritage induction training.'*

noting that if it isn't explicitly noted in the Part V Development Assessment documentation that it will be included as a condition of consent.

A6. DA16/0180 Eco tourist facility at Lot 1 DP 361917 No. 215 South Pumpenbil Road, Pumpenbil - Simon Halcrow (Tweed Shire Council)

That the Aboriginal Advisory Committee recommends that in relation to DA16/0180 at Lot 1 DP 361917 No. 215 South Pumpenbil Road, Pumpenbil:

- 1. Tweed Byron Local Aboriginal Land Council site monitors be engaged during all ground disturbance works at each of the six locations.**
- 2. The excavation work be undertaken in stages as advised by the Aboriginal site monitors.**
- 3. Recommendations 1 and 2 above be incorporated into the consent conditions for the Development Application.**

Business Arising from meeting held on 4 March 2016

A7. Village Entry Signage

That:

- 1. Council notes the preferred traditional names and cultural meaning for Chillingham, Murwillumbah, Tumbulgum and Tyalgum as follows:**
 - (a) Chillingham - Chinnangum - Crossing at the foot of a Blackbean**
 - (b) Murwillumbah - Moorwooloombah - Place of big nose (bleeding)**
 - (c) Tumbulgum - Tumbul - Small leafed fig tree**

(d) Tyalgum - Daldalgum - Tall timbers

2. **Council seek further advice from the Aboriginal Advisory Committee if further interpretation of these cultural names and meanings is required.**

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - Adopted 19 September 2013 (ECM 3146605).

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

39 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 13 April 2016

SUBMITTED BY: Natural Resource Management

Valid



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Caring for the Environment
 - 4.3 Maintain and enhance Tweed's waterways and its catchments
 - 4.3.1 Manage water resources sustainably and minimise impact on the environment by achieving more integration of water supply, wastewater and stormwater services
-

SUMMARY OF REPORT:

The Minutes of the Tweed River Committee Meeting held Wednesday 13 April 2016 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

1. The Minutes of the Tweed River Committee Meeting held Wednesday 13 April 2016 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

GB1. Jack Evans Boat Harbour - Facilities (aquaSplash)

"That Council notes that the Tweed River Committee does not support Council providing a letter of support to aquaSplash for the aquatic fun park proposal, prior to there being full community consultation on the matter."

GB2. Fish Kill at Vintage Lakes

"That the Tweed River Committee be provided with a report into the possibility of increasing tidal exchange or other options that would prevent the occurrence of future fish kills."

GB3. Contamination

"That Council writes to both the Gold Coast Airport and the Commonwealth Department of Infrastructure and Transport requesting prior to commencement of any site disturbance, advice on the extent of and severity of Perfluorooctane"

sulfonate (PFOS) and Perflurooctane acid (PFOA) contamination; and possible offsite impacts on ecosystems and human health."

REPORT:

The Minutes of the Tweed River Committee Meeting held Wednesday 13 April 2016 are reproduced as follows for the information of Councillors.

Venue:

Canvas & Kettle Meeting Room

Time:

9.05am

Present:

Rhonda James (Restoration Industry); (Chair); Ben Fitzgibbon (Office of Environment and Heritage); Robert Quirk (NSW Cane Growers' Association); Claire Masters (Tweed Landcare Inc); Eddie Norris (Community Representative); Max Boyd (Community Representative); Sam Dawson (Caldera Environment Centre); Lindy Smith (Community Representative); Tom Alletson (Tweed Shire Council).

Informal:

Cathey Philip (Minutes Secretary).

Apologies:

Cr Katie Milne; Cr Gary Bagnall; Pat Dwyer (Department of Primary Industries - Fisheries NSW); Carl Cormack (Roads and Maritime Services); Scott Petersen (Tweed River Charter Operators); Tracey Stinson, Jane Lofthouse, Scott Hetherington (Tweed Shire Council).

Max suggested that the Committee send a get well card to Cr Milne. Cathey to organise.

Minutes of Previous Meeting:

Moved: Max Boyd

Seconded: Robert Quirk

RESOLVED that the Minutes of the Tweed River Committee meeting held Wednesday 10 February 2016 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

BA1. Workshop for Contractors

Tom advised that the workshop will be held in the Canvas & Kettle meeting room on 15 June. Department of Fisheries will co-host the workshop. Invitees to be determined by Tom and Pat Dwyer. A general invitation will be circulated via the Tweed Link and Tom is considering contacting most relevant earth moving contractors via phone and other means. It was suggested that camphor clearing contractors and drainage unions also be invited. Robert Quirk provided Tom with some relevant contacts.

BA2. Tilapia Sightings

Tom provided an update and advised there have been a number of additional sightings in the canal behind Bogangar, as well as a high probability observation of a nest in a cane drain at Dulguigan.

General discussion on possible actions included the recommendation for DPI Fisheries to provide Tilapia identification information to local commercial fishermen and that there be a follow up story on Tilapia in the Tweed Link.

Agenda Items:

A1. Condong and Murwillumbah Riverbank Stabilisation Works
Tom provided an update on the upcoming works.

Condong:

The work should be commencing towards the end of April. Marine & Civil are the contractors who have been selected to do the work. The Committee was advised on the various types of bank stabilisation that will be utilised.

Murwillumbah:

Design work complete - approvals will be completed in the next two to three weeks and work should commence towards the end of May.

Robert asked if the river had been surveyed to check what is causing erosion.

Discussion on the various likely causes of erosion followed, with Tom confirming that the design for the site had considered the most important contributing factors and processes at the location.

Max commented that one of the things that had changed over the years is the significant reduction in dredging of the river.

Robert noted the increased erodibility of clay soils when exposed to salt water and the implications of tidal changes and sea-level rise on this in the long term.

Eddie advised that the ski club is implementing driver education and that better information is leading to better vessel operation to minimise erosion, that change is taking place slowly but headway is being made.

A2. Draft Tweed Urban Stormwater Quality Management Plan

Tom provided an update on the plan, providing background to the process and advising that the plan is being put on exhibition before being recommended for adoption by Council

Ben left the meeting at 9.55am

Robert asked if it would be worth having an expert address the Committee on stormwater control so that the members are aware of current best practice with an emphasis on what's happening in the Tweed. There was general support for the idea. Tom to arrange.

A3. Coastal Management Program for Tweed Estuary

Tom presented a draft consultant brief to the Committee for the new Tweed River Coastal Management Program.

Robert left the meeting at 10.15am

Committee input and feedback was sought and received on many aspects of the brief.

Robert returned to the meeting at 11.12am

Tom asked members to review the document and forward and further feedback to him as soon as possible.

General Business:

GB1. Jack Evans Boat Harbour - Facilities (aquaSplash)

Rhonda raised the issue of a proposal for an aquatic fun park featuring a large inflatable in Jack Evans Boat Harbour, as per an item being submitted to Council at the April meeting. The Committee discussed the item noting its concerns that this item is going before Council without any community consultation.

It was noted that Cr Bagnall had also contacted Cathey Philip via email to request that the Tweed River Committee provides feedback on the topic.

It was agreed that the Tweed River Committee was not prepared to support the proposal for the aquatic fun park due to a lack of public consultation.

RECOMMENDATION:

Moved: Lindy Smith

Seconded: Claire Masters

That Council does not provide a letter of support to aquaSplash for the aquatic fun park proposal, prior to there being full community consultation on the matter.

Tom advised that the protocol in providing the draft Tweed River Committee minutes including the resolution above to Cr Bagnall would be clarified with the Executive Management Team.

GB2. Fish Kill at Vintage Lakes

Robert advised that he had received calls from various members of the public regarding the fish kill.

Tom gave an update of the situation.

There was discussion on the various ways that water quality could potentially be improved to prevent future fish kills.

RECOMMENDATION:

Moved: Eddie Norris

Seconded: Robert Quirk

That the Committee be provided with a report into the possibility of increasing tidal exchange or other options that would prevent the occurrence of future fish kills.

GB3. Contamination

Lindy provided an update on the issue of Perflurooctane sulfonate (PFOS) and Perflurooctane acid (PFOA) contamination at the Gold Coast Airport.

It is understood that NSW Environment Protection Authority had directed Air Services Australia to provide information however the outcomes of this request are unknown.

RECOMMENDATION:

Moved: Max Boyd

Seconded: Sam Dawson

That Council writes to both the Gold Coast Airport and the Commonwealth Department of Infrastructure and Transport requesting prior to commencement of any site disturbance, an immediate, full investigation and disclosure of the extent and severity of Perflurooctane sulfonate (PFOS) and Perflurooctane acid (PFOA) contamination; and possible offsite impacts on ecosystems and human health.

Next Meeting:

The next meeting of the Tweed River Committee will be held on Wednesday 8 June 2016.

The meeting closed at 12.40pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

GB1.Jack Evans Boat Harbour - Facilities (aquaSplash)

Nil.

GB2.Fish Kill at Vintage Lakes

Nil.

GB3.Contamination

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

GB1.Jack Evans Boat Harbour - Facilities (aquaSplash)

That Council notes that the Tweed River Committee does not support Council providing a letter of support to aquaSplash for the aquatic fun park proposal, prior to there being full community consultation on the matter.

GB2.Fish Kill at Vintage Lakes

That the Tweed River Committee be provided with a report into the possibility of increasing tidal exchange or other options that would prevent the occurrence of future fish kills.

GB3.Contamination

That Council writes to both the Gold Coast Airport and the Commonwealth Department of Infrastructure and Transport requesting prior to commencement of any site disturbance, advice on the extent of and severity of Perfluorooctane sulfonate (PFOS) and Perfluorooctane acid (PFOA) contamination; and possible offsite impacts on ecosystems and human health.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - Adopted by Council 24 January 2013 (ECM2939677)

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

40 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held 14 April 2016

SUBMITTED BY: Director

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Supporting Community Life
2.4	An integrated transport system that services local and regional needs
2.4.1	Provide a safe and efficient network of arterial roads connecting neighbourhoods to town centres, employment, shopping, health, commercial and education facilities

SUMMARY OF REPORT:

The Minutes of the Local Traffic Committee Meeting held 14 April 2016 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the:

1. Minutes of the Local Traffic Committee Meeting held Thursday 14 April 2016 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

A1 [LTC] 2016 Battle on the Border

That the proposed 2016 Battle on the Border on Friday 3, Saturday 4 and Sunday 5 June 2016 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.*

A2 [LTC] Cooly Rocks on June 2016

That subject to consultation with adjacent businesses the temporary closure of the Wharf Street off street parking adjacent to the Dolphins Hotel be approved for the conduct of the Cooly Rocks on Festival Saturday 11 and Sunday 12 June 2016. All signage including detours shall be installed under an approved traffic control plan for the event.

A3. [LTC] Bogangar Public School - Towners Avenue Access

That:

1. *A "No Stopping 8.00 – 9.30am and 2.30 to 4.00pm school days" zone be installed in Towners Avenue from the southern boundary of No. 9 to the southern boundary of No. 28 Towners Avenue, Bogangar.*
2. *"No Entry" signage with "authorised vehicles excepted" be installed to prevent unauthorised vehicles entering the driveway at the end of the cul-de-sac on Towners Avenue, Bogangar.*

REPORT:

The Minutes of the Local Traffic Committee Meeting held Thursday 14 April 2016 are reproduced as follows for the information of Councillors.

VENUE:

Mt Warning Meeting Room

TIME:

Commencing at 10.00am

PRESENT:

Committee Members: Cr Barry Longland, Miss Jessica Healey Roads and Maritime Services of NSW, Snr Constable Tony Darby, 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.

Informal: Mr Ray Clark (Chairman), Miss Alana Brooks, Ms Judith Finch (Minutes Secretary).

APOLOGIES:

Mr Nick Tzannes, Mr Thomas George MP, Member for Lismore, Mr Geoff Provest MP, Member for Tweed.

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED that the Minutes of the Local Traffic Committee Meeting held 10 March 2016 be adopted as a true and accurate record of proceedings of that meeting.

MIN1 [LTC] Confirmation of Previous Minutes Meeting held 10 March 2016

ORIGIN:

Roads & Stormwater

RESOLVED that the Minutes of the Local Traffic Committee Meeting held 10 March 2016 be adopted as a true and accurate record of proceedings of that meeting.

SCHEDULE OF OUTSTANDING RESOLUTIONS

SCH1 [LTC] Schedule of Outstanding Resolutions - April 2016

ORIGIN:

Roads & Stormwater

SUMMARY OF REPORT:

No Outstanding Resolutions for meeting held 14 April 2016.

BUSINESS ARISING

Nil.

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES - MURWILLUMBAH

A1 [LTC] 2016 Battle on the Border

ORIGIN:

Roads & Stormwater

FILE NO: ECM 4008977; Traffic - Committee; Festivals/Events - Battle on the Border

SUMMARY OF REPORT:

Request received for temporary or partial road closure for the running of the 2016 Battle on the Border to be held on Friday 3, Saturday 4 and Sunday 5 June 2016.

Race activities will attract close to 650 participants, the social rides activities will attract 200 participants and on each day 500 to 700 supporters are anticipated.

COMMITTEE ADVICE:

That Standard Conditions would apply for the 2016 Battle on the Border event.

RECOMMENDATION TO COUNCIL:

That the proposed 2016 Battle on the Border on Friday 3, Saturday 4 and Sunday 5 June 2016 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 - Cr Barry Longland, Mr Rod Bates - on behalf of Member for Tweed, Mr Col Brooks - on behalf of Member for Murwillumbah - Mr T George, Snr Constable Tony Darby, NSW Police

DELEGATIONS FOR REGULATORY DEVICES - TWEED HEADS

A2 [LTC] Cooly Rocks on June 2016

ORIGIN:

Roads & Stormwater

FILE NO: ECM 3968397; Traffic - Committee; Festivals/Events - Cooly Rocks On; Jack Evans Boat Harbour

SUMMARY OF REPORT:

Traffic Committee is advised that Cooly Rocks on is proposed to be held in Coolangatta and Kirra from Friday 3 June to Monday 13 June 2016 inclusive.

There will be no road closures in Tweed Heads. Vehicles will be on display on Saturday 11 and Sunday 12 June throughout central Coolangatta, in closed sections of Marine Parade, Griffith Street, in intersecting streets, and in Tweed Heads on the grassed area of Jack Evans Boat Harbour and in car parking bays in front of the Dolphin Harbour Hotel.

COMMITTEE ADVICE:

Subject to consultation with adjacent businesses the temporary closure of the Wharf Street off street parking adjacent to the Dolphins Hotel be approved for the conduct of the Cooly Rocks on Festival Saturday 11 and Sunday 12 June 2016. All signage including detours shall be installed under an approved traffic control plan for the event.

RECOMMENDATION TO COUNCIL:

That subject to consultation with adjacent businesses the temporary closure of the Wharf Street off street parking adjacent to the Dolphins Hotel be approved for the conduct of the Cooly Rocks on Festival Saturday 11 and Sunday 12 June 2016. All signage including detours shall be installed under an approved traffic control plan for the event.

FOR VOTE - Cr Barry Longland, Mr Rod Bates - on behalf of Member for Tweed, Snr Constable Tony Darby, NSW Police

A3 [LTC] Bogangar Public School - Towners Avenue Access

ORIGIN:
Roads & Stormwater

FILE NO: ECM 4009441; Traffic - Committee; Traffic - Safety; Schools - Bogangar Public; Traffic - Parking Zones; Towners Avenue

SUMMARY OF REPORT:

Request received in relation to entry / exit to and from Bogangar Public School from Towners Avenue. The principal has reported parents parking on the nature strip at the end of the cul-de-sac which is causing safety issues for student access to the school. Parking in the cul-de-sac head is causing drivers to do 3 point turns leading to reversing movements when cyclists and pedestrians are in the vicinity.

No stopping during school times would allow for a better flow of traffic and pedestrian safety.

Jessica Healey arrived at 10.25am

COMMITTEE ADVICE:

That:

1. A "No Stopping 8.00 – 9.30am and 2.30 to 4.00pm school days" zone be installed in Towners Avenue from the southern boundary of No. 9 to the southern boundary of No. 28 Towners Avenue, Bogangar.
2. "No Entry" signage with "authorised vehicles excepted" be installed to prevent unauthorised vehicles entering the driveway at the end of the cul-de-sac on Towners Avenue, Bogangar.

RECOMMENDATION TO COUNCIL:

That:

1. A "No Stopping 8.00 – 9.30am and 2.30 to 4.00pm school days" zone be installed in Towners Avenue from the southern boundary of No. 9 to the southern boundary of No. 28 Towners Avenue, Bogangar.
2. "No Entry" signage with "authorised vehicles excepted" be installed to prevent unauthorised vehicles entering the driveway at the end of the cul-de-sac on Towners Avenue, Bogangar.

FOR VOTE - Cr Barry Longland, Mr Rod Bates - on behalf of Member for Tweed, Snr Constable Tony Darby, NSW Police, Jessica Healey, Roads & Maritime Services

B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE - MURWILLUMBAH

B1 [LTC] Numinbah Road, Crystal Creek (Crystal Creek Bridge)

ORIGIN:

Roads & Stormwater

FILE NO: RDS16/0295; ECM 4012988; Traffic - Committee; Signs - Traffic Issues; Bridges - Crystal Creek; Numinbah Road, Crystal Creek

SUMMARY OF REPORT:

Request received in relation to the "Give Way" sign at Crystal Creek Bridge on Numinbah Road at Crystal Creek. A report has been received that drivers are not appropriately abiding to the "Give Way" sign at the one lane bridge.

The motorists approaching the bridge from the south east are reporting sight distance issues associated with roadside and creek vegetation. This is an ongoing maintenance issue with Council regularly receiving requests for maintenance. Motorcyclists and cyclists crossing the bridge are obscured by the bridge structure as well as the vegetation. Sight distance from the "Give Way" line is very good however 10m from the line is not sufficient. It is proposed to replace the existing "Give Way" sign with a "Stop" sign and associated marking.

The Committee was advised by the RMS Representative that the placement of a "Stop" sign in these situations was not according to the appropriate standards.

The Committee considered that improving the approach signage may assist motorists.

COMMITTEE ADVICE:

That advisory signage be reviewed and improved in accordance with AS1742.2 to assist motorists' compliance with the 1 lane bridge designation and reinforcing their responsibilities on Numinbah Road on the approach to the Crystal Creek Bridge, Crystal Creek (Korns Bridge).

B2 [LTC] Tweed Valley Way, Mooball

ORIGIN:

Roads & Stormwater

FILE NO: ECM 4012205; Traffic - Committee; Traffic - Speed Zones; Tweed Valley Way, Mooball; Tweed Valley Way, Crabbes Creek; Hulls Road, Crabbes Creek

SUMMARY OF REPORT:

Request received for review of the speed zones on Tweed Valley Way between Crabbes Creek and Mooball in consideration of reported high crash rate, particularly at the intersection with Hulls Road.

COMMITTEE ADVICE:

That speed surveys be conducted on Tweed Valley Way between Crabbes Creek and Mooball and brought back to Local Traffic Committee for further consideration and referral to the RMS.

GENERAL TRAFFIC ADVICE - TWEED HEADS

B3 [LTC] Cypress Crescent, Cabarita Beach

ORIGIN:
Roads & Stormwater

FILE NO: ECM 4005149; Traffic - Committee; Traffic - Parking Zones; Cypress Crescent, Cabarita

SUMMARY OF REPORT:

Request received in relation to parking on Cypress Crescent, Cabarita Beach.

It is reported that the street is congested with parked vehicles and that cars are being parked around the entire sharp bend in the road on both sides, narrowing access in both directions and obstructing views when driving.

The Committee discussed that high parking demand is irregular and the road width enables unrestricted passage of one direction traffic flow and that drivers need to travel to the conditions when the road has many parked vehicles.

COMMITTEE ADVICE:

That prohibitive signage for Cypress Crescent, Cabarita is not supported at this stage, however the site will continue to be monitored by Council.

B4 [LTC] Bronte Place, Kingscliff

ORIGIN:
Roads & Stormwater

FILE NO: ECM 3990264; 3992440; Traffic - Committee; Traffic - Safety; Traffic - Parking Zones; Bronte Place

SUMMARY OF REPORT:

Request received in relation to parking concerns along Bronte Place, Kingscliff as follows:

1. Damage to a resident's fence caused by a truck trying to negotiate its passage through Bronte Place.
2. Damage to a resident's vehicle that was parked on the street.
3. General difficulty in negotiating passage through Bronte Place when vehicles are parked on both sides of the street.
4. Confrontation between residents as to who has 'the right' to park in certain spaces on Bronte Place.

Site inspections have shown that while there is a significant on street parking demand, vehicles would appear to be parked according to NSW Road Rules however there are some sight distance limitations caused by the tight curves on sections of the road.

COMMITTEE ADVICE:

That prohibitive signage is not supported at this stage and when construction of the housing is completed the issue could be reviewed.

NEXT MEETING:

The next meeting of the Local Traffic Committee will be held 12 May 2016 in the Mt Warning Meeting Room commencing at 10.00am.

There being no further business the Meeting terminated at 11:25am.

SECTION A - FORMAL ITEMS SECTION - DELEGATIONS FOR REGULATORY DEVICES FOR ENDORSEMENT BY COUNCIL:

EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:

A1 [LTC] 2016 Battle on the Border

That the proposed 2016 Battle on the Border on Friday 3, Saturday 4 and Sunday 5 June 2016 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.*

A2 [LTC] Cooly Rocks on June 2016

That subject to consultation with adjacent businesses the temporary closure of the Wharf Street off street parking adjacent to the Dolphins Hotel be approved for the conduct of the Cooly Rocks on Festival Saturday 11 and Sunday 12 June 2016. All signage including detours shall be installed under an approved traffic control plan for the event.

A3. [LTC] Bogangar Public School - Towners Avenue Access

That:

1. *A "No Stopping 8.00 – 9.30am and 2.30 to 4.00pm school days" zone be installed in Towners Avenue from the southern boundary of No. 9 to the southern boundary of No. 28 Towners Avenue, Bogangar.*
2. *"No Entry" signage with "authorised vehicles excepted" be installed to prevent unauthorised vehicles entering the driveway at the end of the cul-de-sac on Towners Avenue, Bogangar.*

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice v2.5.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform-We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

C1 [CNR-CM] Stotts Creek Resource Recovery Centre - Landfill Cell Development

REASON FOR CONFIDENTIALITY:

Local Government Act

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

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

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
 - 2.3 Provide well serviced neighbourhoods
 - 2.3.4 Provision of high quality, best practice, solid waste disposal with energy recovery, and improving resource recovery practices and infrastructure which meets health and environmental requirements and projected demand
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REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C2 [E-CM] Tweed Southern Boatharbour Licences - Houseboat Operators

REASON FOR CONFIDENTIALITY:

Discussions of a commercial nature between Council and individuals which should remain confidential

Local Government Act

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

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
 - 1.3 Delivering the objectives of this plan
 - 1.3.3 Existing and future community assets will be properly managed and maintained based on principles of equity and sustainability
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