

**Mayor:** Cr K Milne

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

# Agenda

## **Ordinary Council Meeting Thursday 15 November 2018**

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

# Principles for Local Government

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

## Guiding Principles for Tweed Shire Council

### (1) Exercise of functions generally

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

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

### (2) Decision-making

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

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

### (3) Community participation

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

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## CONFIRMATION OF MINUTES

### 1 [CONMIN-CM] Confirmation of Minutes of Ordinary and Confidential Council Meeting held Thursday 25 October 2018

SUBMITTED BY: Corporate Governance

mhm



Making decisions with you  
*We're in this together*

#### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

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The Minutes of the Ordinary and Confidential Council Meeting held Thursday 25 October 2018 are attached for information and adoption by Council.

#### RECOMMENDATION:

That:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 25 October 2018 be adopted as a true and accurate record of proceedings of that meeting.
2. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (f) matters affecting the security of the council, councillors, council staff or council property.

**REPORT:**

As per Summary.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice.

**b. Budget/Long Term Financial Plan:**

Not applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://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 25 October 2018 (ECM 5619635).     |
| (Confidential) Attachment 2 | Minutes of the Confidential Council Meeting held Thursday 25 October 2018 (ECM 5619603). |

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**2 [CONMIN] Confirmation of the Ordinary and Confidential Council Meeting held 1 November 2018**

**SUBMITTED BY: Corporate Governance**

mhm



Making decisions with you  
*We're in this together*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

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

**ROLE:** **Leader**

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The Minutes of the Ordinary and Confidential Council Meeting held Thursday 1 November 2018 are attached for information and adoption by Council.

**RECOMMENDATION:**

**That:**

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



**REPORT:**

As per Summary.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice.

**b. Budget/Long Term Financial Plan:**

Not applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://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 1 November 2018 (ECM 5630053).

(Confidential) Attachment 2 Minutes of the Confidential Council Meeting held Thursday 1 November 2018 (ECM 5630035).

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## SCHEDULE OF OUTSTANDING RESOLUTIONS

### 3 [SOR-CM] Schedule of Outstanding Resolutions at 15 November 2018

mhm



Making decisions with you  
*We're in this together*

#### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

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#### CODE OF MEETING PRACTICE:

##### **Section 2.8 Outstanding Resolutions**

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

**15 SEPTEMBER 2016**

#### REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

##### **C1 [GM-CM] Murwillumbah Railway Station**

##### **C 29**

That Council:

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

**Current Status:** A report on future lease options will be considered more broadly as part of the Rail Trail project in accordance with the business case presented to the State and Commonwealth Governments which identified the need for complimentary tenancy of the Rail Trail to contribute to the ongoing maintenance of the infrastructure.

Meeting was held with Premier and Cabinet on 28 September 2018 to discuss process of securing lease rights and income derived over rail assets within the corridor to support the ongoing maintenance and operation of the rail trail.

20 JULY 2017

**REPORTS FROM THE GENERAL MANAGER**

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

311

**Cr K Milne**  
**Cr C Cherry**

**RESOLVED** that:

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

**Current Status:** In response to Council resolution of 20 July 2017, a draft Planning Proposal has been prepared for submission to the NSW Department of Planning & Environment (DPE) for a Gateway Determination. The Planning Proposal was reviewed by the instigator (Council's Economic Development Unit) ahead of being forwarded to the Gateway in January 2018.

The Gateway Determination, with conditions was received 27 June 2018. One of the conditions was that mapping of the Obstacle Limitation Surface (OLS) and PAN-OPS was to be updated and included with the exhibition material.

Consultation with Economic Development and their consultant resulted in the OLS mapping being updated (as a draft currently), however, there is no requirement or likelihood for the PAN-OPS to be prepared given the size of the airfield.

The planning proposal as submitted to the DPE included reference to both the OLS and PAN-OPS maps. Following discussions on the matter with the DPE, they confirmed on 25 July 2018 that an amended Planning Proposal is to be resubmitted for an amended Gateway Determination.

An amended planning proposal removing references to the PAN-OPS and including the draft OLS mapping was submitted to the DPE for an amended Gateway Determination on 26 July 2018.

In summary, the planning proposal seeks to ensure preservation of the airspace surrounding the airfield by preventing unsuitable development from encroaching into the take-off and approach surface slopes.

The public exhibition period for the draft planning proposal completed on 26 October 2018 and a further report will be submitted to Council.

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**26 OCTOBER 2017**

**ORDERS OF THE DAY**

**9 [NOM] Private Native Forestry**

**505**

**Cr K Milne  
Cr R Byrnes**

**RESOLVED** that Council:

....

4. Calls on the State Government and makes representations for an urgent moratorium on any further issuing of Private Native Forestry licences for native forests (i.e. not native plantation forests) in the Tweed Shire, until a review of the existing legislation is completed.
5. Holds a workshop on the suitability and safety of the external road network for the Hewittville logging vehicles.
6. Undertakes an urgent review of the ecological values of the Hewittville property at Limpinwood to ascertain if this site warrants a rezoning to better reflect and protect the environmental values of the site and brings back a report to Council to consider this matter.

**Current Status:** In terms of:

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

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Point 5 was held on 10 May 2018.

Point 6, legal advice has been received, and a report is included in this Business Paper (15 November 2018).

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**15 FEBRUARY 2018**

**ORDERS OF THE DAY**

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

**10**

**Cr K Milne**  
**Cr C Cherry**

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

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

**Current Status:** Legal advice has been received, and a report is included in this Business Paper (15 November 2018).

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**1 MARCH 2018**

**REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE**

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

**REASON FOR CONFIDENTIALITY:**

This is subject to current legal investigations.

**Local Government Act**

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

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

**C 8**

That:

...

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

**Current Status:** Legal advice has been received, and a report is included in this Business Paper (15 November 2018).

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

**REASON FOR CONFIDENTIALITY:**

This is subject to current legal investigations.

**Local Government Act**

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

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
-

**C 9**

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

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

**Current Status:** A further Directions Hearing for criminal proceedings has been set for 16 November 2018 and a further report will be submitted back to Council following confirmation of upcoming action in the Land & Environment Court.

---

**22 MARCH 2018**

**ORDERS OF THE DAY**

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

**99**

**Cr K Milne  
Cr R Byrnes**

**RESOLVED** that Council brings forward a report on amending the Tweed and Tweed City Local Environmental Plan and Development Control Plan, with a view to enhancing sustainability outcomes such as living walls, green roofs, blue green infrastructure, greenhouse gas emissions, waste, composting, community gardens, etc., in accordance with the Paris Agreement targets.

**Current Status:** These policy investigations will form part of the Tweed DCP housekeeping review. As per the adopted Strategic Planning and Urban Design Work Program this is scheduled to be undertaken after July 2019.

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19 APRIL 2018

**REPORTS FROM DIRECTOR ENGINEERING**

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

173

**Cr R Byrnes  
Cr K Milne**

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

**Current Status:** Workshop was held on 31 May 2018.

Council is now seeking legal advice in relation to the size of the trucks to service the water extraction that the DA permits. This will be reported to Council following legal advice. Council is also liaising with the applicant on the feasibility of operating 50 tonne versus 55 tonne trucks.

Tweed Water Alliance has raised concerns that the Workshop of 31 May 2018 did not address this resolution and has requested another workshop be scheduled with Councillors.

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**REPORTS FROM DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE**

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

**REASON FOR CONFIDENTIALITY:**

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

**Local Government Act**

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

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.



**C 26**

That Council:

...

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

**Current Status:** A report is included in the Confidential Business Paper (15 November 2018).

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**17 MAY 2018**

**ORDERS OF THE DAY**

**12 [NOM] Landscaping - South Tweed**

**235**

**Cr K Milne  
Cr C Cherry**

**RESOLVED** that Council undertakes low key landscaping improvements to Minjungbal Drive and brings forward a report on enhanced landscaping planning controls in the South Tweed locality.

**Current Status:** An Inspection tour has been held on 3 July 2018 with agreement on landscaping works to be undertaken, primarily at the northern end of Minjungbal Drive which includes the removal of some of the Cocos Palms and the planting of various other trees to enhance the road amenity.

In terms of the Planning report, these policy investigations will form part of the Tweed DCP housekeeping review. As per the adopted Strategic Planning and Urban Design Work Program this is scheduled to be undertaken after July 2019.

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## 15 [NOM] Options for Improved Land Management

238

Cr K Milne  
Cr C Cherry

**RESOLVED** that:

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

**Current Status:** Discussions have occurred at a regional level at both the General Manager and Natural Resource Management Officer level to consider a regional approach to offsetting. Report was presented to the July Northern Rivers Joint Organisation (NRJO) General Managers' Group meeting where it was resolved that:

- NRJO identify a cost share arrangement for the estimated cost of \$41,500, to engage a fixed term staff person (or consultant) to be hosted at an NRJO council;
- This person completes a regional assessment of the needs of each council to adapt development assessment processes to meet the new legislation and report this assessment with recommendations for specific requirements.
- This person complete an assessment of the unavoidable biodiversity offset requirements likely to be generated from land already identified for development across the NRJO and report this assessment with recommendations for specific further requirements, including whether a second stage analysis of potentially available stewardship sites is required.

At the NRJO meeting of 2 November 2018 it was resolved that a cross-sharing arrangement for proposed work be funded through the JO and the request for quotation be issued accordingly. Copies of the business paper and minutes are available at the website of the Joint Organisation. This work is essential to being able to identify lands suitable as offset sites as any such land needs to provide the correct type of credits for which there is a demand through proposed or potential impacts.

---

## REPORTS FROM DIRECTOR ENGINEERING

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

250

Cr C Cherry  
Cr K Milne

**RESOLVED** that:

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

...

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

The application (NHVR Consent Request Number 143550r1v1) for the use of a 19m B-Double up to 55t on Riverside Drive, Tumbulgum, Terranora Road, Dulguigan Road, North Tumbulgum, Dulguigan be deferred for feedback from NSW Police representative on the B-Double Routes Agency Advisory Group.

**Current Status:** Briefings provided by National Heavy Vehicle Regulator at the B-Double Advisory Group Committee Meeting of 24 May 2018. Report planned for a further Council Meeting.

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21 JUNE 2018

## REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

### 11 [PR-CM] Preparing a Scenic Landscape Strategy with Community and Stakeholders, Related Draft Council Policy and DCP Amendment

295

Cr J Owen  
Cr P Allsop

**RESOLVED** that Council endorse:

1. The Draft Scenic Landscape Strategy be publicly exhibited for a period not less than 60 days during which community and stakeholder engagement is to be conducted to assist staff with the trial and testing of the Strategy;
2. The Scenic Landscape Policy is to be concurrently exhibited with the Strategy for a period not less than 60 days; and,

3. The proposed amendment of *Tweed Development Control Plan 2008* shall be publicly exhibited so as to comply with Clause 18 of the *Environmental Planning and Assessment Regulation 2000* but for a period not less than 60 days.
4. A further report be submitted to Council detailing the findings of the public exhibition and engagement for these three policies and any amendments considered appropriate.

**Current Status:** Officers preparing for public exhibition to be held in October/November 2018 following Council's resolution that it has resolved in the Strategic Planning and Urban Development Work Program to be made a priority 3 project.

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**19 JULY 2018**

## **REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES**

### **21 [CNR-CM] Jack Evans Boat Harbour Plan of Management Update**

**360**

**Cr C Cherry**  
**Cr K Milne**

**RESOLVED** that Council defers this item to the next Council meeting in order to receive clarification on the following:

1. Whether it is possible for Council to create a Plan of Management for the Jack Evans Boat Harbour Precinct under the Crown Land Management Act given it is advised by staff it is not possible under the Local Government Act, due to Council not being the designated Crown Land Managers for all Reserves in this Precinct.
2. If it is possible for Council to initiate the Plan of Management under the Crown Land Management Act (CLMA), then Council writes immediately to the Department of Industry - Crown Lands and requests their support in preparing a plan for the Jack Evans Boat Harbour Precinct under the CLMA.
3. The current status of Aboriginal Land Claim 24855 lodged by New South Wales Aboriginal Land Council and provision of all the relevant information of the lands subject to the Land Claim.

**Current Status:** Council has forwarded a letter to the Department of Industry and Crown Lands seeking clarification as per the resolution. No response has been received to date. A memo provided to Councillors in August 2018 proposing a way forward to develop the plan while concurrently waiting for the response.

Sought consulting advice around community research and engagement methodology. A plan will now be developed in line with this advice to be distributed to the Councillors via memo.

A consultation event at Jack Evans Boat Harbour on 27 October 2018 with over 200 people in attendance. Consultation on the Plan of Management closes on 30 November 2018. A further report will be brought back to Council following an analysis of the consultation feedback.

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**16 AUGUST 2018**

**ORDERS OF THE DAY**

**6 [NOM] Environmental Land Purchases**

**422**

**Cr K Milne  
Cr C Cherry**

**RESOLVED** that a report be brought forward on the potential for Council to purchase significant environmental areas for the purposes of appropriate rezoning and resale.

**Current Status:** Preliminary analysis and scope to provide meaningful brief to Council being undertaken. A list of suitable consultants to undertake brief being compiled to respond to EOI.

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**7 [NOM] Natural Resource Management Budget**

**423**

**Cr K Milne  
Cr C Cherry**

**RESOLVED** that:

1. A report be brought forward on the impacts of increasing the proportion of funds allocated in the Council budget for Natural Resource Management from 4% to 5% of total rates i.e. a 1% increase in next years' budget, and
2. The Executive Leadership Team determines the most appropriate areas across a range of departments to source the funds from to assist in reversing the decline of threatened species.

**Current Status:** A Workshop is scheduled for 8 November 2018.

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**8 [NOM] Proposed Workshop - Recycled Products and Council Business**

424

**Cr C Cherry**  
**Cr K Milne**

**RESOLVED** that staff hold a workshop with Councillors and bring forward a report on how more recycled products can be incorporated into Councils business potentially through:

1. Aligning processes with the ISO20400 Sustainable Procurement Standard 2017.
2. The incorporation of weighting criteria in the Procurement Policy and
3. Steps within the protocol to ensure that staff are making informed sustainable decisions
4. Training of staff to raise awareness of sustainable alternatives in alignment with the ISO standard.

**Current Status:** A workshop was held 11 October 2018. A report to be prepared for a future Council meeting.

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**REPORTS FROM DIRECTOR PLANNING AND REGULATION**

**15 [PR-CM] Affordable Housing Context and Options Paper**

419

**Cr K Milne**  
**Cr R Cooper**

**RESOLVED** that Council:

.....

6. A further report be brought back to Council following the exhibition of the draft policy statement.

**Current Status:** The Strategic Planning and Urban Design work program was determined at the October Planning Committee meeting. Exhibition likely to be undertaken in mid 2019.

---

## REPORTS FROM DIRECTOR COMMUNITY AND NATURAL RESOURCES

### 20 [CNR-CM] Review of Dog Areas in Public Open Space - Updated Report

409

Cr K Milne  
Cr C Cherry

**RESOLVED** that this item be deferred for a workshop with staff to provide further information on:

1. Records of people impacted by dog attacks;
2. Records of wildlife impacted;
3. Areas where threatened species occur; and
4. Options for alternative management strategies.

**Current Status:** A Workshop was held on 27 September 2018.

Brief being prepared for Bird Life Australia to review draft off-leash dog policy. A further Workshop is scheduled on 22 November 2018 to provide further information.

---

20 SEPTEMBER 2018

## ORDERS OF THE DAY

### 6 [NOM] Fossil Fuel Divestment

461

Cr K Milne  
Cr C Cherry

**RESOLVED** that Council brings forward a report on options to improve our rate of Fossil Fuel divestment considering our Ethical Investments have been stuck at around only 50% of our total funds invested since reporting on this first started.

**Current Status:** Report to be prepared for 12 December 2018 Council Meeting.

---

## REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

### 11 [PR-CM] Air Traffic Pollution

466

Cr K Milne  
Cr C Cherry

**RESOLVED** that Council:

....

4. Provides a report on the cost of establishing monitoring if the above agencies advise they cannot provide monitoring in a timely or appropriate fashion.

**Current Status:** Currently implementing Council resolution of 20 September 2018 meeting.

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## REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

### 18 [CNR-CM] Homelessness Policy Review and New Draft Policy

475

Cr K Milne  
Cr P Allsop

**RESOLVED** that Council:

...

3. Notes a report and final policy will return to a future Council meeting for final adoption following consideration of submissions made.

**Current Status:** Exhibition completed and 30 October 2018. A report will be submitted to Council.

---



25 OCTOBER 2018

**REPORTS FROM THE DIRECTOR ENGINEERING**

**38 [E-CM] Variation of Restriction on Use - Lot 10 DP 1231670 - 23 Sea Eagle Court, Casuarina**

550

Cr K Milne  
Cr R Cooper

**RESOLVED** that this item be deferred.

**Current Status:** Advice is being sought from the Rural Fire Service with regard to their requirement for the reduction to the APZ which is listed on the title of this property.

---

01 NOVEMBER 2018

**LATE REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE**

**C3 LATE [PR-CM] Works at Lot 136 DP 755724 Boormans Road, Limpinwood**

**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: -

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

The Mayor declared that that Item C3 being a Late item **not** be dealt with and it be ruled by the Chairman to **not** be of great urgency.

**Current Status:** This item is included on the Council Agenda for 15 November 2018 meeting.

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## PLANNING COMMITTEE

- 3 **LATE [PR-CM] Development Application DA18/0632 for a Change of Use of an Existing Dwelling to Serviced Apartment at Lot 39 DP 1191156 No. 679 Casuarina Way Casuarina**

### LATE ITEM

The Mayor ruled that Late Item 3 **not** be dealt with and it be ruled by the Chairman **not** to be of great urgency.

**Current Status:** This item is included on the Council Agenda for 15 November 2018 meeting.

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## MAYORAL MINUTE

### 4 [MM-CM] Mayoral Minute for October 2018

SUBMITTED BY: Cr K Milne, Mayor

mhm

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Making decisions with you  
*We're in this together*

#### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

---

#### SUMMARY OF REPORT:

The Mayoral Minute report provides information on activities undertaken by the Mayor and Councillors during the month of October 2018.

#### RECOMMENDATION:

That:

1. The Mayoral Minute for the month of October 2018 be received and noted.
2. The attendance of Councillors at nominated Conferences be authorised.

**REPORT:**

**Councillors**

**COMMITTEE MEETINGS**

**Attended by the Mayor**

- 5 October Northern Rivers Regional Priorities Workshop – Lismore City Council, 43 Oliver Avenue, Goonellabah.
- 

**INVITATIONS / MAYORAL REPRESENTATION:**

**Attended by the Mayor**

- 3 October Tweed Valley Hospital Development Reference Group - Integrated Project Office, Wharf Street, Tweed Heads.
- 10 October Official Nullum House Opening – Nullum House, Knox Park, Murwillumbah.
- 11 October Northern Rivers Housing Forum – Lennox Head Community Centre, Mackney Lane, Lennox Head. Crs Cherry and Cooper also attended.
- 16 October Neighbourhood Planning by UK Emeritus Professor Mike Gibson – Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah. Crs Allsop, Cherry, Cooper and Owen also attended.
- 17 October Stop Adani: A Mighty Force movie screening – Regent Cinema, 5 Brisbane Street, Murwillumbah.
- 26 October Tweed Valley Friendship Force – Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
- 26 October Window Weather Systems Media Event – Mitre 10, 81 Wollumbin Street, Murwillumbah.

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

- 7 October Chillingham Voices Event – Pottsville Community Hall, Tweed Coast Road, Pottsville. Cr Cherry attended.
- 18 October Property Professionals Conference Welcome Event – Plantation House, Duranbah Road, Duranbah. Crs Allsop and Polglase attended.
- 23 October Australian Regional Tourism Convention Welcome Reception – Kingscliff Hall, Marine Parade, Kingscliff. Cr Cherry attended.
- 30 October Launch of Tweed Business Portal – Mantra on Salt Beach, Gunamatta Avenue, Kingscliff. Crs Owen and Polglase attended.

**Inability to Attend by or on behalf of the Mayor**

- 10 October Tweed Heads and Coolangatta RSL Opening of restored ANZAC Memorial Fountain – Chris Cunningham Park, Wharf Street, Tweed Heads. Mayor unavailable.
  - 12 October Tweed Heads Marine Centre Opening – 20 Riverside Drive, Tweed Heads. Mayor unavailable. Organisers happy with Council General Manager and Unit Coordinator Natural Resource Management attending.
  - 17 October Ten year anniversary Fingal Head Public School Dreamtime Pathway – Fingal Head Public School, 100 Leticia Road, Fingal Head. No Councillors available.
  - 20 October Opening of ANZAC Memorial Centenary Extension – Hyde Park, Elizabeth Street, Sydney. Mayor away at conference and event out of Shire.
- 

**REQUESTS FOR WORKSHOPS:**

Councillors did not request any additional workshops during October 2018.

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**CONFERENCES:**

**Conferences attended by the Mayor and/or Councillors**

- 21-23 October Local Government NSW Annual Conference - Entertainment Centre, 525 Swift Street, Albury. Crs Allsop, Owen and Polglase also attended.
- 24-25 October IAP2 Shake It Up Conference – Sanctuary Cove Resort, Manor Circle, Hope Island QLD. Cr Cooper attended.

**Information on Conferences to be held**

- 6-8 March 19 Australian Coastal Councils Conference – Kiama  
  
The 2019 Australian Coastal Councils Conference is an opportunity for coastal planners and decision makers to share information on the latest developments in coastal planning and management from around Australia. It is also an opportunity to play an active role in national coastal policy development. The theme for the conference is Coastal Challenges – Smarter Solutions. Topics of significant interest include Australian Coastal Cities – Climate Risks and Responses; Coastal Policy Proposals for the 2018 Federal Election; Smart City Strategies for Coastal Regions; Ocean Safety and Beach Management.  
  
Registration \$990 early bird (by 211218), standard \$1155. Two-three nights' accommodation, flights. <https://coastalcouncils.org.au>

- 1-2 April 19 National Sustainability Conference – Brisbane QLD  

The National Sustainability Conference will include sustainability research, participation from diverse industry sectors and topics of integration, technology, automation, climate risk, procurement, renewable energy and sustainable construction. The conference will be looking at current topics and also looking forward to emerging sustainability considerations.

Registration \$875 early bird (by 150219), standard \$975. Two nights' accommodation. <https://conference.sustainability.asn.au>
  
- 14-17 May 19 Floodplain Management Conference – Canberra ACT  

The theme for this year's conference is 'A National Call to Action: Making Australia Flood Safe' which will focus on bringing together various partners and sharing great research and ideas to set a clear and compelling vision, mission and priorities for the flood community of Australia. We will bring together over 350 flood practitioners and community members with interests in floodplain risk management. Attendees will include Commonwealth, State and Local Government representatives, research organisations and education providers as well as consultants, engineers, land-use planners, emergency responders and community volunteer organisations.

Registration \$1050 early bird (by 220319), standard \$1250. Two-three nights' accommodation, flights. [www.floodplainconference.com](http://www.floodplainconference.com)

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**SIGNING OF DOCUMENTS BY THE MAYOR:**

- 16 October Licence to Latitude Construction Services Pty Ltd for the use of an area within Lot 6 DP 872039 at Hastings Point Road, Bogangar.
  - 25 October Land Purchase Clarrie Hall Dam – 701 Doon Doon Road, Doon Doon.
- 

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice.

**b. Budget/Long Term Financial Plan:**

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

**c. Legal:**  
Not applicable.

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## RECEIPT OF PETITIONS

5 [ROP-CM] Receipt of Petitions as at 15 November 2018

SUBMITTED BY: Corporate Governance

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### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Collaborator

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### SUMMARY OF REPORT:

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

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

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

### RECOMMENDATION:

**That Council notes that there were no Petitions received for the period to 15 November 2018.**



**REPORT:**

As per Summary

**OPTIONS:**

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

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

**CONCLUSION:**

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

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice.

**b. Budget/Long Term Financial Plan:**

Not Applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## ORDERS OF THE DAY

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### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

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## 6 [NOM-Cr K Milne] Removal of LEP clause 7.15 re Commercial Water Bottling Activities

### NOTICE OF MOTION:

Councillor K Milne moves that Council re-instigates a more comprehensive planning proposal to remove clause 7.15 of the Tweed Local Environment Plan to prohibit water extraction for commercial water bottling facilities in light of the precautionary principle in regard to the long term sustainability of this activity, safety and amenity concerns, wear and tear on unsuitable rural roads, and the high level of opposition in the community for this activity.

### Councillor's Background Notes

#### Recommended Priority:

The Department of Planning requested additional information in order to progress an amendment to the LEP so that water extraction facilities would be prohibited in RU2 zones in the Tweed Shire. Specifically, Council has been asked to provide evidence that the extraction of water will have an adverse impact on water resources, systems and availability in Tweed Shire.

The current LEP section 7.15 requires that Council be satisfied that a development consent permitting extraction "will not have an adverse impact on natural water systems. This is a higher standard than that required of the Department of Water, which must only be satisfied that there be no more than minimal adverse impacts.<sup>1</sup>

#### **Lack of Data**

The Tweed Shire is poorly studied in terms of groundwater. Examination of the North Coast Fractured Rock Aquifer Water Sharing Plan (The WSP) and associated documents reveals that:

- There is no data on recharge rates in the shire and a state wide default figure of 6% recharge is used,
- There is no data on local aquifers, rather The WSP uses a volumetric limit for the entire area based on the flow rates in the Tweed River,
- There is no data on local impacts potentially associated with extraction except three proponent commissioned pumping studies and reviews by Prof Peter Cook.
- The WSP was never intended to address more local impacts and aquifers. As the WSP notes, it is intended as a macro document and should be understood as useful in that respect. <sup>2</sup>

As the National Groundwater Strategy 2016-2026 notes,

*“In many areas, fundamental research regarding the physical nature of groundwater systems, their natural recharge and discharge regimes, groundwater resource characteristics (such as the size, location, dynamics and sustainability of extraction) and vulnerability to hydrological perturbations are needed to inform management.”<sup>3</sup>*

None of these fundamental studies have been undertaken in this Shire.

There have been no studies of groundwater dependent ecosystems (GDEs) in the area nor identification of priority groundwater dependent ecosystems. The WSP presumes that a number of areas are GDEs, but once again there is no data on their nature, scale or importance. In light of the fact that the area has numerous World Heritage listed Gondwanan rainforests with numerous endangered and threatened species and ecosystems, a precautionary approach to protecting their access to groundwater is clearly justified.

### **Climate change, uncertainty and the precautionary principle**

Consideration of the precautionary principle is a requirement for all levels of government. Climate change makes this need for precaution even more urgent. Overall, reduced groundwater recharge is predicted to be one of the most significant impacts of climate change. As Professor Peter Cook, an eminent fractured rock hydrogeologist and founder of the Australian Groundwater Institute, has noted in his review of one pumping study in the shire, “Lower groundwater levels have the potential to alter hydraulic gradients between streams and connected aquifers, which can result in increased flow of poor-quality water into aquifers. Lower groundwater levels may also result in oxidation of ASS [acid sulphate soils] and organic matter resulting in decreased pH and mobilisation of metals. Drought attenuates the flushing of nitrates and dissolved organic carbon into groundwater, which limits microbial activity and supply of energy and nutrients to streams.”<sup>4</sup>

The National Groundwater Strategy notes that where the quality of the groundwater is high, *“the groundwater quality should be maintained within the natural range of variability. This approach would require a detailed baseline assessment to establish natural groundwater quality and variability upon which the water quality objectives and guideline values can be based. The length of the baseline monitoring and the frequency of sampling must be sufficient to establish variability in groundwater quality.”<sup>5</sup>* No baseline monitoring has occurred in this shire.

Climate models suggest an increase in temperature and in the frequency of extreme weather events. Geoscience Australia notes that climate change is likely to increase the stress on groundwater that is already under pressure from salinity, over-allocation and declining groundwater quality.<sup>6</sup>

## Importance and value of groundwater

Groundwater supports a range of values including:

- " the supply of a significant proportion of annual catchment yields and is linked to the landscape, supporting aquatic ecological systems and terrestrial vegetation"*
- " the only reliable water source in the semi-arid to arid areas of Australia "*
- " of cultural significance for Indigenous Australians "*
- " a significant resource and management priority for municipal water supplies, industry, agriculture, mineral resources and energy generation "*
- " important in sustaining dependent ecosystems "*
- " the only viable water source in times of restricted surface water availability."*

Additionally, in Tweed Shire many residents rely on domestic bores for their water needs. Anecdotal information suggests that extraction may be impacting on local and unnamed water sources. As population in the Shire increases, the potential conflict between commercial extraction and local needs is likely to increase.

Further, as the National Groundwater Strategy points out, *"Groundwater is strongly connected to surface water and is part of the total water cycle."* As Professor Cook has pointed out, when an extraction bore is in close proximity to surface water it is entirely possible that the entire allocation will be removed from that surface water. In a time of drying, this will likely impact on local users. These impacts have not been assessed by the NSW Office of Water in determining the allocation for this Shire.<sup>8</sup>

Professor Cook has also noted that "Groundwater management in Australia usually relies on basin or sub ~~basin~~ volumetric allocation limits. These are often determined as some fraction of the estimated groundwater recharge, and the allocation limits typically operate over areas of thousands of square kilometres. However, as described in my report, it is now widely accepted that regulation of the total extraction limit across a large area does not, in itself, provide any protection for ecosystems that might be dependent on groundwater.

This is critical to the proposed amendment. Allocations for the area covered by the WSP are based on flows in the Tweed River – a sub-basin volumetric allocation. As this allocation from the Office of Water does not provide protection for ecosystems that might be dependent on groundwater, how can Council be satisfied that extraction will not have adverse impacts?

Further, local data is severely limited, in part because requirements on high volume bore licence holders to install meters and provide flow and drawdown information in annual reports has never been complied with or enforced. Thus no reliable data has been collected for analysis.

For example, the Report Card for Rowlands Creek is based on the allocation for 6 domestic licences and 2 irrigation licences. It claims that "peak extraction demand is significantly less than available flows in November." This conclusion is based on flows in Rowlands Creek between the period of 1962-1982 and extraction only from licenced bores. There has not only

been a significant change in climate in the intervening years, but a significant increase in population in the Rowlands Creek catchment with a corresponding increase in domestic and stock bores being approved. Water extraction is not simply from licenced bores – and never has been. There are a number of people who may legally pump directly from Rowlands Creek with no licence requirement and a number of unauthorised bores are suspected. As explained above, no evidence exists of the amount actually extracted from creeks or unnamed watercourses, or groundwater bores, each year.

This is true shire wide.

### **State Government requirement for evidence**

The State was unreasonable in previously refusing the Council permission to amend the LEP to remove clause 7.15 without further evidence of negative impacts. The State Government removed this permissibility themselves from all Council's LEPs in 2014 without any justification whatsoever. It is therefore unclear why this standard is now being imposed on Council when it was not imposed on the Department of Planning in 2014.

Council's position is that there is not enough information available to prove commercial water extraction is sustainable particularly at the local scale. The onus must be on the State Government to prove sustainability rather than Council to prove that it is unsustainable. Without conclusive evidence the precautionary principle must prevail.

### **Conclusion**

All levels of government have an obligation to abide by the precautionary principle. The planning proposal would give proper and due effect to this requirement in light of the lack of information available on the long term sustainability of ground water extraction for commercial water bottling purposes.

Currently, the Tweed Shire Council cannot satisfy its legal obligation to be satisfied that extraction of water from specific bores will have no adverse impacts on water systems. Until there is a significant increase in the knowledge and data of the groundwater systems in the area's fractured rock aquifers prohibiting further water extraction operations in the shire is the only option consistent with our obligations under the precautionary principle.

### **References:**

1. Attached is legal advice provided to Council by the Tweed Water Alliance and confirmed by Council's attorneys
2. NSW DPI Water (2016) Water Sharing Plan for the North Coast Fractured and Porous Rock Groundwater Sources: Background document, p. v
3. National Groundwater Strategy 2016-2026, section 3.1.2
4. Dahm *et al.* 2003 in Geoscience Australia 2009, p. 59
5. National Groundwater Strategy 2016-2026, p. 20
6. Geoscience Australia 2009, pp 58-59)
7. National Groundwater Strategy 2016-2026
8. Cook, P. (2018) Potential Impact of Groundwater Pumping on Rowlands Creek

### **Description of Project:**

Nil.

### **Management Comments:**

The draft NOM above and supporting justification provides a level of background research and information which require a technical knowledge of the broader and localised groundwater issues and status to enable a thorough assessment and response, which is outside the professional skills of Council officers.

While assessment of the technical merit of the information attached to the NOM should be considered by the appropriate state government agency, the following response provides consideration of the NOM as reviewed by Council officers and recommends that the NOM be referred to Water NSW for a technical assessment and review.

### ***Letter from the Department of Planning and Environment***

The Department of Planning and Environment (DPE) in correspondence dated 30 May 2018 advised Council that “a preliminary assessment of the proposal determined that there was insufficient information to progress the planning proposal.”

The DPE also advised that a decision would be deferred until Council can provide sufficient justification to support the planning proposal, and noted that water bottling facilities were introduced as a permissible use in 2016 following a request from Council, and that any justification should ensure the matters put forward by Council to justify the inclusion are addressed.

By email dated 19<sup>th</sup> July 2018, the DPE advised in more detail that additional justification should address the following:

- demonstrated evidence of the negative impacts caused by the water extraction activity;
- evidence of how water extraction is not sustainable , based on the Office of Water issuing a license for these operations had have determined that the risk to ecological value an associated groundwater dependant ecosystems in the Tweed Alluvium is low;
- demonstrate how the prohibition of the clause will mitigate the impacts that the community have highlighted as issues (reduced availability of groundwater, amenity, climate warming impacts, truck movements and existing water extraction and bottling approvals);
- address the justification for the inclusion of the water extraction into the LEP (via Amendment No 16) and demonstrate how the justification is no longer supported;
- demonstrated evidence that supports Councils resolution to support a planning proposal to prohibit water extraction (other than community opposition).

### ***Role of Water NSW***

At the joint meeting Council convened with Water NSW on 13 September 2018, the Department acknowledged that any extraction will have an impact but that available data had been used in assessing any application to extract groundwater, and determine whether the volumes extracted would have a significant impact on reserves in the basin.

While Water NSW has acknowledged that it does not have detailed site-specific information across the Tweed, it did advise that it monitors a large number of bores across the Shire, and that the water body is extensive and has shown no signs of stress.

Water NSW also informed Council that if stress were to become obvious as was the case in the Alstonville plateau, the Department would intervene and commence more detailed investigations, install monitoring stations and consider options for management which in the case of Alstonville included controlling water extraction.

The Department also offered to maintain its current practice of providing site-specific advice on a case-by-case basis.

Given the technical content of the NOM, it is suggested that a draft version be sent to Water NSW for a response prior to a decision to pursue a new planning proposal is finalisation.

### ***Council resolutions of 19 July 2018***

At its 19 July 2018 meeting, Council resolved to discontinue the planning proposal to prohibit water extraction, and amend clause 7.15 to embed additional criteria and operational requirements, and to provide a further report with recommendations on potential options for improving the operational management of water extraction and water bottling in the Tweed Shire, and to include discussion of the science of water extraction.

In response to Council's resolution, DPE was advised that the planning proposal was to be discontinued and has been subsequently withdrawn.

### ***Consideration of a new planning proposal***

Any new resolution of Council to amend the LEP to prohibit water extraction would require a new planning proposal and provide justification as required by the DPE. Feedback from the DP&E indicates that critical to establishing the strategic justification of prohibit water extraction as a land use from a resource management perspective would principally need to demonstrate:

- evidence of the negative impacts caused by the water extraction activity; and
- evidence of how water extraction is not sustainable, based on the Office of Water issuing a license for these operations had have determined that the risk to ecological value an associated groundwater dependant ecosystems in the Tweed Alluvium is low.

The establishment of this evidence based would require the commissioning of an independent hydrologist to undertake and compile an appropriate evidence base to support any new planning proposal and address the key considerations as identified by previous correspondence with the DP&E. In doing so this evidence base would effectively seek to challenge the current NSW Water 'Water Sharing' data which informs the licencing process and demonstrate through independent testing and data analysis that water extraction within the Tweed is not sustainable and that there is a risk to the ecological value and associated groundwater dependant eco systems.

While the NOM contains some level of research and technical information, any planning proposal would need to undertake the necessary studies and seek professional advice to justify the proposal and satisfy the requirements of the DP&E gateway advice.

Addressing the other operational and amenity based and public interest issues would require a detailed evidence base establishing the 'negative' issues associated with existing water extraction operations including broader traffic and road network issues and documentation of compliance based issues. The collection of this evidence base would similarly need to be appropriately budgeted resourced. Further, a planning proposal would need to demonstrate how these issues could only be ameliorated through a land use prohibition rather than managed and regulated through the existing development assessment and compliance frameworks.

### ***In conclusion***

In review of the information attached to the NOM the following recommendations are made:

- Given the technical content of the NOM, it is suggested that a draft version be sent to Water NSW for a response prior to a decision to pursue a new planning proposal is finalisation.
- Arrange a meeting with the Secretary of the Department of Planning to discuss the broader issues related to water extraction to ascertain the likely outcome that this process and intent may yield.

Following these preliminary processes, if Council is minded to pursue a new planning proposal to remove Clause 7.15, the recommendations of the Gateway will be required to be satisfied. The following implications should be adequately resourced:

- The adequate budget provision to commission an independent hydrologist and traffic consultant to undertake and compile an appropriate evidence base to support any new planning proposal and address the key considerations as identified by previous correspondence with the DP&E; and
- Review of the SPUD work plan which currently has a Council endorsed moratorium on accepting or undertaking any new planning proposals until after July 2019.

Given that Council prepared and supported a planning proposal to amend the LEP to allow water bottling facilities as a permissible use, it may be appropriate to engage an independent planning consultant to prepare a planning proposal, should Council wish to prohibit these uses.

### **Delivery Program:**



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### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

2 Making decisions with you  
2.1 Built Environment



2.1.2 Development Assessment - To assess development applications lodged with Council to achieve quality land use outcomes and to assist people to understand the development process.

**ROLE:** **Provider**

---

Budget/Long Term Financial Plan:

An appropriate budget would need to be assigned to commission an independent hydrologist to conduct evidence based research to support an amended planning proposal.

Legal Implications:

Legal advice may be sought to determine the evidence base which should be sought to underpin any future planning proposal and the potential implications of effectively prohibiting a recognised commercial (extractive) industry.

Policy Implications:

The need to update the SPUD work plan if seeks the preparation of a new planning proposal prior to July 2019.

---

## 7 [NOM-Cr K Milne] Empire Lane Roadworks

### NOTICE OF MOTION:

Councillor K Milne moves that Council provides a report on the option of bringing forward the roadworks planned for Empire Lane in Tweed Heads in consideration that it is important to ensure that roads in CBD areas are of an acceptable standard.

### Councillor's Background Notes

#### Recommended Priority:

Nil.

#### Description of Project:

Nil.

### Management Comments:

#### Delivery Program:

mhm

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People, places and moving around

*Who we are and how we live*

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Provider** **Leader**

---

### Budget/Long Term Financial Plan:

The rehabilitation of Empire Lane is currently scheduled in the Delivery Program for 2020/2021 (year 4), at an estimated cost of \$100,000. While the current condition of the laneway is rated 5 – Very Poor, it is subject to relatively low traffic volumes. No traffic data is currently available.

Council's road budgets are fully allocated through the Delivery Program process based on detailed condition assessment. Empire Lane could be brought forward, however it would need to be at the expense of other projects of the same or greater value. Despite its CBD location and current condition, Empire Lane is a low priority compared with other higher volume residential streets, or rural roads that are subject to higher speeds.

Council has recently received and approved an application by Essential Energy to upgrade an existing underground high voltage service on the southern side of Empire Lane. The works are scheduled for first half of 2019. The reinstatement of the laneway

following these works will go some way to improving the road condition in the short term until the full rehabilitation is completed. It is best practice to wait at least 12 months post any trenching work in roads to allow settlement prior to resurfacing.

Legal Implications:

Not applicable

Policy Implications:

Not applicable

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## 8 [NOM-Cr K Milne] Rail Trail - Meeting with Adjacent Land Owners

### NOTICE OF MOTION:

Councillor K Milne moves that Council invites the landowners adjacent to the proposed rail trail to a Workshop to advise of the latest progress on the project and to hear their concerns.

### Councillor's Background Notes

At its meeting on 25 October 2018 Council resolved:

*"that this Motion be deferred to the Council meeting on 15 November 2018 for consideration after a Workshop on this item scheduled on 1 November 2018."*

This Motion is again resubmitted for consideration.

### Recommended Priority:

Nil.

### Description of Project:

Nil.

### Management Comments:

### Delivery Program:

mhm

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People, places and moving around

*Who we are and how we live*

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### ROLE: **Advocate**

---

Council resolved on 7 June 2008 to proceed with a planning proposal to amend the Tweed LEP 2014 to enable a Part 5 approvals pathway for the rail trail project and this was publicly exhibited between 21 August and 28 September 2018. A total of 73 adjoining landowners were personally invited to review and comment on the planning proposal and while 3 public submissions were received only 1 was from an adjoining landowner.

This proposal will shortly be reported back to Council with a summary of issues. In the meantime, the Project Director and Communication Engagement Officer have been meeting one-on-one with adjoining landowners since April this year and have previously written to

each inviting feedback and providing a timeline for the project. This ongoing personalised engagement is paramount and invaluable to both parties.

While there are several key issues being raised across the board, many of them are unfounded or without substantive evidence based on verifiable observation or experience of rail trail operators and users supporting such claims, for example; increased crime, theft, trespass and vandalism; biosecurity risks associated with horses, dogs, and littering. There are also those that have substance and require a rational and considered response; repair and maintenance of farm fencing, human interactions with cattle or farming operations, leasing of the railway for farming purposes and impact on privacy and amenity; impact on the environment and in particular the sensitive micro habitat within the Burringbar tunnel, which supports micro-bats and glow-worms. There are also philosophical points of view; that government(s) should be allocating public funds toward road repair, environmental management or other cultural services among others; that the rail trail will not attract any users and will not bring any benefits to the area.

These and other issues have been picked-up by staff through their work engaging with the landowners as well as in the “Rail Trail Community Consultations” undertaken by the NSW Department of Premier and Cabinet for the Tweed, New England and Goulburn rail trails and through wider research. Importantly, the officer-landowner partnership is addressing the concerns of those landowners through proper identification of the issues affecting them and their property and is enabling the partnership to work collaboratively on solutions.

One of the biggest challenges to date however, is that a number of adjoining landowners are proving difficult to contact and some have made it clear that they do not wish to be contacted. Quite a few don't receive mail directly and only infrequently visit their post office box and the traditional landline phone has increasingly been superseded by mobile phone technology and email, with those public contacts rarely being provided to Council. Ensuring that the landowners are genuinely contacted therefore requires manual input and the staff are continuing that work.

In addition, as part of the public engagement on the Council's draft Public Open Space Strategy these staff will also be attending community conversation sessions in Murwillumbah, Stokers Siding, Burringbar, Mooball, Crabbes Creek and Uki to give an update on the progress of the rail trail and to answer any questions – based on the information and status of the project to-date. This information includes updates on the preparation of a Biosecurity Risk Management Plan, currently being prepared by Local Land Services, the draft Conservation Heritage Master-plan for the Murwillumbah Railway Station; progress on the Council's environmental and planning assessment, and the status of the Council's concept design that will be used to inform the design and construct tender process.

Inviting the adjoining landowners (those that can be contacted) to a workshop in this context is not seen to be beneficial and will most likely create an air of anxiety or contempt because the issues, although having the appearance of being the same and affecting multiple landowners, nevertheless impact on individual persons and property in different ways and require different and sometimes innovative individualised responses and that not all of which are capable of being definitively answered at this time and without the personalised, and circumstance based, consideration.

A workshop at this stage is more likely to be harmful to productive trusting relations between the Council, staff and landowners.

A Councillor workshop with staff to provide an update on the progress of the rail trail is very much supported. It remains the intent of staff to convene a workshop with Council as soon as the NSW government has reached inter-agency agreement on the ultimate governance model, funding amount, land ownership (railway corridor) and timing and substance of the legislative requirements needed. Staff have raised various concerns and views about these matters with many of those echoed by their agencies and leading to further more detailed discussion and negotiation. These issues need to be resolved as a priority and once agreement is reached within NSW government Council will then need to consider whatever propositions are advanced – it is on the basis of this that a Councillor – staff workshop should be convened.

In the meantime, Council staff are doing everything that they can to keep the project moving forward, to work with adjoining landowners and to identify and work on finding solutions through the design of the trail, to inform the local communities about the information and status of the project, and to continue engaging with all State government departments to resolve and reach agreements that are advantageous and beneficial to the Tweed community.

Budget/Long Term Financial Plan:

No significant impact on council's forward estimates arising from this Motion.

Legal Implications:

There are no perceived legal implications associated with this Motion.

Policy Implications:

The community engagement on Council projects is detailed in its Policy framework, which is designed to maximise productive community engagement and foster long-lasting trusting relationships. The engagement proposed is not seen to be wholly consistent with achieving that same outcome, for the reasons outlined above.

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9 [NOM-Cr K Milne] Tweed Valley Hospital

**NOTICE OF MOTION:**

**Councillor K Milne moves that Council:**

1. **Reconfirms firm opposition to the site selected for the Tweed Valley Hospital on the State Significant Farmlands at Cudgen.**
2. **Objects to the use by the State Government of the exempt and complying development provisions to begin pre-emptive work on the Cudgen site, in light of the fact that these supposedly 'minor' works could easily be included in the State Significant Development Application and is therefore perceived to be a misuse of the process leading to even further angst and extreme distrust in the community.**
3. **A review and an urgent report on the environmental impacts of the Part 5 exempt and complying activities proposed for the site be prepared, including but not limited to, the wetland and proximity buffer extension, the buffer to the wetland planting, and the Bushfire Hazard Reduction Zone buffer.**
4. **Refers the biodiversity issues in the EIS to the Commonwealth for assessment under the Environment Biodiversity Conservation Act.**

**Councillor's Background Notes**

Recommended Priority:

Nil.

Description of Project:

Nil.

**Management Comments:**

Delivery Program:

mhm



**Making decisions with you**  
*We're in this together*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

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

**ROLE:** **Provider**

Budget/Long Term Financial Plan:

Given the significant amount of Council resources which could be required to be allocated to implementing part 3 of the NOM, it is appropriate to give careful consideration to the implications of part 3 of the NOM to Council.

The Office of Local Government has issued a draft consultation version of a new Code of Meeting Practice. (**Draft Meeting Code**).

Clause 3.14 of the Draft Meeting Code provides as follows:

*If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may either:*

*(a) prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council, or*

*(b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice,*

The Draft Meeting Code is still a draft code, and new clause 3.14 is a non-mandatory provision of the Draft Meeting Code, and may therefore not be a part of the code ultimately adopted by Council. However, the clause demonstrates that the General Manager should consider the implications including on resources of notices of motion submitted by councillors.

The General Manager has given careful consideration to the resources required to implement part 3 of the NOM given that it has no utility in respect of exempt and complying development, and limited or no utility in respect of Road Works and remediation.

This is particularly so in light of the proposed clause 3.14 of the consultation draft of the Code of Meeting Practice which suggests the General Manager should consider financial implications of any notice of motion submitted by a councillor, and report on, or defer consideration of matters of concern.

As such a detailed analysis (report) on Part 3 of the NOM is provided below under Legal Implications so that Councillors are fully informed as to the utility in resolving Part 3 of the NOM.

Legal Implications:

**Summary**

The Hospital Project is a state significant development under the *Environmental Planning & Assessment Act 1979 (EPA Act)*. A staged development application, being SSD 18\_9575 (**Staged DA**) for the Project, accompanied by an environmental impact statement (**EIS**) has recently been placed on public exhibition.

The Staged DA proposes a concept proposal for a new Level 5 hospital with the Stage 1 site preparation works being proposed as part of the Staged DA.

NSW Health Infrastructure (**Health**) notified Council on 16 October 2018 of proposed road upgrade works and utilities connections (**Road Works**) in connection with the Project pursuant to the *State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)*. Council provided a response on 28 October 2018.



The EIS outlines that some preliminary site works including site establishment works, temporary accommodation, temporary car parking, temporary electricity supply, and demolition and remediation (**Preliminary Works**) will not be assessed as part of the Staged DA, but will be dealt with separately as exempt or complying development or (in respect of remediation) as development which does not require development consent.

Council has no role to play in respect of the Preliminary Works which are exempt and complying development within the meaning of the EPA Act in terms of assessment, determination or making submissions or objections.

Therefore there is little utility in the review and report on environmental impacts proposed in part 3 of the NOM in respect of exempt and complying development.

To the extent that part 3 refers to 'Part 5' activities, which refers to activities requiring environmental assessment under Division 5.1 of the EPA Act, Council again has no assessment and determination role, but in respect of the Road Works, has been consulted, and has an opportunity to make submissions before 6 November 2018. The submission was sent on 28 October 2018.

Council could, however, raise whether the Preliminary Works and Road Works should be assessed under the Staged DA, despite being separately dealt with as exempt or complying development or development without consent.

### **Council's Statutory Role in respect of Preliminary Works**

Section 3.5 of the EIS states that the Preliminary Works are not part of the Staged DA for the Project, and will be carried out as exempt or complying development.

Sections 1.6 and 4.2 of the EPA Act define exempt and complying development as development specified or declared as such in an environmental planning instrument.

Section 1.6 provides that exempt development does not require development consent under Part 4 of the EPA Act, environmental impact assessment under Division 5.1, a state significant infrastructure approval under Division 5.2 of the EPA Act or a certificate under Part 6 of the EPA Act. That is, no approval or environmental assessment is required for exempt development.

Complying development requires development consent, but the consent is obtained by the issuing of a complying development certificate.

However, in respect of both exempt and complying development, there is no requirement for an assessment of the impacts of the development.

If the proponent of the development (in respect of exempt development) or a certifier (in respect of complying development), forms the view that:

- the proposed development falls within the description of the type of development which is declared or specified to be exempt or complying development in a planning instrument;
- meets the requirements for exempt or complying development within the applicable planning instruments; and
- in respect of complying development, meets the development standards for the type of complying development,

the development can proceed.

Neither the proponent nor the certifier (in respect of complying development), needs to consider the impact of the proposed development on any aspect of the environment, other than to the extent that might be necessary to ensure the matters in paragraphs 19.1-19.3 are satisfied.

There is also **no** process under the EPA Act or any instrument which declares or specifies development to be exempt or complying development, for submissions or objections to be made, and taken into account before the development can proceed.

**Council therefore has no role to play in the determination of whether development is exempt or complying development (unless it is appointed as the certifier for complying development) and no ability to object to or make submissions in respect of the development.**

Part of the Preliminary Works constitutes remediation, and the EIS states that the remediation work is considered to be 'category 2 remediation work' which *under State Environmental Planning Policy No 55—Remediation of Land* is work which does not require consent.

**Council is to be given notice of the commencement of such work, but again, Council has no approval role, and there is no opportunity for objections or submissions to be made and considered by the proponent before the remediation proceeds.** That part of the Preliminary Works may require an assessment by Health under Division 5.1 of the EPA Act, and there is a possibility of council having an opportunity to make a submission, but only if the remediation were likely to have a significant effect on the environment such that an EIS was required for that aspect of the Preliminary Works, which would be required to be exhibited.

Similarly, the Road Works are subject to assessment under Division 5.1 of the EPA Act by Health, and Council has been notified of the Road Works and given an opportunity to respond. The opportunity for comment on those works closes on 6 November 2018. Council made its submission on 28 October 2018. Council has no other role in respect of those works unless and until a s138 approval is sought under the Roads Act 1993.

There is a possible argument that the Preliminary Works and Road Works, despite being exempt development, complying development or development without consent, should be assessed as part of the Staged DA because they give rise to **likely impacts** of the Project which is the subject of the Staged DA (see *Hoxton Park Residents Action Group Inc v Liverpool City Council* [2011] NSWCA 349.). Council is not the consent authority, and therefore has no assessment or determination role in respect of the Staged DA. Council could however, lodge a submission in respect of the Staged DA querying whether there should be an assessment of the Preliminary Works and Road Works in the Staged DA on the basis that those works give rise to likely impacts of the Project.

## **The NOM**

The NOM proposes to resolve that Council:

...

*3. A review and an urgent report on the environmental impacts of the Part 5 exempt and complying activities proposed for the site be prepared, including but not limited to, the wetland and proximity buffer extension, the buffer to the wetland planting, and the Bushfire Hazard Reduction Zone buffer.*

*4. Refers the biodiversity issues in the EIS to the Commonwealth for assessment under the Environment Biodiversity Conservation Act.*

...  
Part 3 requires Council to review the impact of the '*Part 5 exempt and complying activities*'.

As stated above, no assessment by Council of the impacts of the Preliminary Works which constitute exempt or complying development can have any effect on the ability of Health to carry out those works.

**Council could take enforcement action if it considered that the Preliminary Works were not properly considered to be exempt or complying development in accordance with the relevant planning instruments. However that is different to a consideration and review of the environmental impacts of the Preliminary Works.**

Therefore there is little utility in Council carrying out the review and report suggested in paragraph 3 of the NOM.

In respect of the reference to '*Part 5*' activities in part 3 of the NOM, it is assumed this refers to activities requiring assessment under Division 5.1 of the EPA Act (which was formerly Part 5 of the EPA Act before the amendments which came into effect on 1 March 2018).

The remediation aspect of the Preliminary Works could require an assessment under Division 5.1 and the Road Works require such an assessment.

Council has a consultative role to play in respect of the Road Works, and if an EIS is exhibited for the remediation (which is unlikely). Council's role, again is very limited, to non-existent in respect of the remediation (unless subject to a requirement for an EIS).

Council could query whether an assessment of the Preliminary Works and Road Works should also form part of the Staged DA, and make a submission in this regard, as discussed above.

While Council may not have a statutory referral role under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**), Council may be able to informally raise with the Commonwealth whether the Project requires any approval under the EPBC Act. However, that Act would only apply to the Project if the Project involved an impact on a matter of national environmental significance specified in the Act, such as a nationally listed threatened species, or Ramsar wetland.

Policy Implications:

NIL.

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10 [NOM-Cr C Cherry] Street lighting - Pottsville

**NOTICE OF MOTION:**

**Councillor C Cherry moves that Council prepares a grant proposal and seeks alternate funding opportunities for two solar street lights in Philip Street, Pottsville near Philip Street Reserve, Pottsville, and for one light along the walkway immediately north of the Pottsville Community Hall to increase pedestrian safety in both locations.**

**Councillor's Background Notes**

Recommended Priority:

The business community on Philip Street, Pottsville have asked for streetlights for a long time and due to it being expensive to bring the infrastructure there Council funding has not been available.

An alternative stand-alone solution of solar street lights would circumnavigate the need for expensive infrastructure costs and also allow the lighting to be directed exactly where it is needed and remove the possibility that any lighting spill would interfere with neighbouring properties. The light on the walkway north of the Pottsville Community Hall is to light a specific section where the pathway has a pole in the middle of the footpath that is a hazard when walking through at night. A solar light in this location will hopefully contribute to pedestrian and cyclist safety.

Description of Project:

Nil.

**Management Comments:**

Council often receives requests for the lighting of Public Areas, in particular, older subdivision developments where the provision of street lighting is less than that provided in new subdivisions. In addition, requests have been received for lighting of the foreshore footpaths and cycleways particularly in the Kingscliff and South Kingscliff localities. There is however a point of difference in this NoM as Philip St has no street lighting due to the power poles being high voltage and the path near the Community Hall has a bollard contained within it which could present a danger at night. In these cases there is no alternate lit pedestrian path that could be used. Whilst there is no budget to undertake any lighting improvements for a proposal such as this, a solution could be determined a suitable external funding source for the necessary infrastructure and a report brought back to council.

The ongoing maintenance for solar lights, or lights not connected to the street lighting network becomes the responsibility of council.

In the short term an alternate treatment could be investigated enabling the removal of the bollard located in the walkway and trimming of vegetation north of the Pottsville Community Hall.

Delivery Program:

mhm



People, places and moving around

*Who we are and how we live*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

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

**ROLE:** **Provider**

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Budget/Long Term Financial Plan:

There is currently no budget for improved lighting of public spaces within the shire. There are however various grant programs that may provide all or matching funds towards a small project as proposed in this NoM.

Legal Implications:

Nil

Policy Implications:

Nil

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11 [NOM-Cr P Allsop] The Tweed Bottled Water

**NOTICE OF MOTION:**

**Councillor P Allsop** moves that Council officers bring forward a report on the feasibility of Council providing alternatives to groundwater which is extracted and sold as bottled water. This is to include options to sell Tweed treated water bottling companies outside of the Shire to meet the growing demand for a healthy alternative to soft drinks.

**Councillor's Background Notes**

Recommended Priority:

Nil.

Description of Project:

Tweed Valley has the luxury of significant rain fall and the Tweed is in the Position to develop a brand of water that currently many of its residents are consuming on a daily basis.

The Tweed has on-going debate over the use of extracted water by businesses within the Tweed. There would be little doubt that the majority of water bottled is Extracted water. If our local businesses were to cease the extraction of water it would seem that we would be simply passing the baton and allowing the opportunity for ground extraction from aquifers outside of our own valley. This would simply be moving the concerns elsewhere and creating the issues felt within the Tweed to alternative locations/regional towns possibly from the same aquifer.

It would seem logical that to alleviate some of the demand away from the water extraction industry that we bottle good old fashioned (purified) water. It would appear logical to alleviate some of the demands of bottled water industry by providing an alternative to extracted water. Ideally we would utilise recycled glass to bottle package our product.

The proposal is that Tweed Council harvest water and sell it as an alternative to extracted water. The consumer would have the opportunity to make this product of Tweed a success or a failure. It is within the consumer's ability to choose between sustainable harvested water or extracted water. A policy position could be that water is only harvested for this purpose when the dam is above 90% capacity.

A large number of people are simply buying extracted water as there is no alternative to extracted water other than finding a bubbler, sugar filled soft drinks, mineral waters or maybe expensive juices etc. There is no doubt that this is an innovative approach for Tweed Shire Council but whilst there are people fighting the extraction industry and there are Councillors supportive of this fight against extraction, we need to provide solutions for the demand on the industry and for consumers.

**Management Comments:**

Delivery Program:

mhm

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**Leaving a Legacy**  
*Looking out for future generations*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

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

**ROLE:** Leader

---

Budget/Long Term Financial Plan:

Cost benefit analysis will need to be undertaken as part of the report.

Legal Implications:

Analysis of applicable legislation will need to be undertaken, given that bottled water is a food product.

Policy Implications:

Nil.

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## REPORTS THROUGH THE GENERAL MANAGER

### REPORTS FROM THE GENERAL MANAGER

#### 12 [GM-CM] Draft Filming Policy, Version 1.0

**SUBMITTED BY:** Office of the General Manager

mhm



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

#### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

|       |  |
|-------|--|
| 3     | People, places and moving around   |
| 3.1   | People   |
| 3.1.7 | Events - To develop, attract and support events that showcase the Tweed's unique characteristics and identity. |

**ROLE:** **Leader**

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#### SUMMARY OF REPORT:

The Local Government Act requires Council to comply with the Local Government Filming Protocol. At its meeting on 16 June 2009, Council adopted the Local Government Filming Policy, Version 1.0, which was the Local Government Filming Protocol verbatim.

In 2017 a major feature film production was filmed at Hastings Point for an extended period. At an Extraordinary Tweed Coast Reserve Trust meeting on Friday 30 June 2017 it was resolved, in part, for Screen NSW facilitate a Workshop, subsequent to the film, to develop a protocol for the future management of filming on the Hastings Point Headland.

Following engagement sessions with key stakeholders, instead of creating a new Policy specific to Hastings Point, it was determined that Council's Local Government Filming Policy, Version 1.0 be replaced with the draft Filming Policy, Version 1.0 and divided into two parts:

- Part A – Local Government Filming Protocol 2009
- Part B – Specific Filming Locations (Hastings Point Headland)

The draft Filming Policy, Version 1.0 was tabled at Council's meeting of Thursday 16 August 2018 where it was resolved that:



*“Council places the draft Filming Policy, Version 1.0 on public exhibition 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.”*

The draft Filming Policy, Version 1.0 was placed on public exhibition for 28 days, commencing Tuesday 28 August, with submissions accepted for 42 days up until 9 October 2018. Five public submissions were received and one submission from a Councillor.

**RECOMMENDATION:**

**That Council forwards the draft Filming Policy, Version 1.0, as amended from recommendations in this report, to the Departmental Chief Executive of the Office of Local Government to be considered for adoption as a Filming Protocol in accordance with Section 119D of the Local Government Act, and also seek clarification of the provisions of the Exempt and Complying Development State Environmental Planning Policy with regard to filming activities as identified in this report.**

## **REPORT:**

### **Background**

Filming in the Tweed is recognised as a significant driver and employer for the creative industries and offers a unique advantage for natural filming locations which range from dynamic mountain ranges, scenic rural vistas to reclusive beaches. However council wants to ensure the benefits of the Shire are maximised and that film producers consider their impact on the community, residents or businesses and that public safety and the environment is well protected.

As a result of this demand two major international film productions have been filmed at the Hastings Point locality over a two year period from 2015 to 2017. Despite Hastings Point's popularity it must be safeguarded as a sensitive natural location.

Council's Tweed Coast Reserve Trust reviewed the potential impact of the latest major film production which was filmed at Hastings Point prior to issuing a licence to the production company. As a result it was resolved to develop a protocol for the future management of filming on the Hastings Point Headland. On Friday 30 June 2017 Council and Screen NSW facilitated a Workshop and conducted several engagement sessions with key stakeholders to canvas the community's views in the development of the protocol.

### **Policy**

Following engagement sessions with key stakeholders, instead of creating a new Policy specific to Hastings Point, it was determined that Council's Local Government Filming Policy, Version 1.0 be replaced with the draft Filming Policy, Version 1.0 and divided into two parts:

- Part A – Local Government Filming Protocol 2009
- Part B – Specific Filming Locations (Hastings Point Headland)

On 16 August 2018 Council reviewed the draft Filming Policy and subsequently resolved to place the draft Policy on public exhibition for 28 days, commencing 28 August 2018, with submissions accepted for 42 days up until 9 October 2018. This exhibition was conducted in accordance with s.160 of the Local Government Act for the Public notice and exhibition of draft local policy. It is important to note that this draft Policy does not constitute a land use policy under the Environmental Planning and Assessment Act.

During this period five public submissions were received and one submission from a Councillor.

### **Submissions**

During the submissions period five public submissions and one councillor submission are summarised below along with Council officer comment:

| No | Public Submission Summary  | Officers Comment   |
|----|--|--|
| 1  | <p>Sincerely thanks Council, Councillors and those staff involved in facilitating the stakeholder meetings, workshops and the subsequent formulation of the Draft Film Policy.</p> <p>Considers it is a very fair result that whilst allowing a realistic period and frequency for filmmaking is also appropriate in terms of maintaining the amenity and access for the pleasurable pursuits of the residents, ratepayers, campers and many thousands of day trippers who come to Hastings Point for a natural non-commercial experience.</p> <p>Hopes the policy avoids the exploitation of this unique headland for any length of time, especially during whale migration season.</p> <p>Thank you once again, we strongly support the Draft Film Policy as exhibited.</p>  | <p>Submission acknowledged via email 5 October.</p> <p>Submission of support. No officer comment required.</p>   |
| 2  | <p>Express strong support for the Draft Film Policy. Also congratulate all involved at Council for formulating this policy which truly reflects the opinion of the majority of locals who were affected by last year's filming on the Headland.</p>  | <p>Submission acknowledged via email 5 October.</p> <p>Submission of support. No officer comment required.</p>   |
| 3  | <p>The draft film policy for Hastings Point perfectly addresses the issues that filming in the shire presents and is similar to other policies in places like the Byron Shire. Film and advertising companies can always find alternatives but the preservation of the environment and also our tourism industry should take precedents over an industry that contributes far less to the region.</p>  | <p>Submission acknowledged via email 5 October.</p> <p>Submission of support. No officer comment required.</p>   |
| 4  | <p>Support the draft Film Protocol for Hastings Point. Thank staff involved with the preparation of this document for listening to the people of Hastings Point and the broader community. A fine example of community consultation working to the benefit of residents and visitors of Hastings Point.</p>  | <p>Submission acknowledged via email 5 October.</p> <p>Submission of support. No officer comment required.</p>   |
| 5  | <p>Draft protocol probably the best outcome we could hope for, it would still have been preferable that no high impact film sets are ever again allowed to be constructed on the environmentally sensitive Hastings Point headland, creek, beaches and woodlands. Provide a few general comments:</p> <p><b>The Community</b></p> <p>As part of the community consultation process the council and Screen NSW should in future improve the quality of the information that is supplied to the ratepayers, public and the press regarding the benefits of these films. The ratepayers would be interested in being provided with details of exactly how much the council was compensated by the film company for the time and effort put in by all the various council officers and employees involved. Council never did provide figures on the 2017 film.</p> <p><b>The Environment</b></p> <p>It would be helpful, in the interest of transparency, for the council to actually provide the ratepayers/public with details of an independent (non-government department) Environmental Assessment.</p> <p>Perhaps for any future film sets the DA process could be made clearer as it appears there is one set of rules for big business, and another for the ratepayers.</p> <p>Presumably with the new clause in the film protocol regarding stopping "motorised vehicles" from accessing the beaches it will also apply to tractors, front end loaders, cranes, generator</p> | <p>Submission acknowledged via email 5 October.</p> <p>The area has been defined to include the Crown Lands that form Hastings Point specifically. This area demonstrates the significant areas necessary for environmental and cultural preservation.</p> <p>This policy requires an extensive level of consultation that goes beyond what is required in other areas of NSW. It should remain the responsibility of the producers. However this Policy requires that Council be involved in providing input into the content of the message to the community.</p> <p>This Policy is a Local Policy under the Local Government Act. Policy relating to land uses comes under the Environmental Planning and Assessment Act.</p> |

| No | Public Submission Summary  | Officers Comment  |
|----|--|---|
|    | <p>trucks, etc. such as the last film company took down on to the beach? If it doesn't, it should.</p> <p>If Council is going to approve these high impact film sets in a sensitive environmental area they do need to be monitored properly. Perhaps there could be more detail added to the protocol regarding this.</p> <p>Finally, the areas around Hastings Point including the headland are a sensitive and irreplaceable environment that is slowly being degraded. Unfortunately, film sets will still be built there, but hopefully in the future at least some of the Tweed Shire councilors and staff will see it as something more than just a money-making exercise for a few at the expense of the majority and not sell the place out as they did with the last high impact film.</p> <p><b>General</b><br/>Comments were made specific to the 2017 filming activities which were not included in this summary.</p> | <p>After a review of Council's Beach Vehicle Access Policy it is recommended that reference to motorised vehicles be included in this Policy. It is the most appropriate place to express restrictions on vehicle types and uses on Tweed Beaches generally. A request has been forwarded to Council's responsible officer of the Beach Vehicle Permit Policy to incorporate these amendments.</p> <p><b>General</b><br/>Council officers have previously responded to the queries raised on the 2017 filming activities.</p> |

| No | Councillor Submission Summary  | Officers Comment  |
|----|--|---|
| 6  | <p>Provided that total filming activity is for fewer than 30 days per year, no Development Application is required?</p> <p>Construction: Certain temporary structures and alterations or additions to buildings or works are now exempt development where the development is for the sole purpose of filming. This will apply only for short-term filming projects where the development will not remain in place for more than 30 days within a 12-month period.</p> <p>This has still failed to clarify whether filming activity includes set construction periods or when the area is first fenced off or only the actual days of filming etc. Clarification was sought from the department during the 2017 filming on this topic. Can we please clarify this in the new protocol with the advice received from the department?</p> <p>Also, I note the current filming protocol states that when adverse community impacts are predicted, such as early/ late operating hours, then Council is encouraged to impose a condition requiring filmmakers to get written approval from affected residents and or businesses, see below:</p> <p>In circumstances where council feels an early start or late finish will adversely affect residents or businesses, they are encouraged to impose a condition requiring the filmmakers to get written approval from affected residents or businesses.</p> <p>Therefore would it be possible to include this requirement in the Community Engagement section of the Management protocol please?</p> | <p>No Development Application is required for filming on public or private land if filming is fewer than 30 days. However a Filming and Photography Application is to be completed for public land, but no formal application to Council is required for filming on private land.</p> <p>This Policy is a Local Policy under the Local Government Act. Policy relating to land uses comes under the Environmental Planning and Assessment.</p> <p>Further clarification is needed on the interpretation of Codes SEPP. This could be requested as part of the referral to the Office of Local Government, as it was previously not clear in the advice provided by the Department of Planning and Environment.</p> <p>In terms of the proposal to seek community agreement of any change of days taken, it is considered that prior consultation is appropriate, but it is not practical to achieve agreement of all affected residents as they may have varying views.</p> |

## **OPTIONS:**

That Council:

1. Forward this draft Policy to the Departmental Chief Executive of the Office of Local Government to be considered for adoption as a Filming Protocol in accordance with Section 119D of the Local Government Act.
2. Take no further action with this draft Policy, until the release of the updated Local Government Filming Protocol.

## **CONCLUSION:**

The NSW Government is strongly supportive of the screen industry and to that end has developed the Local Government Filming Protocol to ensure that *“New South Wales remains film friendly while maintaining a proper balance between community and economic concerns.”*

Filming in the Tweed is recognised as a significant driver and employer for the creative industries and offers a unique advantage for natural filming locations which range from dynamic mountain ranges, scenic rural vistas to reclusive beaches. However it wants to ensure the benefits of the Shire are maximised and that film producers consider their impact on the community, residents or businesses and that public safety and the environment is well protected.

## **COUNCIL IMPLICATIONS:**

### **a. Policy:**

Local Government Filming Policy, Version 1.0 *to be replaced with* Filming Policy, Version 1.0

Beach Vehicle Policy, Version 1.2

Community Strategic Plan 2017-2027

Tweed Shire Events Strategy 2016-2020

Tweed Shire Economic Development Strategy 2014

Tweed Shire Council’s Aboriginal Cultural Heritage Management Plan 2017

### **b. Budget/Long Term Financial Plan:**

Applicants are charged licence fees in accordance with the Local Government Filming Protocol and Council’s adopted Fees & Charges.

### **c. Legal:**

NSW Land Rights Act 1983

Local Government Act 1993

Filming Related Legislation Amendment Act 2008

Local Government Filming Protocol 2009

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

### **d. Communication/Engagement:**

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

The draft Filming Policy, Version 1.0 was placed on public exhibition for 28 days, commencing Tuesday 28 August, with submissions accepted for 42 days up until 9 October 2018. Five (5) public submissions and one Councillor submissions was received and are summarised in the body of the report.

The exhibition period of the draft Policy was advertised in the Tweed Link on 28 August and 11 September 2018, and a copy of the draft Policy was available from Council's website.

Following consideration by Council of the draft Filming Policy, Version 1.0, it is to be forwarded to the Departmental Chief Executive Office of Office of Local Government for consideration and adoption as a filming protocol under the Local Government Act 1993, Section 119D – Applicable filming protocol:

- “(1) For the purposes of this Division, the applicable filming protocol in relation to a council is:*
- (a) the filming protocol, issued by the Departmental Chief Executive under this section, as in force from time to time, or*
  - (b) if the council has adopted a filming protocol and it has been approved by order in writing by the Departmental Chief Executive—that filming protocol.*
- (2) The Departmental Chief Executive may, by order in writing, issue a filming protocol that includes any of the following:*
- (a) information about procedures for obtaining approvals for carrying out filming,*
  - (b) guidelines or heads of consideration to be taken into account by councils in determining applications for approvals made in a filming proposal,*
  - (c) codes of conduct for the carrying out of filming,*
  - (d) provisions for determining fees for an application, and fees and charges for services related to an application, made in a filming proposal,*
  - (e) any other matter related to filming.*
- (3) The Departmental Chief Executive must not approve a filming protocol adopted by a council unless the Departmental Chief Executive is satisfied that it is comparable to the filming protocol issued by the Departmental Chief Executive.*
- (4) Before issuing a filming protocol, or approving a filming protocol adopted by a council, the Departmental Chief Executive must consult with such persons or bodies as he or she considers appropriate for such period as he or she considers appropriate.*
- (5) Except as provided by sections 119B (2A) and 119C (2A), a filming protocol has no effect to the extent that it is inconsistent with an express provision of an Act or statutory instrument.”*

Further review of the Policy will need to be undertaken upon the release of the:

- Updated Local Government Filming Protocol; and
- Tweed / Byron Local Aboriginal Land Council (TBLALC) Hasting Point Headland Management Plan (underway)

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Draft Filming Policy, Version 1.0 (ECM 5465689)

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**13 [GM-CM] RFO2018127 Murwillumbah VIC Building Flood Restoration****SUBMITTED BY: Economic Development**

Valid

**People, places and moving around***Who we are and how we live***LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 3 People, places and moving around
- 3.1 People
- 3.1.5 Economic Development - To support the local economy and attract new business and employment to the Tweed.

**ROLE: Collaborator****SUMMARY OF REPORT:**

As part of the 2017 flood recovery works, the Murwillumbah Visitor Information Centre (in Budd Park / Alma St) was approved by Council Resolution (26 October 2017) to be reinstated.

The proposed works are insurance related and a portion of funding for the work will be provided by Council.

Council staff proceeded to tender for the reinstatement of the building under RFO2018041 which was advertised on 15 May 2018 and closed on 6 June 2018.

At the time of closing RFO2018041, two Offers were received. The Offered prices for the scope of works were deemed to not offer value for money and were more than the allocated budget for the works as detailed in Councils Resolution to reinstate the Murwillumbah Visitor Information Centre.

After discussions between Council's Contracts, Building Development and Environmental units, it was realised the scope of works may not be the best redevelopment outcome as there are some flaws in accessibility and amenities when assessed against the buildings intended use and current building codes and standards.

Alternative options and redesign work commenced and the process of modifying the scope of work/design drawings was finalised on 20 Sept 2018. The revised scope was drafted to address the accessibility and amenity issues initially identified. The scope of works is now within the required budget.

Post Tender negotiations via a revised Offer RFO2018127 was issued to all parties that bid for RFO2018041. The new request for offer was issued on 20 September 2018 and closed on 10 October 2018. At the time of closing RFO2018127, two Offers were received.

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



**RECOMMENDATION:**

**That in respect to Offer RFO2018127 Murwillumbah VIC Building Flood Restoration:**

- 1. Council awards a contract to Desire Contractors Pty Ltd ABN 77 167 694 055 for the amount of \$229,052.50 (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 mid contract and finalisation of the contract.**
- 3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.**

## REPORT:

### Offer Background

As part of the 2017 flood recovery works, the Murwillumbah Visitor Information Centre (in Budd Park / Alma St) was approved by Council Resolution (26 Oct 2017) to be reinstated. The proposed works are insurance related and a portion of funding for the work will be provided by Council.

### Offer Advertising/Distribution

The Offer was originally invited as RFO2018041 in accordance with the provisions of the Local Government Act 1993, the NSW Local Government (General) Regulation 2005 and the Tendering Guidelines for NSW Local Government.

The Offer was officially advertised in The Sydney Morning Herald on Tuesday 15 May 2018 and also in Tweed Link 14 May 2018.

### Offer Addendums

There was 1 Offer Addendum (Notice to Bidders) issued on 17 May 2018 to advise that:

Reissued Drawing Set 2018041 OTH60 Prelim Set (created 15/05/2018)

- Sheet 013 updated to show Electrical and Data for Western end of Building
- Sheet 014 updated to show Indicative Lighting for Western end of Building

Reissued Price Schedule to replicate drawing amendments and rectify some omissions.

- Numbering of Items fixed
- Added Lighting Lump Sum Item
- Item 11.5 Painting of Internal Ceilings amended to include entire building ceiling and exposed trusses and frames

### Offer Submissions

Offer submissions closed at 4:00pm (local time) on 6 June 2018 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

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

| Bidder                     | ABN            | Offered Amount (incl GST) |
|----------------------------|----------------|---------------------------|
| Desire Contractors Pty Ltd | 77 167 694 055 | Confidential Information  |
| Hucks Building Pty Ltd     | 40 066 415 085 |                           |

### Offer Evaluation Panel

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

| Position  |
|---|
| Project Manager - Contracts                                 |
| Foreman - Construction Recreation Services                  |
| Senior Building Surveyor, Building and Environmental Health |

### Post Offer Correspondence

The Offered prices received on 6 June 2018 for the scope of works were deemed to not offer value for money and were more than the allocated budget for the works as detailed in Councils Resolution (26 Oct 2017) to proceed to reinstate the Murwillumbah Visitor Information Centre.

After discussions between Councils Contracts, Design, Building and Environmental Health units it was realised the scope of works may not be the best redevelopment outcome as there were some issues with accessibility and amenities when assessed against the buildings intended use and current building codes and standards.

Alternative options and redesign work commenced and the process of modifying the scope of work/design drawings was finalised on 20 Sept 2018.

The revised scope of work / redesign provides a facility that will be more accessible by having the floor space all at one level, there was also a lot of work to redesign the amenities to ensure they comply with the current building standards based on the intended usage and occupancy of the building.

A public meeting room is also incorporated into the design, this room will be able to incorporate the installation of the Caldera Panoramic Artwork curated by Local Artist Andy Reimanis. The Panorama was created in 2012 to be publicly accessible and provide an alternative visual experience to the actual climb to the summit of Wollumbin (and its associated cultural sensitivities).

The revised Offer labelled as RFO2018127 was issued to all parties that bid for RFO2018041. The new request for offer was issued on 20 Sept 2018.

Offer submissions for RFO2018127 closed at 4:00pm (local time) on 10 Oct 2018 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

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

| Bidder                     | ABN            | Offered Amount (incl GST) |
|----------------------------|----------------|---------------------------|
| Desire Contractors Pty Ltd | 77 167 694 055 | Confidential Information  |
| Hucks Building Pty Ltd     | 40 066 415 085 |                           |

### Evaluation Criteria

Offers were evaluated as per the Offer Evaluation Plan for RFO2018041 dated 5 June 2018.

### Evaluation Discussion

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

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

Accordingly, disclosure of the information is not in the public interest.

### Recommendation

It is recommended that the Offer for RFO2018127 Murwillumbah VIC Building Flood Restoration from Desire Contractors Pty Ltd ABN 77 167 694 055 be accepted to the value of \$229,052.50 excluding GST.

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

**OPTIONS:**

That Council:

1. Awards a contract for RFO2018127 Murwillumbah VIC Building Flood Restoration to Desire Contractors Pty Ltd ABN 77 167 694 055 for the amount of \$229,052.50 (exclusive of GST). And grants delegated authority to the General Manager to approve appropriately deemed variations to the contract and those variations be reported to Council at mid contract and finalisation of the contract.
2. Declines to accept any of the Offers, including reasons for this course of action in accordance with Regulation 178 of the Local government (General) Regulation 2005).

**CONCLUSION:**

It is recommended that the Offer for RFO2018127 Murwillumbah VIC Building Flood Restoration from Desire Contractors Pty Ltd ABN 77 167 694 055 be accepted to the value of \$229,052.50 excluding GST.

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

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Procurement Policy v1.7  
Local Government (General) Regulations 2005.

**b. Budget/Long Term Financial Plan:**

Provision for Contract RFO2018127 Murwillumbah VIC Building Flood Restoration is included in the 2018/2019 Budget.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*(Confidential)* Attachment 1. RFO2018127 - Offer Evaluation Report (ECM 5625005).

*(Confidential)* Attachment 2. RFO2018127 - Offer Evaluation Scoring Sheet (ECM 5624893).

## REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

### ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - Section 4.15 Evaluation

(1) **Matters for consideration—general**

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:
  - (i) any environmental planning instrument, and
  - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
  - (iii) any development control plan, and
  - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
  - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
  - (v) any coastal zone management plan (within the meaning of the *Coastal Protection Act 1979*),that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations, (e) the public interest.

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

(2) **Compliance with non-discretionary development standards—development other than complying development.**

If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:

- (a) is not entitled to take those standards into further consideration in determining the development application, and
- (b) must not refuse the application on the ground that the development does not comply with those standards, and
- (c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards,

and the discretion of the consent authority under this section and section 4.16 is limited accordingly.

- (3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:
- (a) subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and
  - (b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

**Note.** The application of non-discretionary development standards to complying development is dealt with in section 4.28 (3) and (4).

(3A) **Development control plans**

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

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

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

(4) **Consent where an accreditation is in force**

A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the *Building Code of Australia* if the building product or system is accredited in respect of that requirement in accordance with the regulations.

- (5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).

(6) **Definitions**

In this section:

- (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and
- (b) **non-discretionary development standards** means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

14 [PR-CM] Draft Tweed Shire Council Animal Pound - Rehoming and Minimising Euthanasia Policy

SUBMITTED BY: Development Assessment and Compliance

mhm



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

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 3 People, places and moving around
- 3.1 People
- 3.1.4 Compliance Services - To support a safe and healthy built and natural environment through the enforcement of local government rules and regulations.

**ROLE:** **Provider**

**SUMMARY OF REPORT:**

**Updated Summary since 25 October 2018**

At its meeting on 25 October 2018 Council resolved as follows:

*"that this item be deferred for consideration at the Council meeting on 15 November 2018."*

This report is again submitted to Council for determination.

**Updated Summary since 6 September 2018**

Council at its Planning Committee meeting held 6 September 2018 resolved as follows:

*"that this item be deferred to be considered at the next meeting of the Council to be held 25 October 2018."*

The report is now referred back to Council for consideration and determination.

**Original Summary of report**

Following earlier enquiries from The Mayor regarding the current rates of euthanasia of companion animals in Council's Animal Impounding Facility (The Pound) at Stotts Creek, the Director Planning and Regulation and Compliance Unit staff have been investigating recent best practice of other councils in terms of strategies to increase opportunities for the rehoming and to minimise the incidence of euthanasia among those impounded animals. This has led to some very productive consultation meetings between Council staff, The Mayor and representatives from the Friends of the Pound (FoP). It has also been positive in terms of reviewing current Pound procedures.

Our research found that Tweed's rate of euthanasia of companion animals rates compares relatively well with other NSW Councils, and across the general industry. However, it was acknowledged that there are a proportion of those euthanised animals which may be able to be saved through a tightening up of Pound procedures and approach, including a more proactive communication with rescue and welfare organisations for those animals who have only failed assessments on the basis of non-life threatening, behavioural conditions.

It is therefore recommended that Council endorse the public exhibition of the attached Draft Tweed Shire Animal Impounding Facility (The Pound) - Rehoming and Minimising Euthanasia Policy.

It is expected that any new Policy can readily be adapted should the proposed new Pound/Rehoming Centre development.

**RECOMMENDATION:**

**That:**

- 1. Council endorses the public exhibition of the attached Draft Tweed Shire Animal Impounding Facility (The Pound) Rehoming and Minimising Euthanasia Policy be placed on public exhibition 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; and**
- 2. A further report be brought back to Council following the public exhibition.**



## **REPORT:**

### **BACKGROUND:**

#### **Initial Enquiries on Companion Animal Euthanasia Rates**

Following earlier enquiries from The Mayor regarding the current rates of euthanasia of companion animals in Council's Animal Impounding Facility (The Pound) at Stotts Creek, the Director Planning and Regulation and Compliance Unit staff have been investigating recent best practice of other councils in terms of strategies to increase opportunities for the rehoming and to minimise the incidence of euthanasia among those impounded animals. This has led to some very productive consultation meetings between Council staff, The Mayor and representatives from the Friends of the Pound. It has also been positive in terms of reviewing current Pound procedures.

Our research found that Tweed's rate of euthanasia of companion animals compare relatively well with other NSW Councils, and across the general industry. However, it was acknowledged that there are a proportion of those euthanised animals which may be able to be saved through a tightening up of Pound procedures and approach, including a more pro-active communication with rescue and welfare organisations for those animals who have only failed assessments on the basis of non-life threatening, behavioural conditions.

#### **Relevant Legislation**

All NSW Councils are bound to manage the humane treatment of companion animals through several significant forms of legislation.

The first is the Prevention of Cruelty to Animals Act 1979 (POCTA). This Act primarily applies to a broader community obligation to respect the rights and welfare of all animals and to treat them in a humane way. POCTA is generally administered with the highest authority by the Royal Society for the Prevention of Cruelty to Animals (RSPCA) and NSW Police. Councils generally play a support role for these agencies in any complaints or investigations into offences under POCTA, in addition to their general companion animal regulation activity.

The other legislation which affects NSW Councils more directly are the Companion Animals Act 1998, the Companion Animals Regulation 2008, and the Impounding Act 1993. The NSW State Government's Office of Local Government also provides a strong direction to NSW Councils on the implementation of this legislation through a series of regular policy directives and circulars, and the management of a centralised data base for the collection of companion animal activity, registration and performance across all councils.

In terms of the above legislation and policies, the main statutory obligations for Councils to perform are summarised below:

- Provision for an animal holding facility that provides temporary shelter and care for animals seized by Council Rangers or surrendered by members of the public.
- Investigate complaints regarding roaming dogs, cats, livestock and dog attacks. In exercising their powers, Council Rangers either attempt to return the animals to their owners, or impound them.

For those animals that are surrendered or impounded, Councils have an obligation to care for them, and seek to rehome the animals where possible. Unfortunately there will be circumstances where some animals will be unsuitable for rehoming due to being aggressive, significantly injured or feral. The Companion Animals Act prohibits the sale of an animal declared or proposed to be declared a restricted breed or dangerous dog or menacing dog. This prohibition extends to the sale, adoption, rescue or rehoming of these animals.

For those animals assessed as unsuitable for rehoming, the legislation provides Councils with directions on the humane euthanasia of the animals. There are also related veterinary codes and standards of practice that guide these procedures. Both qualified vets and Council officers with appropriate levels of training are prescribed authority to carry out the procedures. The main circumstances and statutory timeframes that provide this option for Councils are as follows:

- A companion animal that is surrendered can be euthanised without any holding period in a Council pound.
- A companion animal which has been microchipped and has been impounded must be held for a minimum period of 14 days before they can be euthanised.
- A companion animal which has not been microchipped and has been impounded must be held for a minimum period of 7 days before they can be euthanised.
- There are instances of extreme injuries or animal conditions which necessitate the emergency euthanasia of animals.

Section 64(2) of the Act outlines that feral and infant companion animals may be destroyed prior to the standard holding period in accordance with any adopted Council policy. Tweed Council currently does not have a separate adopted Feral & Infant Animals Policy.

Feral companion animals are generally received in a poor condition, are difficult to handle and accommodate and are not suitable to be re-homed. Caging feral companion animals causes stress on the animal.

Infant companion animals require vast amounts of resources and time to raise, have a low resistance to diseases and are generally unlikely to survive being impounded.

This Policy authorises the humane euthanasia of feral or infant companion animals prior to the standard holding period if it is based on advice provided by a veterinarian.

In relation to feral animals Section 64 of the Companion Animals Act states:

*"In accordance with any policy that has been adopted by the council in relation to the management of feral or infant companion animals, destroy the seized or surrendered animal concerned before the end of any such period referred to in subsection (1), which relates to the legislative impounding period.*

*Accordingly in accordance with Council policy any feral animal that has been brought to the pound should be euthanised as soon as possible after it has been impounded."*

The legislation also requires Councils to prepare a Companion Animals Management Plan (CAMP) to provide a strategic overview of their roles and responsibilities, as well as to establish more proactive measures to promote the responsible and humane care of companion animals, through programs such as microchipping, registration, desexing, environmental protection and community health and wellbeing. Tweed Council first adopted its CAMP in 2010, and subsequent review in 2013.

### **Tweed Council's Companion Animal Regulatory and Care Actions**

Tweed Shire Council has been one of the more proactive of North Coast Councils in recent decades in companion animal promotion and care.

### **Council's Current Animal Impounding Facility (The Pound) Operations**

The subject site has a legal description of Lot 1 DP 590220 Bartletts Road Eviron. The site currently contains a series of single storey, inter-connecting buildings that accommodate the administrative office, stores and animal cage facilities, and animal exercise yards. The Pound is serviced by a formalised, hard stand car park, consisting of approximately 16 spaces.

The site is adjoined by Council's Stotts Island Landfill Facility, a private quarry, and agricultural land.

All available utilities are connected to the site.

The site is relatively low-lying and is subject to flooding in periods of major rain events.

Pound operations for dogs and cats commenced on current site in 1960s.

More substantive building structures and extensions were advanced through DAs in 1989, 2001 and 2005.

The Pound has evolved as both an impounding centre as well as a re-homing centre, in conjunction with the not-for-profit organisation, Friends of the Pound (FoP), who commenced activity at the Pound in July 2000.

FoP has a primary purpose to re-home animals, and provides volunteers to assist Council Pound Attendants in the general care of animals and cleaning of the facility.

It also provides direct services and education of the public in desexing, microchipping and registration of animals.

A good working relationship has been established with Council through a Memorandum of Understanding.

The Pound is open to the public between 10.00am and 4.00pm all days except public holidays.

The Pound is only suitable for the impounding of dogs cats and other small animals abandoned or surrendered in the Tweed Shire.

## **Proposal for a New Pound and Rehoming Centre**

Council staff are currently working on a proposal to relocate Council's existing Animal Pound facilities at Stotts Creek and to develop a new Council Pound and Rehoming Centre on an alternative site of another nearby Council owned property identified as Lot 1 DP 34555, No. 719 Eviron Road, Eviron.

The opportunity for this proposal has arisen as a result of Council's Waste Unit Masterplan process for the Stotts Creek Resource Recovery Centre (SCRRC) that will provide guidance on future development of the entire site. As part of a program of works identified through the Masterplan process, the relocation of the current Animal Pound facilities is required prior to a significant number of the early works being able to commence.

The property at No. 719 Eviron Road is considered to have a number of significant superior site location advantages when compared to the current Pound site, which is a major safety and liability risk in terms of its deteriorating state of buildings and services, susceptibility to being cut off from access during major weather and flood incidents, as well as its general incompatibility of safety and welfare for both Council staff and volunteers and the impounded animals, as well as poor access and amenity for the public visiting the site.

The new alternative site is located in a much higher position (mostly flood free) and rural setting, and provides a great opportunity to provide a more contemporary and functional facility to accommodate both Council's companion animal regulatory service, as well as an enhanced rehoming centre for Council's not-for-profit partner, Friends of the Pound (FOP), who have provided an important volunteer assistance to the day-to-day running of the existing Pound and care for the animals over several decades.

Council is interested in establishing a co-located Council Pound/FOP Rehoming Centre facility similar to that operated by the Gold Coast City Council and the Australian Welfare League Queensland at Coombabah.

Funding is being sought to cover the full range of approvals, construction and project management to the point of hand over to Council of the new facility.

## **Council's Current Euthanasia Procedures and Recent Rates of Rehoming**

Council has been guided by the broader strategic direction of its Companion Animal Management Plan. The Plan was first adopted by Council on 16 March 2010, and has been the subject of a further adopted update on 20 June 2013.

At an operational level, Council's Compliance Unit has developed a series of internal procedures documents to guide the day-to-day management of its Companion Animal responsibilities and actions.

The main procedure relating to the Unit's rehoming and euthanasia activities is provided in the extract below:

## **“6. Euthanasia Procedure**

*Unfortunately any animal that is deemed not suitable to be re-homed for purposes associated with their behaviour and/or the health of an animal will be euthanised. Pound attendants are required to provide information relating to their observations associated with an animal to the senior pound attendant. The final determination on an animal remains the responsibility of the Team Leader Compliance, Senior Ranger, Impounding Officer or Veterinarian.*

*Documents relating to an animals temperament may include statements from the public, investigations and information provided by Rangers or a surrender form submitted by the owner.*

*The euthanasia of animals is to be performed ONLY by authorised officers or veterinarians and the storage, recording and safe keeping of any drugs and chemicals associated with the facility is the responsibility of the Senior Ranger of Impounding Officer.*

### **a) Assessment**

*Prior to any animal being made available for sale it is vet checked and temperament assessed. The health assessment is in accordance with Part 5 (c) of this manual. Types of behaviour that Council deem inappropriate by an animal for re-homing are as follows:*

*Dog:*

- *Nuisance behaviours such as:*
  - *continually escaping from a yard that is secure for dogs*
  - *continually barking which effects the amenity of the neighbourhood*
- *The killing of another animal*
- *Aggressive behaviour*
- *An attack/bite on a person*
- *Feral dog*

*Cat:*

- *Feral cat/semi-feral cat*

*The semi-feral cat is a cat that is not owned by any one individual, but is generally friendly to people and may be fed by several households. Feral cats are associated with human habitations and may be fed by people or forage in rubbish, but are wary of human interaction.*

### **b) Feral Animals**

*In relation to feral animals Section 64 of the Companion Animals Act states:*

*"In accordance with any policy that has been adopted by the council in relation to the management of feral or infant companion animals, destroy the seized or surrendered animal concerned before the end of any such period referred to in subsection (1), which relates to the legislative impounding period.*

*Accordingly in accordance with Council policy any feral animal that has been brought to the pound should be euthanised as soon as possible after it has been impounded.*

*Council has developed these guidelines and policy to help ensure that only animals deemed suitable by Council officers are released back into the community so that public safety and amenity are maintained."*

In terms of administering these procedures, Council has two contracted local veterinary firms who attend Council's Pound on a weekly basis (alternating weeks) to conduct animal health checks, and perform euthanasia procedures when required.

In terms of accountability of rates of rehoming and euthanasia of impounded animals, NSW Councils must enter details of all animals through the NSW Office of Local Government's Companion Animals Register. Whilst the annual results of all council's performance are published on the Office's web site, there has been very limited analysis of comparative performance or benchmarking.

As part of the consultation on the most recent announcement of the review of the Companion Animals Regulation 2008, the NSW Office of Local Government has included a Regulatory Impact Statement (dated 13 March 2018), which does provide some more up-to-date, state-wide data on the composite activities of NSW Councils for the period of 2008 to 2016, including the number of companion animal rehoming euthanasia activity (dogs and cats), restricted breeds and dangerous dogs, reported dog attacks, and animal registration and microchipping.

Drawing from the tables of rehoming/euthanasia rates in the above RIS document, for the year 2015/16, and as a composite of all NSW Councils, the rates of euthanasia as a proportion of all animals impounded were as follows:

Dogs – 18.79%

And

Cats – 45.36%

From an on-line desktop research, the following other comparative analysis has been undertaken for NSW Councils:

***Getting 2 Zero Web Site – "The Benefits of Council Funding Co-operative Desexing Programs"***

*"In NSW, the only state that has gathered and published its state-wide Council figures, and over 60% of impounded and surrendered cats have been euthanised for many years.*

*However, Gold Coast City Council has more than halved its cat euthanasia rate over the last 10 years to 15% of all incoming cats for the whole city of over half a million people.*

*Desexing is more effective than focussing on registration and microchipping. NSW State Pound data has demonstrated that long term compulsory registration and microchipping alone have not significantly reduced the proportion of cats euthanised in NSW. On average, 64% of cats were euthanised in NSW in 2010/11, a reduction of less than 4% since 2005/06."*

**Dian Chuw Kim Hoon, School of Veterinary Science, University of Queensland, "The Unwanted Dog and Cat Problem in Australia":**

*From the NSW Office of Local Government web site reporting, the average rate of euthanasia among all impounded animals in NSW in 2010/11 were: 28.2% for dogs and 64% for cats.*

In benchmarking these statistics, Tweed Council has performed very well in recent years. The contributors to Tweed's favourable results have been the establishment of an excellent Pound facility, the volunteer assistance and rehoming services provided by the Friends of the Pound, and a dedicated and well trained Pound and Ranger staff.

The tables provided below indicate a breakdown of the rehoming and euthanasia activity of Council in since 2010/11 for both dogs and cats.

#### Rehoming and Euthanasia Rates for Impounded Dogs

| YEAR    | TOTAL | RESTRICTED | DANGEROUS | UNSUITABLE | UNABLE TO REHOME | OWNER REQUEST | ILLNESS/ SICK | FERAL/ INFANT | TOTAL EUTH | TOTAL EUTH % | COUNCIL CONTROLLED EUTH % |
|---------|-------|------------|-----------|------------|------------------|---------------|---------------|---------------|------------|--------------|---------------------------|
| 2017/18 | 410   | 0          | 0         | 42         | 0                | 22            | 12            | 5             | 71         | 17.3         | 10.2                      |
| 2016/17 | 571   | 0          | 0         | 101        | 0                | 12            | 1             | 2             | 116        | 20.3         | 17.0                      |
| 2015/16 | 588   | 0          | 0         | 115        | 0                | 11            | 3             | 2             | 131        | 22.2         | 19.5                      |
| 2014/15 | 637   | 0          | 0         | 92         | 0                | 21            | 9             | 3             | 125        | 19.6         | 14.4                      |
| 2013/14 | 635   | 0          | 0         | 88         | 0                | 7             | 2             | 0             | 97         | 15.3         | 13.8                      |
| 2012/13 | 679   | 3          | 0         | 77         | 0                | 15            | 7             | 0             | 102        | 15.0         | 11.3                      |
| 2011/12 | 664   | 2          | 2         | 98         | 0                | 31            | 0             | 0             | 133        | 20.0         | 14.7                      |
| 2010/11 | 504   | 1          | 2         | 74         | 1                | 27            | 1             | 0             | 106        | 21.0         | 14.6                      |

#### Definition of Titles

**Unsuitable** – temperament - cannot be handled, aggressive, fence jumper, incident at the pound (attack) and not fit for sale (birth defect or sever injury and Friends of the Pound can't rehome or other rescue groups). Decision to euthanise animal is made by Council staff and the veterinarian undertaking vet check, based on criteria within a Council procedure.

**Unable to rehome** - unable to sell or rehome with Friends of the Pound or other rescue groups.

**Owner Request** - Owners tick the "euthanased" box on the Surrender Form (generally as a result of an incident).

Rehoming and Euthanasia Rates for Impounded Cats

| YEAR      | TOTAL | RESTRICTED | DANGEROUS | UNSUITABLE | UNABLE TO REHOME | OWNER REQUEST | ILLNESS/ SICK   | FERAL/ INFANT   | TOTAL EUTH | TOTAL EUTH % | COUNCIL CONTROLLED EUTH % |
|-----------|-------|------------|-----------|------------|------------------|---------------|-----------------|-----------------|------------|--------------|---------------------------|
| 2017/18   | 291   | 0          | 0         | 25         | 0                | 2             | 21              | 12              | 60         | 20.61        | 8.59                      |
| 2016/2017 | 236   | 0          | 0         | 43         | 1                | 2             | 14              | 22              | 82         | 34.74        | 18.22                     |
| 2015/2016 | 247   | 0          | 0         | 58         | 0                | 2             | 6               | 20              | 86         | 34.81        | 23.48                     |
| 2014/2015 | 204   | 0          | 0         | 20         | 0                | 0             | 17              | 16              | 53         | 25.98        | 9.80                      |
| 2013/2014 | 253   | 0          | 0         | 39         | 0                | 3             | 7               | 22              | 71         | 28.06        | 15.41                     |
| 2012/2013 | 192   | 0          | 0         | 32         | 0                | 1             | 10              | 20              | 63         | 32.81        | 16.66                     |
| 2011/2012 | 223   | 0          | 0         | 80         | 0                | 2             | not broken down | not broken down | 82         | 36.77        | 35.87                     |
| 2010/2011 | 294   | 0          | 0         | 86         | 0                | 8             | not broken down | not broken down | 94         | 31.97        | 29.25                     |

**Definition of Titles**

**Unsuitable** – temperament - cannot be handled, aggressive, incident at the pound (scratching/biting) and not fit for sale (birth defect or severe injury and Friends of the Pound can't rehome). Decision to euthanise animal is made by Council staff and the veterinarian undertaking vet check, based on criteria within a Council procedure.

**Unable to rehome** - unable to sell or rehome with Friends of the Pound.

**Owner Request** - Owners tick the "euthanased" box on the Surrender Form (generally as a result of age or temperament).

**Emerging Policy Trends in the Companion Animals Field**

A number of NSW Councils have begun adopting new policies and practices on emerging international and national policy programs aimed at reducing the rates of euthanasia among impounded animals.

Two of the more prominent movements have been "No Kill" and "Getting 2 Zero".

Camden Council adopted a "No Kill" policy in 2016. In a report to Council, it was stated that:

*"A "No Kill" shelter is defined as an animal shelter that does not kill healthy or treatable animals and where euthanasia is reserved for terminally ill animals or those considered dangerous to public safety.*

*A number of community change movements exist promoting a move to "No Kill" philosophy. An example includes "Getting 2 Zero". The philosophy of "Getting 2 Zero" is that 90% of impounded or surrendered animals are to be rehomed. "Getting 2 Zero" acknowledges that a percentage of animals (up to 10%) are not suitable for rehoming due to illness, behavioural problems and a poor prognosis of rehabilitation.*



*A number of organisations have resolved to become “No Kill” facilities. This commitment is to make every effort to adopt all re-homable animals. Examples of organisations making this commitment include Liverpool Council and the Animal Welfare League of NSW. Other councils working towards this goal include the City of Greater Geelong, Gold Coast City Council, Moorabool Shire Council, Fraser Coast Shire and Greater Shepparton City Council.”*

Camden Council's current responsible pet ownership program initiatives include:

- *“Responsible Pet Ownership program aimed at educating children and residents on the importance of microchipping and name tags on animals;*
- *Independent breed and temperament assessment of impounded animals believed to be dangerous/aggressive/restricted;*
- *Council officers attempt to return stray dogs and cats home if microchipped and registered rather than impounding;*
- *Offer of free name tags for all animals released;*
- *Working with approximately 30 rescue organisations to rehome animals that haven't been adopted;*
- *Subsidised de-sexing program to reduce the number of unwanted animals;*
- *Free microchipping days for dogs and cats;*
- *Bus advertising and regular educational days at schools and local events;*
- *PAWS in the PARK - an annual event raising awareness of responsible pet ownership; and*
- *Development and distribution of information books on responsible pet ownership.”*

The report to Council also states that:

*“In addition to Council's current responsible pet ownership program, additional initiatives being considered or implemented to minimize the number of animals entering the animal holding facility and further increase the re-homing of impounded animals include:*

- *The recent appointment of a dedicated Camden Council Companion Animal Ranger who will work at the Campbelltown Council Animal Care Facility to oversee the re-homing and care of Camden animals and provide enrichment;*
- *Flexible pricing options for impounded animals to encourage adoption, particularly for those animals that have been in the facility for extended periods of time;*
- *Obtaining detailed information from owners wishing to surrender their animal to ensure the animal is adopted out to a suitable family;*
- *Provision of exercise yards that are friendly and stimulating for the animals;*
- *Media releases for animals held longer than the mandatory holding periods;*
- *Creating information packages on adoption of an animals;*
- *Ensuring the provision of sufficient kennels and cattery enclosures to allow suitable animals to be kept an extended period of time until they are rehomed;*

- *Holding impounded animals for extended periods of time until sale or re-homing is achieved (this excludes animals deemed to be unsuitable for re-homing -- eg. dangerous, restricted, aggressive, significantly sick or injured).*

*It is also proposed that Council develop a policy to establish clear guidelines on whether an animal is suitable for rehoming and to assist in decision making and transparency. The policy would be developed in consultation with Council's Companion Animal Advisory Committee and would require an independent assessment by a suitably qualified assessor to determine the suitability for re-homing of an animal considered aggressive or restricted."*

### **Discussion of Strategies Suited to Tweed Council's Companion Animal Management**

It is important that Tweed Council consider any emerging and innovative companion animal practices with a view towards ensuring that the organisation meets its current regulatory, probity, risk management and industrial relations obligations, as well as having adequate resourcing and expertise to implement these practices.

Prior to further investigating revised practices, further consultation sessions were held with relevant staff, The Mayor and FoP, posing the following range of issues:

- What are the potential range of opportunities and constraints in the new Pound/Rehoming Centre redevelopment proposal?
- What are the opportunities within the proposed expressions of interest process for Council's contracted veterinary services? Is it feasible to extend these services to behavioural assessments?
- What aspects of Council's current Euthanasia Procedure needs to be reviewed? Can this be extended to address those instances of injured animals which are yet to be impounded by Council?
- What elements of proactive action does Council need to take in terms of community education of responsible pet ownership, discount desexing, microchipping and registration?
- Any other ideas?

There was general agreement from these consultations of the scope to reduce current euthanasia rates at Council's Pound, primarily through a review and tightening up of Pound procedures and approach, including a more pro-active communication with rescue and welfare organisations for those animals who have only failed assessments on the basis of non-life threatening, behavioural conditions.

It was also considered that these changed procedures could be best be supported and promoted through a new Council Policy, as provided in Attachment 1 of this report.

It is therefore recommended that Council endorse the public exhibition of the attached Draft Tweed Shire Council Impounding Facility (The Pound) Rehoming and Minimising Euthanasia Policy.

It is expected that any new Policy can readily be adapted should the proposed new Pound/Rehoming Centre development proceed.

**OPTIONS:**

1. That Council endorse the public exhibition of the Draft Tweed Shire Council Animal Impounding Facility (The Pound) Rehoming and Minimising Euthanasia Policy; or
2. That the matter be deferred for further information.

Option 1 is recommended.

**CONCLUSION:**

Following a detailed review of contemporary practice, it was found that the rate of euthanasia of companion animals at Council's Animal Pound compared relatively well with other NSW Councils, and across the general industry. However, it was acknowledged that there are a proportion of those euthanised animals which may be able to be saved through a tightening up of Pound procedures and approach, including a more pro-active communication with rescue and welfare organisations for those animals who have only failed assessments on the basis of non-life threatening, behavioural conditions.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

It is proposed that once adopted, this Policy will replace an existing internal procedure document.

**b. Budget/Long Term Financial Plan:**

There are no budgetary impacts anticipated for this process.

**c. Legal:**

The relevant statutory framework for this Draft Policy is:

Prevention of Cruelty to Animals Act 1979 (POCTA). Local Government Act 1993  
Companion Animals Act 1998  
Companion Animals Regulation 2008  
Impounding Act 1993

**d. Communication/Engagement:**

The public exhibition of the draft document will necessitate the following consultation actions under the Community Engagement Strategy:

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.

Draft Tweed Shire Council Animal Impounding Facility (The Pound) Rehoming and Minimising Euthanasia Policy (ECM 5474624)

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## 15 [PR-CM] Rural Land Strategy for Adoption

**SUBMITTED BY:** Strategic Planning and Urban Design

mhm

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Leaving a Legacy  
*Looking out for future generations*

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

**ROLE:** **Provider**

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### SUMMARY OF REPORT:

#### **Updated Summary at 25 October 2018**

At its meeting on 25 October 2018 Council resolved:

*"that this item be deferred for consideration at the next Council meeting on 15 November 2018."*

This report is again resubmitted for consideration.

#### **Original Summary of Previous Report**

At its meeting of 6 September 2018 Council resolved the following in respect of a further report on the draft Rural Land Strategy ("the Strategy"):

*"That this item be deferred to be considered at the next meeting of the Council to be held 25 October 2018."*

In determining this resolution, the Councillors requested that community members Mr. Douglas Jardine and Mr. David Hammill be invited to a Councillors Workshop to provide further feedback on the Draft Strategy and matters raised by Mr. Hammill in a Community Access Meeting prior to the 6 September meeting. This workshop was held on Thursday 11 October.

Discussion at the workshop focused primarily on strategies to address broader affordable housing and homelessness issues, with Mr. Jardine and Mr. Hammill putting forward the case for Council to support and expanded use of dual occupancy and secondary dwellings in rural zones. Council officers highlighted that this issue is addressed more broadly in the Strategy through support for further investigations into providing greater housing diversity in rural

areas, such as a widened permissibility of dual occupancy and secondary dwellings on certain sized rural lots, it is not a specific purpose of the Draft Strategy to resolve housing affordability in the Shire. There was no Council decision making that occurred at the Workshop.

This report also provides additional information in relation to a number of issues more recently raised by Council including:

- function centres in the RU2 Rural Landscape zone;
- processing and packaging hubs in RU1 Primary Production zone;
- open zones in the RU1 and RU2 zones, and
- secondary dwellings on lots greater than 10ha.

Refined actions relating to each of these points were developed in response to feedback received during community engagement for previous stages of the project which have been included in the final RLS document. While the intention of actions proposed in the Strategy have been to provide greater flexibility, in many cases, the RLS will not give immediate effect to those actions. Rather, their implementation would be the outcome of Council endorsed consideration of various land use investigations, guidelines and planning controls completed during the implementation phase of the Strategy.

The draft Strategy seeks to provide opportunities for innovation, diversification, and value-adding in Tweeds rural areas with the overarching objective of meeting the intent of the nine policy directions, including, protection of agricultural. While the nine policy directions previously adopted by Council provide clear intent for the future of rural land, it will be the role of the supplementing suite of land use investigations, guidelines and development controls that will give effect to those proposed actions.

Any amendments to the LEP or Tweed Development Control Plan 2008 (the DCP) will need to undergo the rigor of further technical assessment, community consultation, assessment through the Gateway process managed by the Department of Planning and Environment (for LEP amendments), and reports to Council for changes to both the LEP and DCP, providing further safeguards prior to a final resolution of Council.

In addition, it is proposed that an annual report be presented to Council through which implementation and impacts can be monitored, providing Council with the opportunity to consider refinements and further amendments to the Strategy.

Draft Tweed Rural Land Strategy 2036 is attached to this report and recommended for adoption.

## **RECOMMENDATION:**

**That:**

- 1. The Draft Rural Land Strategy (“Tweed Rural Land Strategy 2018-2036”) as attached to this report be adopted;**
- 2. An implementation plan (“Implementation Plan 2018/36”) be prepared and reported on annually;**

3. **Public notice of the Council's decision to adopt the *Tweed Rural Land Strategy 2036* and preparation and annual reporting of the *Implementation Plan 2018/36* is published in the Tweed Link; and**
4. **A copy of *Tweed Rural Land Strategy 2036* is made available to the Director-General of the Department of Planning and Environment or their delegate for endorsement in accordance with Section 9.1 (Ministerial Direction 1.2) of the *Environmental Planning and Assessment Act 1979*.**

## REPORT:

On 3 May 2018 Council resolved to defer a report on adoption of the “the Strategy” for a workshop with the Combined Tweed Rural Industry Association. A Councillor workshop was held on 15 June 2018.

A subsequent report was presented to the Planning Committee meeting held 5 July 2018 presenting the Strategy for adoption. Council resolved to defer the report for a workshop with the Department of Primary Industries (DPI).

A Councillor workshop was held with DPI on 18 July 2018, and an additional meeting was convened between DPI and Council officers on 1 August 2018.

A further report was presented to Council’s 6 September 2018 providing an update on discussion held with DPI and proposed that the Strategy be adopted.

At its meeting of 6 September 2018 Council resolved the following in respect of a further report on the draft Rural Land Strategy (“the Strategy”):

*“That this item be deferred to be considered at the next meeting of the Council to be held 25 October 2018.”*

In determining this resolution, the Councillors requested that community members Mr. Douglas Jardine and Mr. David Hammill be invited to a Councillors Workshop to provide further feedback on the Draft Strategy and matters raised by Mr. Hammill in a Community Access Meeting prior to the 6 September meeting. This workshop was held on Thursday 11 October.

This report also provides additional information in relation to a number of issues more recently raised by Council including:

- function centres in the RU2 Rural Landscape zone;
- processing and packaging hubs in RU1 Primary Production zone;
- open zones in the RU1 and RU2 zones, and
- secondary dwellings on lots greater than 10ha.

### Open zones

In response to concerns previously raised by Council about the use of the ‘open zone’ approach to increasing flexibility in the range of potential landuses in rural zones, the wording of this action was amended prior to exhibition in 2017 to read in Action 63:

*“Amend Tweed LEP 2014 to increase the range of permissible with consent landuses in the RU1 and RU2 zones”.*

The implementation outcome of this action is intended to be:

*“A greater diversity of landuses are made permissible with consent in Tweed LEP 2014, including small rural and related commercial and retail development. Innovation, value-adding and diversification of landuses consistent with the objectives of the zone, and planning provisions are supported. Potentially incompatible landuses are listed as prohibited in the LEP.”*



Issues raised in relation to the 'opening' of zones have been dealt with in prior versions of the Strategy which proposes that a review of the landuse table in the LEP be undertaken to consider options for increasing flexibility in the rural zones; no changes are proposed.

### **Objectives of zones, DCP provisions and planning assessment guidelines**

While concerns about the potential impacts of additional housing is acknowledged, the Strategy has proposed that concurrent with amendment of the LEP (making certain housing types permissible with consent) relevant planning controls will be prepared through amendments to Tweed Development Control Plan 2008 (DCP) and other supporting guidelines to ensure desirable planning, design, agricultural and environmental outcomes.

Any amendments to the LEP and DCP will require further technical assessment, review from the Department of Planning and Environment (for planning proposals seeking to amend the LEP), consultation with the community, and a range of government agencies prior to bringing a report to Council for further consideration.

In addition, this report proposes that an annual report of progress be presented to Council. Such a report would provide a further 'safeguard' and opportunity to review the implementation of the Strategy and associated impacts. Such a process would provide Council with the additional opportunity to consider refinements to actions, and further amendments to the Strategy. Council is at liberty to rescind, amend or add an action at any time.

### **Secondary dwellings and Dual Occupancy (detached)**

A secondary dwelling is defined as being of a floor area of not more than 60 square metres or 20% of the total floor area of the principle dwelling, and is often referred to as a 'granny flat'.

The concept of introducing secondary dwellings as permissible with consent in RU1 Primary Production and RU2 Rural Landscape zones were first raised in the early stages of the project by landowners who lived on relatively small holdings and did not wish to sell but wanted a 'live-in' resident to maintain the property (fences, roads, weed control, livestock etc.).

The approach proposed in the Strategy has been more conservative than that implemented by adjoining and other rural and regional councils who have chosen to make these landuses permissible with consent throughout their dominant rural zones.

By restricting secondary dwellings to allotments of at least 10 hectares, and dual occupancy (detached) to 40 hectares or more in the RU1 and RU2, a precautionary approach has been adopted in terms of minimising potential for land use conflict. Such an approach will allow further assessment and refinement with future updates of the Strategy.

### **The role of guidelines and development controls**

The Strategy, through facilitating production of guidelines and development controls, seeks to ensure that potential adverse impacts are considered and relevant controls are developed to ensure that these impacts are avoided, minimised or offset; for example, Action 86 proposes that:

*“Prepare planning objectives, principles, guidelines and development standards for the siting, design, appearance including identification of building envelopes and exclusion areas which protect the productive capability of the land, scenic amenity of the site or locality, and environmental values, consistent with the character of the locality, and where development does not hinder the proper and orderly development of urban areas, and does not create unreasonable or uneconomic demands for the provision of public infrastructure, amenities or services and other matters deemed appropriate for dwellings in rural Tweed.”*

In addition, it is proposed that a net environmental benefit be accrued from any approval to construct a dwelling, as mentioned in Actions 32 which reads:

*“Guidelines and assessment criteria are developed to quantify the extent of offsets required to compensate for the benefit of an additional house.”*

The details of these controls will be developed as part of the implementation stage of the strategy.

While under these changes a landowner may be able to lodge a development application for a secondary dwelling, it does not mean that a dwelling will be approved. As with other forms of development requiring consent proposed under the Strategy, the protection of agricultural land has been a guiding principle which will be considered when drafting local planning controls and requirements prior to making any changes to the LEP. In addition, consideration must be given to other site specific physical and planning constraints such as identified above (Action 86).

By way of example from other councils, the type of controls that might be included in an amended Tweed LEP could include:

- The development will not impair the use of the land for agriculture or rural industries, and
- Each dwelling will use the same vehicular access to and from a public road, and
- Any dwelling will be situated within 100 metres of each other, and
- The land is physically suitable for the development, and
- The land is capable of accommodating the on-site disposal and management of sewage for development, and
- The development will not have an adverse impact on the scenic amenity or character of the rural environment.

While these are examples only, they provide an indication of the types of controls capable of being included in the LEP; in addition, these would be supported by additional requirements to be included in the DCP and any supporting guidelines yet to be prepared.

Making secondary dwellings and dual occupancy (detached) permissible with consent in the RU1 and RU2 zones will not lead to further subdivision and fragmentation of rural land unless Council resolved to amend the LEP and reduce the minimum lot size which is not proposed in the Strategy.

Feedback received during community consultation leading up to preparation of the Strategy has been overwhelming supportive of actions proposing greater housing diversity, with a common comment being that it will provide a supplementary income to assist in the upkeep of the property and potential to diversify into alternative farming practices.

While the Department of Primary Industry has raised concerns about the potential impact on agricultural land, they acknowledge the ability to include such dwellings when well located, with agreement reached about having officers from the department involved in the development of planning controls to support protection of agricultural land.

The introduction of secondary dwellings and other forms of housing into the rural zones with negligible impact will rely upon the ability of guidelines and development controls to properly enforce the objectives of the zone and secure desirable outcomes on the ground. The development and content of these supporting guidelines and development controls will occur during the implementation phases of the project.

### **Options to proceed with Secondary Dwellings**

While the Strategy is proposing to introduce Secondary Dwellings into the RU1 and RU2 zones on allotments at least 10 hectares in size, several alternative approaches exist, including:

- Delete actions relating to the introduction of Secondary Dwellings and consider re-exhibiting the Strategy, or
- Defer for further investigations as part of the housing supply and demand analysis proposed for completion as part of the implementation of the Strategy, or
- Retain the existing waiver on payment of development contribution to urban areas, and apply development contribution charges in the rural zones.

If Council wishes to delete actions relating to housing flexibility (secondary dwellings, and detached dual occupancy), guidance of whether this variation would constitute a requirement for the Strategy to be re-exhibited would be sought.

### **Wedding functions**

Concerns about the potential negative impacts of poorly designed, located or managed event facilities such as used for wedding functions is acknowledged and has been discussed in detail with Byron Shire Council when they were investigating options to facilitate and better management of these events. Further discussion with Byron Council and other Councils will be of benefit when implementing Action 77 in the Strategy which reads:

*“Prepare guidelines and planning provisions for the operation of wedding functions in rural areas”.*

In implementing Action 77 there is opportunity to address key issues such as mitigating potential for land use conflict, noise, traffic, lighting, hours of operation and other amenity based issues. These guidelines and planning provisions could be developed in coordination with neighbouring councils.

## **Packaging and processing hub**

The concept of a well located packaging and processing hub is based on the desire to limit vehicle movements between source of production and processing. Many rural properties already undertake packaging, and some have established and approved processing facilities as a part of their legitimate rural operation, which to the passer-by usually looks like a typical farm shed.

Not all rural land is high quality, a point raised in a number of submissions during exhibition of documents in earlier stages of the project, and as such this issue relates as much to scale, location, and design as it does about any potential impact on productive or potentially productive agricultural land.

The ability to harvest and deliver to a nearby processing facility, or other on farm 'value adding' processes may in fact encourage greater local agricultural production and employment opportunities. By way of example, during recent community engagement associated with the draft Kingscliff Locality Plan, one attendee expressed an opinion about the desirability of a processing facility at Cudgen to support value-adding of sweet potatoes which are currently oversupplied in the national market.

However as with other actions, there is a need to have clarity and direction in appreciation of context, character, potential amenity impacts, scale, and design outcomes. A small cluster processing facility in a rural setting with appropriate development controls and guidelines could be designed to fit in with the existing or desired future character of a locality. There may also be clear benefits and links to Tweeds network of rural villages where additional employment and residential opportunities could occur.

While some of the most intensive agricultural production happens in the RU1 zone, small area intensive and boutique agriculture is increasing. As such this action seeks to provide flexibility should a concept for a processing hub present itself, regardless of whether located in a rural or industrial area.

## **Changes made since previous report to Council**

In addition to changes previously reported to council, the following changes have been made to the Strategy:

- Minor editorial and grammatical changes;
- Insertion of the flow chart to the end of Part 2b Implementation Plan, showing implementation pathways and process where an amendment to the LEP and DCP are proposed simultaneously (as seen in report to the 6 September Planning Committee Meeting), plus a brief explanation of the process on the previous page, and
- Action 59, Processing and packaging hub, has been amended to add the word 'Investigate' to the commencement of the action which now reads "Investigate, amending Tweed LEP 2014 to make Rural Industries permissible with consent in the RU1 Primary Production zone."

## Previously reported to Council

The Strategy has previously been reported to Council and presented detailed discussions of a range of matters which can be referenced in conjunction with this report. Discussion of the following items can be viewed in reports to Council of 3 May, 5 July, and 6 September 2018 which include:

- Public consultation and submission review;
- The '40 hectare Rule';
- Increased flexibility in the RU1 and RU2 zones;
- Small lot clusters;
- R5 Large Lot Residential and subdivision;
- Subdivision for primary production purposes;
- Allotments split by infrastructure;
- Dwellings constructed without consent;
- Response to Department of Primary Industries meeting with Council, and
- Amendments relating to Rural Land Sharing Communities.

## OPTIONS:

1. Adopt the recommendations of this report and in doing so adopt the draft Tweed Rural Land Strategy 2036, prepare an Implementation Plan 2018/36 and notify the public via the Tweed Link about the decision to do so, or
2. Adopt the Strategy subject to further amendments as directed by Council, prepare an Implementation Plan and notify the public via the Tweed Link about the decision to do so.

Note: If Council resolves to delete actions relating to housing flexibility (secondary dwellings, detached dual occupancy), guidance on whether this variation would constitute a requirement for the Strategy to be re-exhibited would be required.

3. Defer consideration of the report.

Option 1 is the recommended option.

## CONCLUSION:

Following deferral of the Strategy to the 25 October, a Councillor Workshop was convened on Thursday 11 October 2018 at which Doug Jardine and David Hammill were invited to discuss the Strategy.

Within the context of this and previous workshops Council has raised concerns about 'open zones', secondary dwellings, wedding functions, and packaging and processing hubs, which have been discussed in this report.

Discussion at the workshop focused primarily on strategies to address broader affordable housing and homelessness issues, with Mr. Jardine and Mr. Hammill putting forward the case for Council to support and expanded use of dual occupancy and secondary dwellings in rural zones. Council officers highlighted that this issue is addressed more broadly in the Strategy through support for further investigations into providing greater housing diversity in rural areas, such as a widened permissibility of dual occupancy and secondary dwellings on certain

sized rural lots, it is not a specific purpose of the Draft Strategy to resolve housing affordability in the Shire. There was no Council decision making that occurred at the Workshop.

While the Strategy identifies a diverse range of actions derived through extensive consultative processes, the implementation of many actions will require further consultation and detailed investigations. Similarly, any amendments to the LEP or DCP will also require reporting to both Council and the Department of Planning and Environment, and a resolution of Council will be required prior to recommendations being implemented and actions completed.

Annual reporting on implementation of the Strategy will provide a further opportunity to monitor and reassess the impacts of actions as they are implemented.

The Strategy has been developed through a staged process, which involved a comprehensive and diverse community engagement, and more than seven Councillor Workshops, and has resulted in a balanced approach to future development and management of rural land through a blend of actions which support the nine policy directions previously endorsed by Council.

Minor editorial and grammatical changes have been made but no substantive changes since the previous report to Council.

The Strategy is attached to this report and is recommended for adoption by Council.

#### **COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable

**b. Budget/Long Term Financial Plan:**

Implementation of the strategy will be both time consuming and may require additional resources and coordination between Council divisions and government agencies. An estimate of the budgetary implications and scheduling of each proposed action has been identified in the Implementation Plan to the Strategy.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**Inform** - We will keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

- Attachment 1. Tweed Rural Land Strategy 2036 (ECM 5594209)
- Attachment 2. Draft Tweed Rural Land Strategy response to submissions received during public exhibition – 17 November 2017 – 28 February 2018 (ECM 5227704)
- Attachment 3. Rural Land Strategy – Additional amendments resulting from internal review previously reported to Council (ECM 5227706)
- Attachment 4. Rural Land Strategy – Additional amendments resulting from meeting with DPI and relating to rural land sharing communities (ECM 5504394)
-

**16 [PR-CM] Submission to the Exhibition of the Draft Urban Design for Regional NSW**

**SUBMITTED BY: Strategic Planning and Urban Design**

mhm



**Leaving a Legacy**  
*Looking out for future generations*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

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

**ROLE: Provider**

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**SUMMARY OF REPORT:**

This report has been prepared to inform Council about the public exhibition of the Draft Urban Design guidelines for NSW (the 'guidelines') as prepared by the NSW Government Architects (GANSW). The guidelines have been prepared as part of the GANSW *Better Placed: An integrated design policy for the built environment of NSW (GANSW 2017)* program. Whilst the formal public exhibition ceased on the 31<sup>st</sup> October 2018, Council has received confirmation that the exhibition period will be extended until the 14<sup>th</sup> November 2018.

The guidelines, a non-statutory design guide, has been developed for local councils, government agencies, regional industries, businesses and local communities as a key implementation tool to help create well-designed built environments. In its structure the guidelines present seven design objectives and seven regional urban design priorities which have been applied across four typical urban design scenarios.

Whilst the guidelines overall provide a sound strategic framework of the objectives, principles and priorities for urban design within the regions, there is opportunity as a design guide and implementation tool to provide more tangible actions and means of implementation across the defined user group with content more honed to meet the regional NSW context and condition. It is recommended that a submission be submitted in reply to the exhibition of the guidelines as provided as an attachment to this report or as further embellished by way of Council resolution.



**RECOMMENDATION:**

**That the attached submission on the public exhibition of the Draft Urban Design guidelines for NSW is endorsed and submitted to the Department of Planning and Environment.**

## REPORT:

The GANSW is currently exhibiting the Draft Urban Design Guidelines for NSW (the 'guidelines'). The preparation of the guidelines form part of the GANSW *Better Placed: An integrated design policy for the built environment of NSW* which has been developed as a suite of documents to provide a strategic framework to guide the design and growth of the states built environment. *Better Placed* established a core set of seven guiding objectives which are also used within the regional guidelines which include:

- Better fit – contextual, local and of its place;
- Better performance – sustainable, adaptable and durable;
- Better for community – inclusive, connected and diverse;
- Better for people – safe, comfortable and liveable;
- Better working – functional, efficient and fit for purpose;
- Better value – creating and adding value;
- Better look and feel – engaging, inviting and attractive.

The regional guidelines have been prepared specifically for regional NSW which covers a total of nine regional area that '*recognises and celebrates the diversity of urban environments, natural landscapes, climates and communities that exist across this vast area*'. The stated purpose of the guidelines is to present strategic advice on how to work together to achieve good urban design in regional areas.

Following the GANSW and DP&E preliminary engagement some regional council's to determine key regional trends, seven urban design priorities for creating well-designed built environments were identified including:

1. Leveraging the historic and cultural assets of places;
2. Integration with the natural environment and landscape;
3. Revitalising main streets and regional town centres;
4. Improving connectivity, walkability and cycling;
5. Balancing urban growth;
6. Increasing options for diverse and healthy living;
7. Responding to climatic impacts.

Each of these priorities are generally deemed to be representative of some of the key strategic planning and urban design issues within the Tweed notwithstanding greater emphasis on achieving sustainable design outcomes and opportunity to embed and elevate economic and employment drivers as a key strategic planning and urban design considerations.

These seven stated design priorities for regional NSW are then interrogated through four typical projects for urban design including:

1. Public realm and open space;
2. Town centres and main streets;
3. Infill development in existing neighbourhoods;
4. Greenfield developments in new neighbourhoods.

In consideration of the defined priority areas and application across the four typical projects there is more opportunity for the guidelines to make more specific recommendations and/or implementable actions across these priority areas which are more honed specific design advice across different settlement scales and the broad range of climatic zones which make up regional areas of NSW which generally cover vast geographic areas with limited resources (design expertise and budget).

In review Council officers key recommendations to be considered in the final drafting of the guidelines includes:

1. Opportunity for guidelines to provide more of a practical tool rather than its current approach as an overarching 'principles' document. At present the guidelines generally read more like a strategic framework than a design compendium. The presentation of the format and content in this manner largely reinforces that the application of 'good design' principles requires a complex understanding of context, site and place often subjective with varying interpretations and outcomes;
2. Objectives, principles and priorities are universal and could be applied to either metropolitan or regional areas. Opportunity for guidelines to be more representative of regional areas in terms of scale, diversity, budget and design resource limitations;
3. Opportunity for the guidelines to more fully embed the principles of sustainability and sustainable design across all scales including practical actions and sustainable design measures to inform urban design and built form outcomes;
4. To make the guidelines and presented information more accessible and in consideration of the broad defined user group, there is opportunity to provide an accompanying suite of meaningful actions or in depth real case studies as examples of successful design-led projects for how the principles and objectives could be achieved;
5. Objectives, scale of development and examples of typical urban design projects show cased throughout the document lean towards urban growth areas and are necessarily representative of the significant number of regional areas where both growth and design resources are moderate to low and where the guidelines have the opportunity to influence most;
6. Targeted education for other stakeholders (developers, builders and certifiers) focussed on embedding good design practices early in the site analysis, design and planning process;
7. Need to recognise the increasing shift towards development occurring under State development "Codes" approval pathways, which bypass the principles and priorities of the guidelines. As such the practical application of the guidelines to a substantial proportion of regional development is limited;
8. There is opportunity to expand each of the seven headline objective subheadings to provide more detailed descriptions broken down into what it means, why it's important, where it should be applied and how it can be achieved; and
9. To further assist the guidelines usability there is also opportunity to include specific engagement and negotiation strategies Councils could employ with developers and/or community groups to undertake joint projects with shared resources and mutual benefits/outcomes.

**OPTIONS:**

1. Resolve to endorse recommendations proposed within the report, which is to endorse the attached draft submission; or
2. Resolve to amend the staff prepared submission.

Option 1 is recommended.

**CONCLUSION:**

Recognising the value of urban design within regional NSW is welcomed. The guidelines are particularly timely given the increasing codified planning frameworks (Housing Code, Greenfield Housing Code, Low Rise Medium Density Housing Code) which, whilst primarily aiming to expedite the approvals process, often negate detailed consideration of context, climate and design. As such the guidelines present a significant opportunity to encapsulate best practice urban design principles as applied to the regional context to influence plan making process and development outcomes.

Whilst the guidelines provide a sound overall the guidelines provide a sound outline of the objectives, principles and priorities for urban design within the regions, albeit they are high level and relatively universal, and could be equally applied to either metropolitan or regional areas. As such there is opportunity for the guidelines to be more representative of the disposition of regional settlements (e.g. diversity of climate and scale) and more honed to provide practical implementation actions to regional areas of NSW which generally cover vast geographic areas with limited resources (design expertise and budget).

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable

**b. Budget/Long Term Financial Plan:**

Not applicable

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Tweed Shire Council Submission to the Draft Urban Design Guidelines for Regional NSW (ECM 5630899).

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**17 [PR-CM] Development Application DA18/0632 for a Change of Use of an Existing Dwelling to Serviced Apartment at Lot 39 DP 1191156 No. 679 Casuarina Way Casuarina**

**SUBMITTED BY: Development Assessment and Compliance**

mhm



**Making decisions with you**  
*We're in this together*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

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

**ROLE: Provider**

**SUMMARY OF REPORT:**

The Development Application is seeking approval for a change in use of a dwelling to a serviced apartment for short term tourist accommodation, as a result of Council officers receiving complaints regarding the use of the subject dwelling as a serviced apartment for short term holiday letting. The complaints raise issues mainly in relation to noise late into the night, the house being used as a party house, general rubbish in street and current management of the site not responding to concerns raised by nearby residents.

The site contains a four bedroom two storey dwelling, swimming pool and sauna. Access to the site is via Casuarina Way.

The development application was notified for a period of 14 days, during this period Council received seven submissions all objecting to the proposal. The submissions raised concerns in relation to rubbish overflowing from bins, damage to dwellings on adjoining sites, excess vehicles parked along the road reserve, poor management of the site/use, excessive noise till late at night/early morning, excessive number of people staying in the house, use as a "party house" and that the development is out of character with the residential area.

The issues raised in the submissions are of concern and have implications on the amenity of the surrounding residents, particularly as the use is currently operating with Council receiving complaints prior to the lodgement of the development application and also during the assessment of the development application.

It is evident that the use of the site is not being appropriately managed.

Notwithstanding the above, the applicant's Statement of Environmental Effects included under Appendix 1 "House Rules" which are considered to cover the issues raised in the submissions, the House Rules have been referenced within a condition of consent. The House Rules outlines matters such as:

- contact number for complaints;
- limits the number of occupants to eight;
- prohibits the use of the dwelling for functions and 'Schoolies';
- restricts the use of the pool and outdoor areas to 9pm Sunday to Thursday and 10pm Friday and Saturday;
- restricts outdoor lighting after 9pm Sunday to Thursday and 10pm Friday and Saturday;
- restricts guest parking to the garage or kerbside in Casuarina Way or Sterculia Court;
- ensures pool safety compliances; and
- ensures that waste is to be placed within the Council bins provided.

In addition to the House Rules, further conditions have been recommended to address the issues raised in the submissions in order to maintain an acceptable level of amenity for the local residents.

The NSW Department of Planning and Environmental currently has on exhibition proposed amendments to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The amendments will see in the inclusion of short short-term rental accommodation as *exempt* or *complying* development. With regards to the subject site the development could be exempt development.

The consent is recommended to be limited to a 12 month trial period enabling the owner to demonstrate to Council that the site can be appropriately managed with minimal impacts and also to provide a level of comfort to the local residents that if the use causes unacceptable impacts that the use is limited for only 12 months.

#### **RECOMMENDATION:**

- A. That Development Application DA18/0632 for a change of use of an existing dwelling to serviced apartment at Lot 39 DP 1191156; No. 679 Casuarina Way Casuarina be approved subject to the following conditions:**

#### **GENERAL**

- 1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos DA-1, DA-2, DA-3 and DA-4, prepared by Denis Fish and dated 29/06/2018, except where varied by the conditions of this consent.**
- [GEN0005]
- 2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.**

[GEN0115]

3. The change of use of the building to a serviced apartment requires the installation of:
  - i) smoke alarms on or near the ceiling in every bedroom and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building in accordance with clause 3.7.2.3 of Volume 2 of the Building Code of Australia, and
  - ii) a system of lighting in the building (Class 1b) to assist evacuation of occupants in the event of a fire, and be activated by the smoke alarm *required* by 3.7.2.4(b of Volume 2 of the Building Code of Australia and consist of a light incorporated within the smoke alarm; or the lighting located in the corridor, hallway or area served by the smoke alarm.
4. The use of the existing dwelling as a Serviced Apartment, subject to this consent is limited to a 12 month period commencing from the of issue of occupation certificate. At the completion of the 12 month period, the use of the site as a Serviced Apartment is to cease and the site will revert to use as a permanent residential dwelling only.
5. The use of the site as a Service Apartment is not permitted until an Occupation Certificate has been issued in accordance with this consent,

[GENNS01]

[GENNS02]

[GENNS02]

#### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

6. To ensure the building is provided with an adequate level of fire safety as required by the BCA due to the change in classification of the building from class 1a to class 1b the following works are required: i) In a Class 1b building smoke alarms in accordance with clause 3.7.2.4 of the Volume 2 of the BCA must be installed on or near the ceiling - (a) in every bedroom; and (b) in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building; and (c) on each other storey. ii) In a Class 1b building, a system of lighting must be installed to assist evacuation of occupants in the event of a fire, and (a) be activated by the smoke alarm required by 3.7.2.4(b); and (b) consist of: (i) a light incorporated within the smoke alarm; or (ii) the lighting located in the corridor, hallway or area served by the smoke alarm. Prior to the release of the construction certificate details demonstrating compliance with the above mentioned requirements are to be submitted to and approved by the nominated PCA. Further to the above fire upgrading, the option is available to submit a fire engineering report containing an alternative solution addressing the Performance Requirement P2.3.2 as contained in Volume 2 of the Building Code of Australia. This report is to be submitted to the nominated PCA for assessment and determination prior to issue of the Construction Certificate.

[PCCNS01]

#### **PRIOR TO COMMENCEMENT OF WORK**

7. The erection of a building in accordance with a development consent must not be commenced until:

- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
- (b) the person having the benefit of the development consent has:
  - (i) appointed a principal certifying authority for the building work, and
  - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- (c) the principal certifying authority has, no later than 2 days before the building work commences:
  - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
  - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
  - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
  - (ii) notified the principal certifying authority of any such appointment, and
  - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

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

[PCW0225]

9. Residential building work:

- (a) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - \* in the name and licence number of the principal contractor, and
    - \* the name of the insurer by which the work is insured under Part 6 of that Act,



(ii) in the case of work to be done by an owner-builder:

- \* the name of the owner-builder, and
- \* if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.

(b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]

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

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

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

[PCW0255]

#### **DURING CONSTRUCTION**

11. All proposed works are to be carried out in accordance with the conditions of development consent, any approved Management Plans, approved Construction Certificate, drawings and specifications.

[DUR0005]

12. Commencement of work, including the switching on and operation of plant, machinery and vehicles is limited to the following hours, unless otherwise permitted by Council:

**Monday to Saturday from 7.00am to 6.00pm**

**No work to be carried out on Sundays or Public Holidays**

**The proponent is responsible to instruct and control subcontractors regarding hours of work.**

[DUR0205]

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

[DUR0375]

14. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:
- Noise, water or air pollution.
  - Dust during filling operations and also from construction vehicles.
  - Material removed from the site by wind.

[DUR1005]

15. The developer/contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times.

[DUR2015]

#### **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

16. Prior to issue of an Occupation Certificate, all works/actions/inspections etc required at that stage by other conditions or any approved Management Plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

17. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 6.9 and 6.10 unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

18. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.

[POC0225]

19. A final occupation certificate must be applied for and obtained within 6 months of any Interim Occupation Certificate being issued, and all conditions of this consent must be satisfied at the time of issue of a final occupation certificate (unless otherwise specified herein).

[POC0355]

20. Prior to the issue of a final Occupation Certificate, all conditions of consent are to be met.

[POC1055]

21. Upon the issue of an occupation certificate relating to the change of use to serviced apartment Tweed Shire Council is to be notified to enable the swimming pool to be entered on Councils Register of *Swimming pool/s on premises on which there is tourist and visitor accommodation or more than 2 dwellings*. This requirement is pursuant to the Swimming Pool Act 1992 which requires an inspection every three years of the swimming pool.

[POCNS02]

**USE**

22. A register is to be kept by the owner or proprietors to record the occupancies. The register shall be made available at any time for inspection by an authorised officer of Council.

[USE0025]

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

[USE0125]

24. The  $L_{Aeq, 15 \text{ min}}$  noise level emitted from the premises shall not exceed the background noise level ( $L_{A90}$ ) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.

[USE0165]

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

[USE0175]

26. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.

[USE0225]

27. Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant. The NIS is to be submitted to the satisfaction of the General Manager or his delegate. It is to include recommendations for noise attenuation. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's authorised officer.

[USE0245]

28. The premises shall be maintained in a clean and tidy manner.

[USE0965]

29. Occupancy and use of the premise shall comply with the 'House Rules' submitted with the Development Application to the satisfaction of the General Manager or his delegate.

[USENS01]

30. The maximum number of occupants of the property at any one time shall be 8. A sign shall be permanently displayed in the building stating the maximum number of occupants.

[USENS01]

31. Live music shall not be placed external to the building. Acoustic music shall not be played external to the building between 9pm and 8am Sunday to Thursday. Acoustic music shall not be played external to the building between 10pm and 7am Friday and Saturday. The premise shall not be utilised for festivals.

[USENS01]

32. Use of the outdoor entertaining areas and swimming pool are restricted to 7am to 9pm Sunday to Thursday and 7am to 10pm Friday and Saturday.

[USENS01]

33. Structures such as tents, campervans, vehicles or caravans shall not be used for occupancy external to the building.

[USENS01]

34. Open fires shall not be lit or permitted to burn at the premise.

[USENS02]

35. An A3 size sign shall be permanently placed at the front of the property to the satisfaction of the General Manager or his delegate so it can be clearly seen from the public domain advising the public of the land owner's or property manager's contact details including telephone number to enable complaints to be readily made at any time of the day. The land owner or property manager shall be contactable 24 hours 7 days a week to be able to respond to complaints from neighbours within 30 minutes to deal with issues such as parties, noise or anti-social behaviour which may affect residential amenity.

[USENS02]

- B. That Council issue a Penalty Infringement Notice for the unauthorised use and advise the applicant in writing that the use of the site as a Service Apartment is not permitted until such time as an Occupation Certificate is issued.

**REPORT:**

**Applicant:** Ms AK Plowman and Mr MDL Baylis  
**Owner:** Ms Anna K Plowman & Mr Mark DL Baylis  
**Location:** Lot 39 DP 1191156; No. 679 Casuarina Way Casuarina  
**Zoning:** R1 - General Residential  
**Cost:** \$0

**Background:**

The existing dwelling on the subject site was approved 11 September 2014 with an occupation certificate issued in 11 July 2017. The dwelling is two storeys in height, consisting of four bedrooms, two formal car parking spaces, a sauna and a swimming pool. Council's Compliance Unit received complaints regarding the use of the dwelling as a serviced apartment for short term accommodation. Following discussions between Council and the landowner, the landowner lodged the subject development application seeking approval for short term accommodation.

The development application was notified for a period of 14 days, during this period Council received seven submissions all objecting to the proposal. The submissions raised concerns in relation to rubbish overflowing from bins, damage to dwellings on adjoining sites, excess vehicles parked along the road reserve, poor management of the site/use, excessive noise till late at night/early morning, excessive number of people staying in the house, use as a "party house" and that the development is out of character with the residential area.

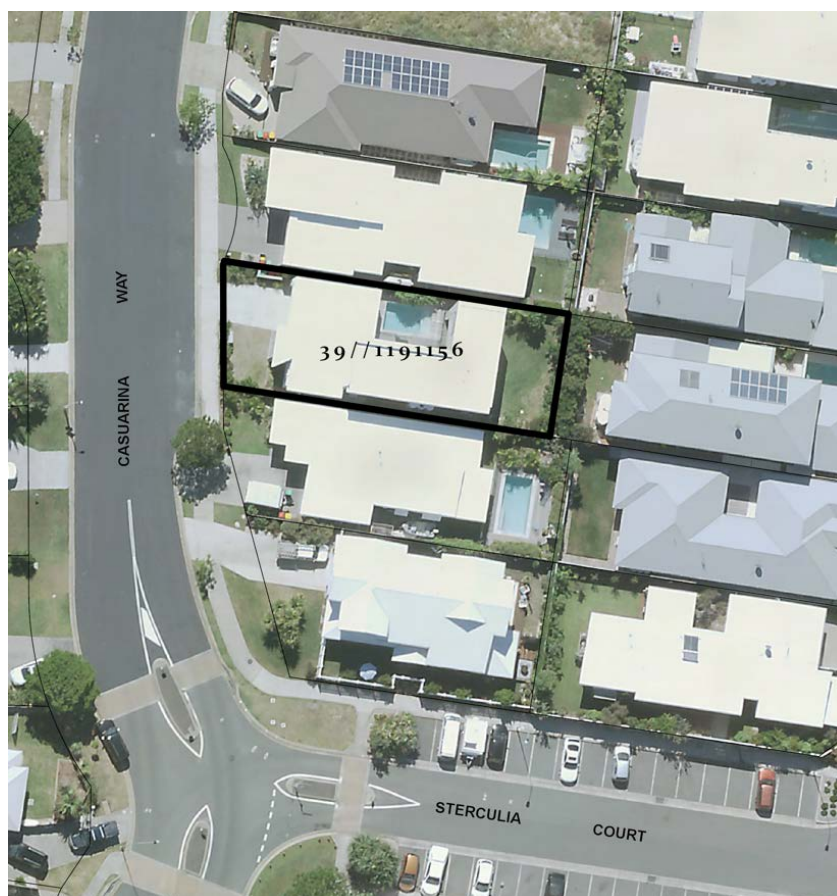


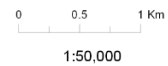
Figure 1: Aerial image of the site, neighbouring properties

**SITE DIAGRAM:**



**Site Plan**

Lot 39 DP 1191156  
679 Casuarina Way CASUARINA



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Coordinate System - MGA Zone 56  
Datum - GDA 94

Cadastre: 18/07/2018  
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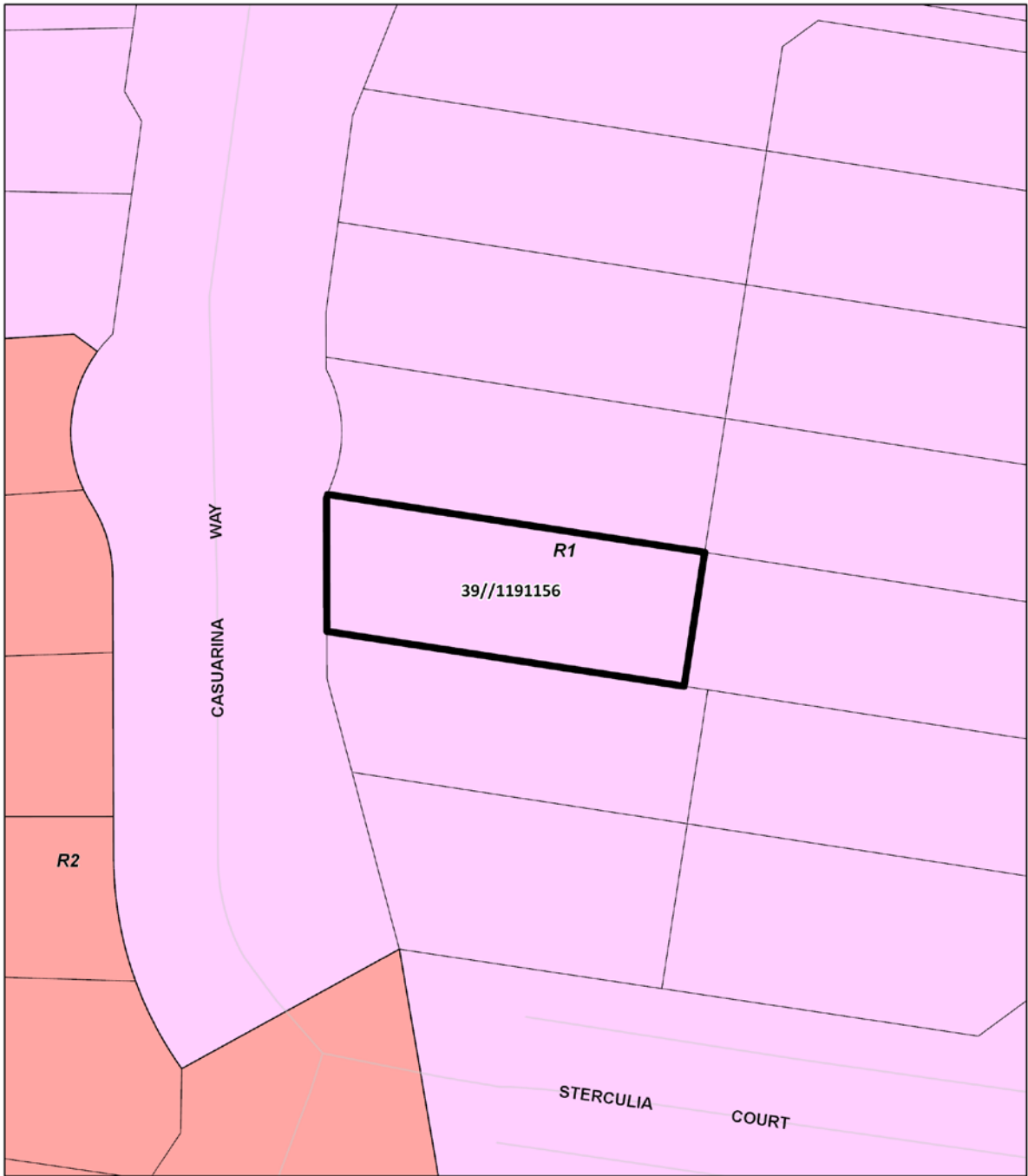
Civic and Cultural Centre  
3 Tumbulgum Road  
Murwillumbah NSW 2484  
PO Box 816  
Murwillumbah NSW 2484

T: (02) 6670 2400 / 1300 292 872  
F: (02) 6670 2483  
W: www.tweed.nsw.gov.au  
E: planningreforms@tweed.nsw.gov.au



Date Printed: 30 October, 2018

**ZONING MAP:**



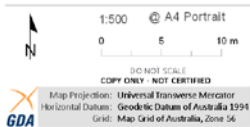
Subject Land

Subject Land

Tweed Local Environmental Plan 2014

R1 General Residential

R2 Low Density Residential



**Site Plan - Local Environmental Plan**

Lot 39 DP 1191156  
679 Casuarina Way CASUARINA

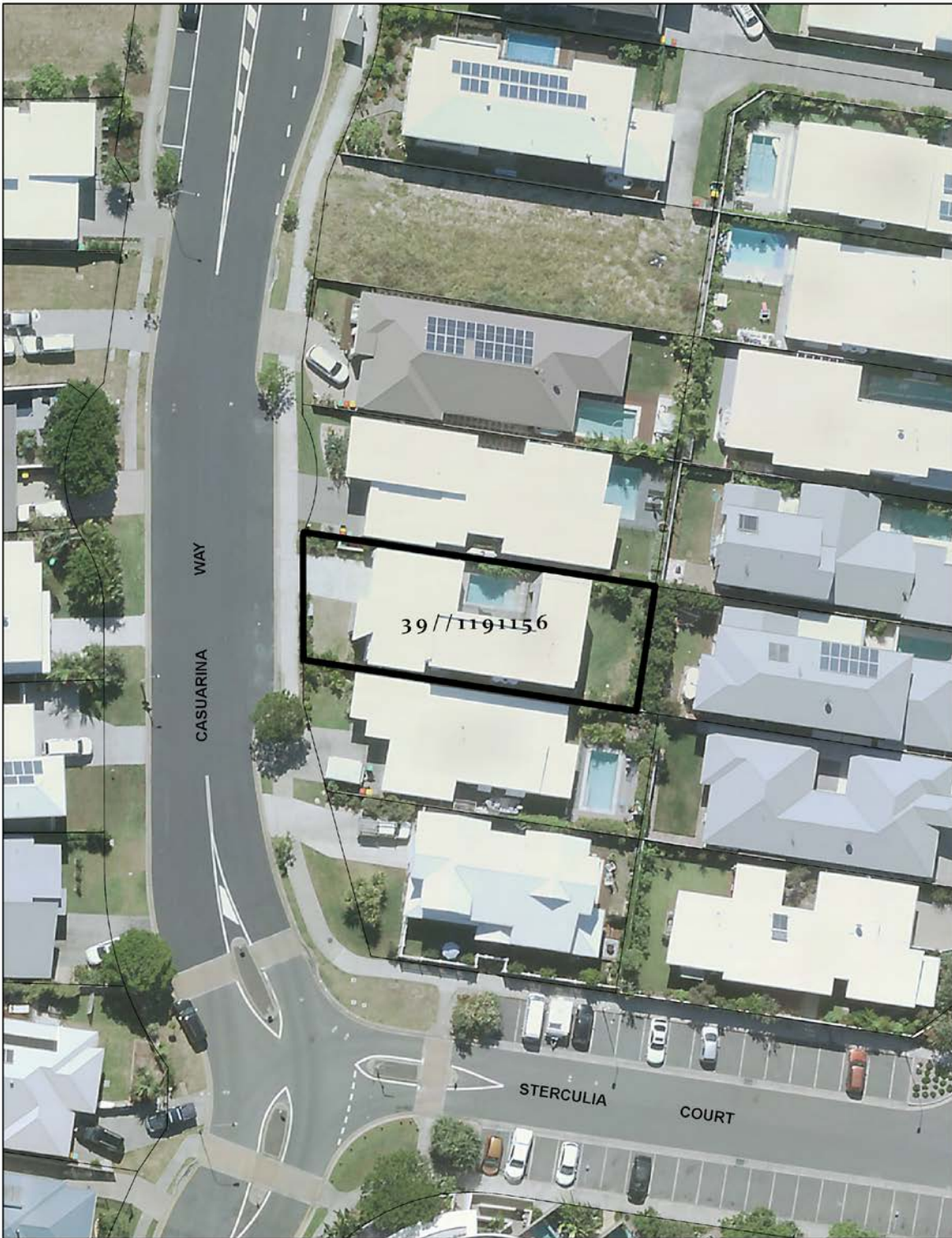
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Date Printed: 30 October 2018

AERIAL IMAGE:



1:500 A4 Portrait  
0 5 10 m  
DON'T SCALE  
COPY ONLY - NOT CERTIFIED  
Map Projection: Universal Transverse Mercator  
Horizontal Datum: Geoidetic Datum of Australia 1995  
Grid: Map Grid of Australia, Zone 56  
GDA

Civic and Cultural Centre  
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Aerial Photography April 2018

Lot 39 DP 1191156  
679 Casuarina Way CASUARINA

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Boundaries shown should be considered approximate only.

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Author: C Lees + GIS  
Data Provider: 30 October 2018



**HOUSE RULES:**D E N I S F I S H  
P L A N N I N G S E R V I C E S**APPENDIX 1****HOUSE RULES - overview****ACCOMODATION, PARTIES & FUNCTIONS**

The maximum number of occupants is 8 persons

Only the guests nominated and agreed in the booking may stay in the property overnight

Parties, Functions and 'Schoolies' are strictly prohibited in this property.

Breach of this condition will result in immediate termination and eviction without refund and extra charges for security, cleaning, garbage removal, wear and tear, repairs etc.

Security bond held will be forfeited.

**POOL USAGE**

To maintain the integrity of the swimming pool safety fence, objects such as a barbeque, pot plants, toys, ladders and chairs must not be within the 900mm (90cm) of the safety fence

The pool gate is not to be propped open and is always kept shut

No glassware is permitted within the fenced pool area

**IMPACT ON NEIGHBOURS**

Disturbance to your neighbours, including excessive noise, is unacceptable. Excessive noise generation threatens the on-going operation of this holiday house and could result in the termination of your rental agreement, so it is in your interest to have regard to the potential impact on neighbours

Guests must vacate the outdoor entertaining areas & move inside the property by 9pm week nights & 10pm on weekends. Guests will receive a message via text from the Managing Agent to remind them when it is time to vacate the outdoor areas

If after a warning from the managing agent noise continues to affect the amenity of surrounding residents the rental agreement will be terminated and guests will be evicted without refund and extra charges may be imposed for security and any other related expenses.

Guests are not permitted to erect or otherwise provide additional outdoor lighting

Guests are not permitted to change the angle of any of the existing outdoor lights

All external lighting is to be turned off at 9pm week nights & 10pm on weekends, this includes the lighting serving the outdoor terrace & pool

STATEMENT OF ENVIRONMENTAL EFFECTS FOR NO.679 CASUARINA WAY , CASUARINA

JOB NO. 18105

PAGE 33



Guest's vehicles are to be parked in the double garage

Any excess guest vehicles are to be parked at kerbside in Casuarina Way or Sterculia Court

All waste is to be placed in the garbage & recycling bins provided by Council

#### **GUEST RESPONSIBILITIES**

You must comply with all applicable House Rules and all instructions from Tweed Coast Holidays and the Caretakers of the Property concerning occupancy, property, health, safety and quiet enjoyment of the Property and your neighbour's.

You are responsible for damage, breakages, theft and loss of the Property and any part of it during your stay. You must notify us of this immediately. Management may recover from you repair or replacement cost (at Management's discretion)

Only the guests nominated and agreed in the Booking may stay in the Property overnight. If any other guests stay extra charges will apply and/or the agreement may be terminated without refund.

Smoking is not permitted in the house

Disturbance to your neighbour's, including excessive noise, is prohibited and will result in termination and eviction without refund and extra charges may be made for security and any other expenses. Guests must vacate the outdoor entertaining areas & move inside the property by 9pm week nights & 10pm on weekends. Guests will receive a message via text to remind them when it is time to vacate the outdoor areas.

Before departure, all food must be removed from fridges, all rubbish put in the appropriate council rubbish bins provided, and crockery and cutlery washed and packed away.

The Property must be left in a clean and tidy condition.

Extra cleaning charges may be incurred for the cleaning of dirty dishes, emptying dishwasher, clearing the fridge, removal of rubbish, cleaning of BBQ's etc. Should the cleaning fee be more than the usual cost for cleaning the property, you will be charged the additional costs over and above the normal cleaning fee which will be deducted from the security bond or charged to your credit card.

All furniture and furnishings must be left in the position they were in when you arrived.

The property should be vacated on time and secured. All windows and doors are to be locked. All keys must be returned to Tweed Coast Holidays or as otherwise directed.

D E N I S F I S H  
P L A N N I N G S E R V I C E S

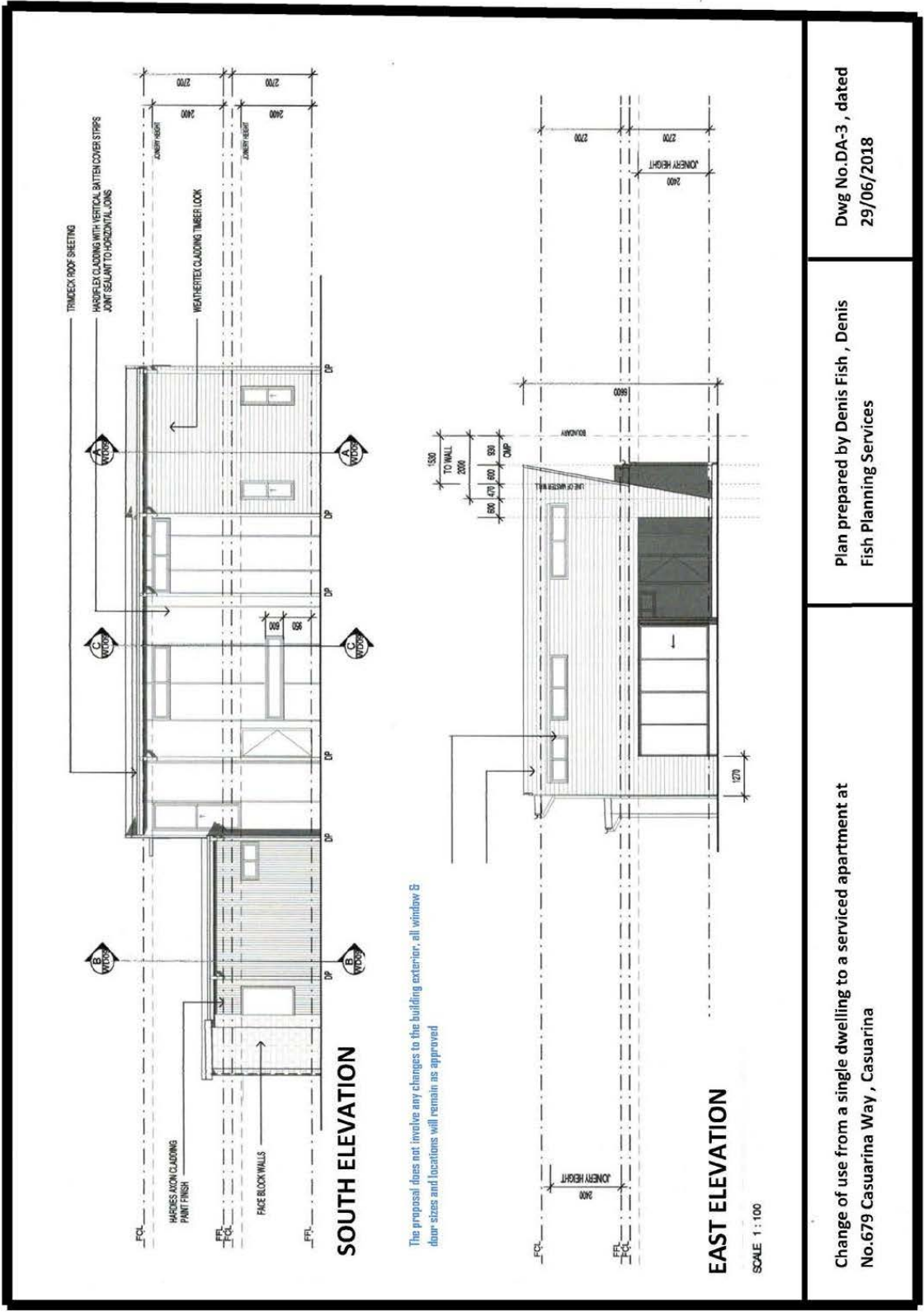


You are responsible for the safekeeping and replacement of accommodation keys. If keys and/or remotes are lost the cost of rekeying the property will be charged to your security bond.

Adherence to these House Rules will help to ensure that all neighbours and guests can expect to experience peaceful enjoyment.

Should you have need to contact the agent of the property please call 02 6677 6006.

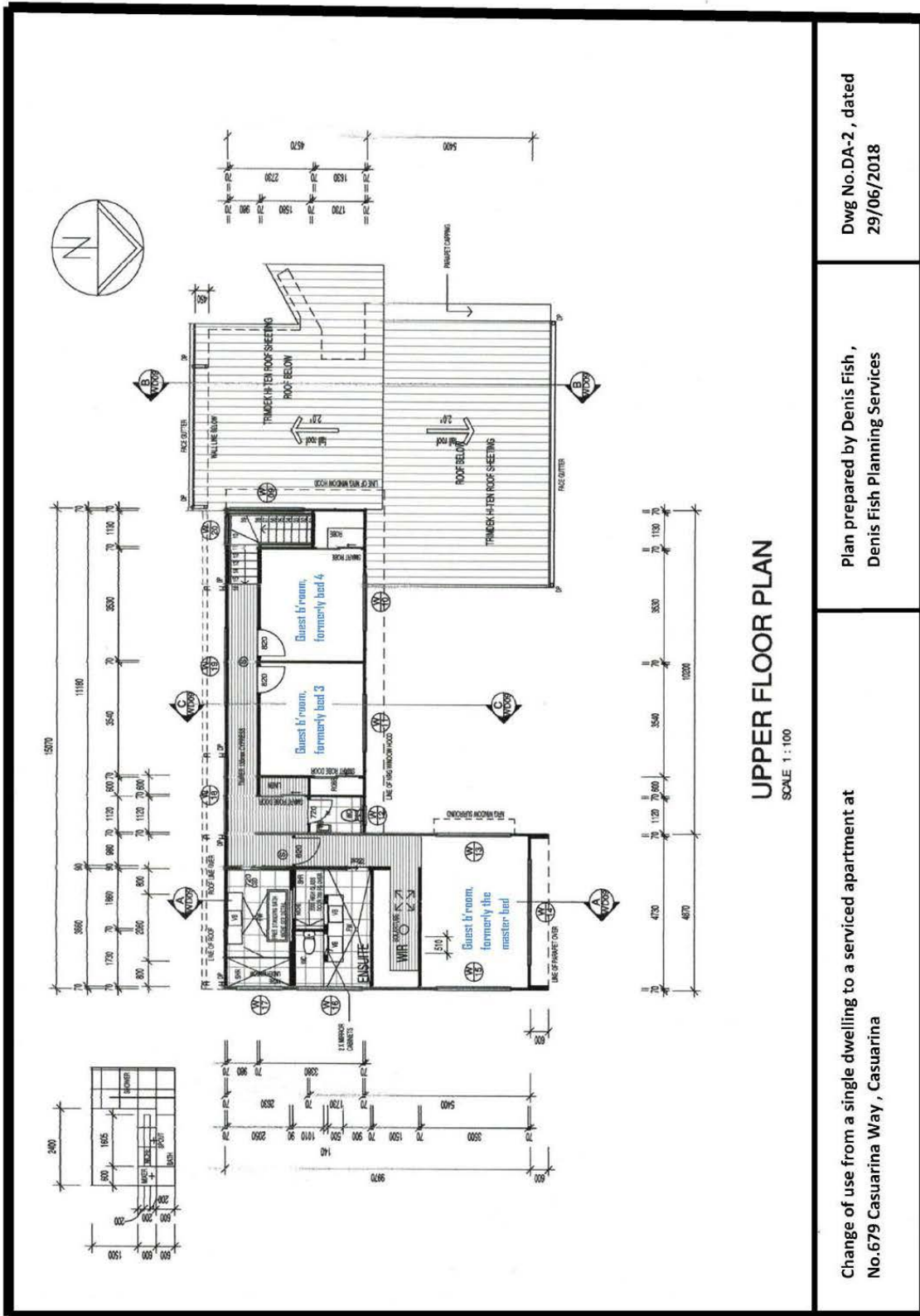
DEVELOPMENT/ELEVATION PLANS:



Dwg No.DA-3 , dated 29/06/2018

Plan prepared by Denis Fish , Denis Fish Planning Services

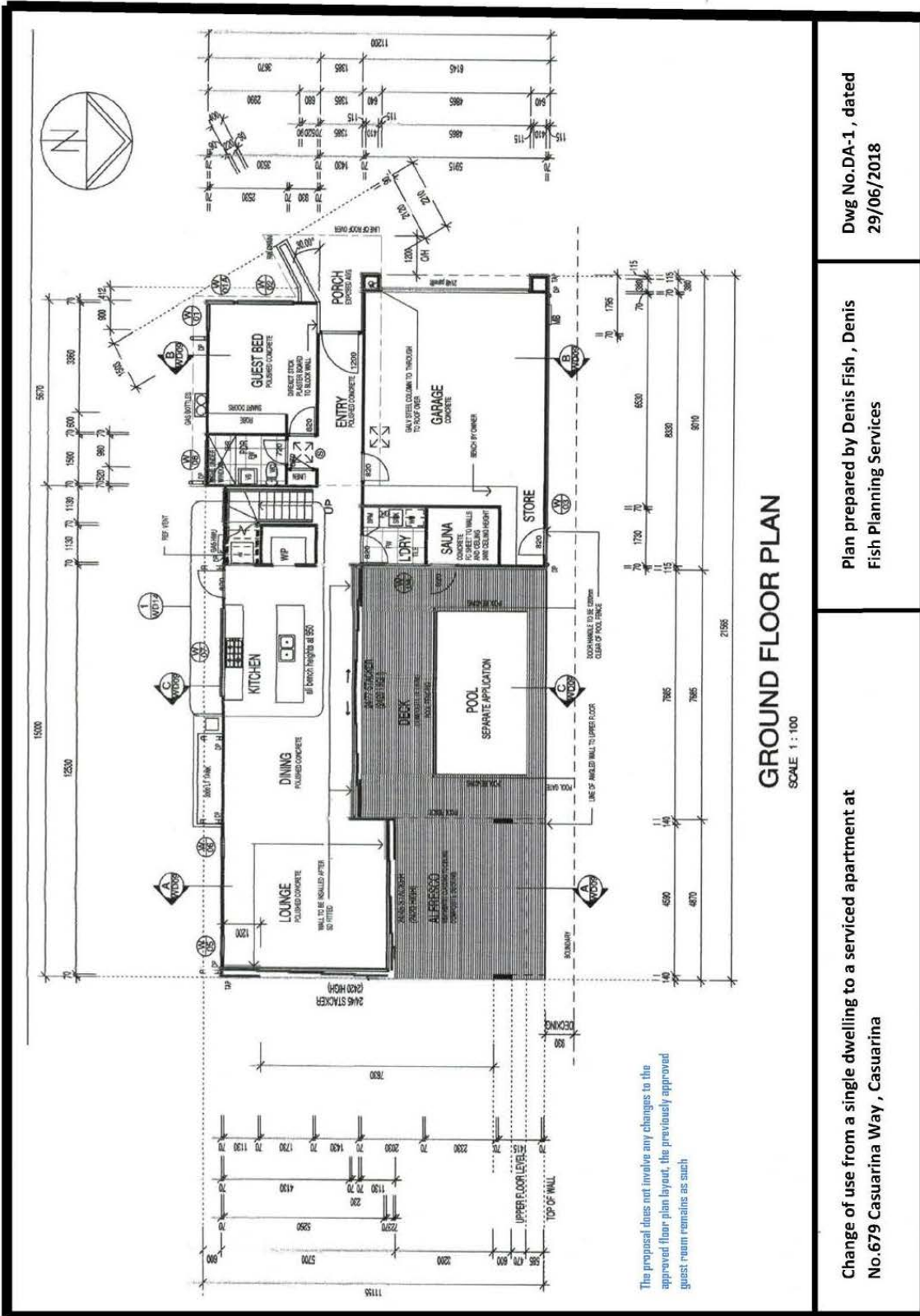
Change of use from a single dwelling to a serviced apartment at No.679 Casuarina Way , Casuarina

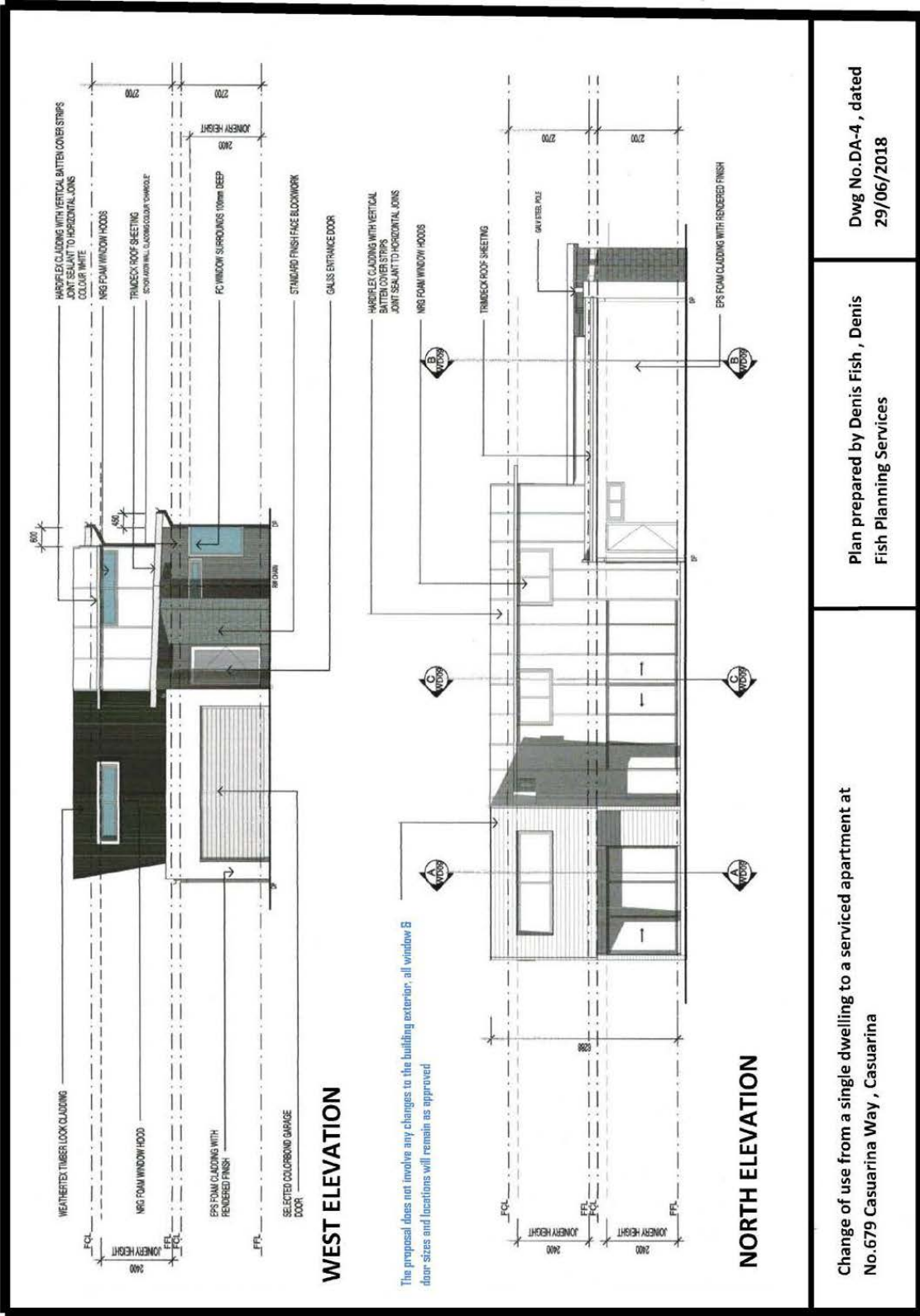


Dwg No.DA-2, dated  
29/06/2018

Plan prepared by Denis Fish,  
Denis Fish Planning Services

Change of use from a single dwelling to a serviced apartment at  
No.679 Casuarina Way, Casuarina





Dwg No. DA-4, dated 29/06/2018

Plan prepared by Denis Fish, Denis Fish Planning Services

Change of use from a single dwelling to a serviced apartment at No.679 Casuarina Way, Casuarina

**Considerations under Section 4.15 of the Environmental Planning and Assessment Act 1979:**

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

**Tweed Local Environmental Plan 2014**

Clause 1.2 – Aims of the Plan

The proposed use as a serviced apartment is considered to be consistent with the aims of the plan.

Clause 2.3 – Zone objectives and Land use table

The site is zoned R1 General Residential, to which serviced apartments are permitted with development consent.

The objectives of the zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage the provision of tourist accommodation and related facilities and services in association with residential development where it is unlikely to significantly impact on amenity or place demands on services beyond the level reasonably required for residential use.*

The serviced apartment is consistent with the zone objectives by providing tourist accommodation. However, the development has the potential to impact on the amenity and services such as: noise, garbage and parking beyond a residential use. The applicant has provided a Site Management Plan which covers these issues in addition conditions have been recommend to protect the residential amenity.

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

Subdivision is not proposed.

Clause 4.3 - Height of Buildings

The site has a HOB of 13.6 metres, the proposal is for use only no building works are proposed. The existing approved building height will remain unchanged, which is less than 13.6 metres.

Clause 4.4 – Floor Space Ratio

The site has a FSR of 2:1, the proposal is for use only no building works are proposed. The existing approved FSR will remain unchanged.



Clause 4.6 - Exception to development standards

The proposal does not require a variation to a development standard.

Clause 5.4 - Controls relating to miscellaneous permissible uses

The proposed land use being a serviced apartment is not listed within the clause.

The site is not mapped under the Aboriginal Cultural Heritage Management Plan.

Clause 5.5 – Development within the Coastal Zone

The site is within the coastal zone, however due to the proposal being for a change of use to an existing dwelling that does not require any building works. The proposal is considered to be consistent with the clause and unlikely to adversely impact on the coastal environment.

Clause 5.10 - Heritage Conservation

The site is not identified as having heritage conservation value.

Clause 5.11 - Bush fire hazard reduction

The site is not mapped as being bushfire prone land. Bush fire hazard reduction works are not required.

Clause 7.1 – Acid Sulfate Soils

The site is identified as having Class 4 Acid Sulfate Soils. The proposed change of use does not require disturbance of the soil and therefore Acid Sulfate Soils will not be disturbed.

Clause 7.2 - Earthworks

The proposed change of use does not require earth works.

Clause 7.3 – Flood Planning

This site not prone to flooding.

Clause 7.4 - Floodplain risk management

Not applicable

Clause 7.5 - Coastal risk planning

The site is not within the coastal risk area.

Clause 7.6 - Stormwater Management

The proposed change of use is not required to alter the existing stormwater management.

Clause 7.8 – Airspace operations

Not applicable the subject site is not mapped within an area subject to airspace operations.

Clause 7.9 - Development in areas subject to aircraft noise

Not applicable the subject site is not mapped within an area subject to aircraft noise.

Clause 7.10 - Essential Services

The existing services provided to the dwelling are considered to be acceptable for the proposed change of use to a serviced apartment.

**State Environmental Planning Policies**

SEPP (Coastal Management) 2018

The site is identified as being within the coastal environment area and the coastal use area. The proposed change of use to the existing dwelling to a serviced apartment is considered to be consistent with the provisions Division 3 Coastal environment area and Division 4 Coastal use area.

The proposed development is considered to address the public interest criteria by not impacting on public access to foreshore areas, does not create overshadowing, wind funnelling or impede views from public places, is not visible from the coast, will not impact on Aboriginal cultural heritage or the surf zone. The site is located approximately 200 metres from the nearest coastal water and therefore is considered not likely to conflict with the Coastal Management SEPP.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Advertising signage is not proposed by the applicant, however Council officers recommend that an A3 size sign be located on the front elevation of the house which is to contain contact details of the land owner or property manager to enable complaints to be managed immediately. Due to the type, size and nature of the sign, requested by Council, the sign is as defined as a wall sign under the State Environmental Planning Policy (Exempt and Complying Codes) 2008 and is exempt development.

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

The NSW Department of Planning and Environmental currently has on exhibition proposed amendments to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The amendments will see in the inclusion of short short-term rental accommodation as *exempt* or *complying* development.

The proposed amendments will:

- Introduce a single definition for Short Term Rental Accommodation (STRA);

*“the commercial use of an existing dwelling, either wholly or partially, for the purposes of short-term accommodation, but does not include tourist and visitor accommodation.”*

- Introduce exempt and complying development pathways that enable STRA as:
  - Exempt development for up to 365 days per year, when the host is present.
  - ***Exempt development, when not on bushfire prone land and when the host is not present, for:***
    - No more than 180 days per year in Greater Sydney
    - ***Up to 365 days per year outside of Greater Sydney. Councils outside Greater Sydney will be able to decrease the 365 day threshold to no lower than 180 days per year.***
  - Complying development, when on bushfire prone land under BAL29 rating and the host is not present for:
    - No more than 180 days per year in Greater Sydney
    - Up to 365 days per year outside of Greater Sydney. Councils outside Greater Sydney will be able to decrease the 365 day threshold to no lower than 180 days per year; and
- Introduce minimum fire safety and evacuation requirements for premises used for STRA.

It is noted that once the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 has been amended to include STRA the proposed development could operate without any Council approval.

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

Tweed Development Control Plan

A1-Residential and Tourist Development Code

The proposal does not seek to alter the built form of the existing dwelling, rather seeks to change the use to a serviced apartment. The proposal does not require an assessment against A1.

#### A2-Site Access and Parking Code

The dwelling as approved has two on site car parking spaces in the form of a double car space garage and area for additional parking on site within the driveway. Four on site car parking spaces is considered adequate to accommodate the proposal (four bedroom, maximum 8 occupants).

#### A11-Public Notification of Development Proposals

The DA was notified development for a period of 14 days from Wednesday 19 September 2018 to Wednesday 3 October 2018. Council received seven submissions all objecting to the proposal. The contents of the submissions have been addressed as detailed later within this report.

#### A15-Waste Minimisation and Management

A Waste Management Plan is not required for the proposed change in use, with the site using Council's three bin waste system (1 x 240L Yellow, 1 x 240L Red and 1 x 240L Green). If complaints are received in regards to waste, this will be discussed with the owner with a recommendation that the use of larger bins should be used or the use of a private waste contractor.

#### B5-Casuarina Beach

Section B5 relates to Urban Design, Management of Infrastructure and Management of Environmental Matters. Having regard to the proposed development, it is considered that the proposed change of use to a serviced apartment will not contribute negatively to the long term urban design or character of the area, and as such does not contravene the urban design principles outlined under section B5.2.2 of the DCP.

The proposal is not considered to contravene the management of any infrastructure or environmental matters in the area. Furthermore, the proposal is not considered to result in an environmental impact on the site, as the proposal does not require any vegetation clearing to be undertaken.

The proposal is considered not to contravene any of the objectives of the DCP.

#### B9-Tweed Coast Strategy

The Plan sets objectives for future development concentrating on public services and design principals. The Vision statement for this area identified at Clause B9.3.2 is:

*To manage growth so that the unique natural and developed character of the Tweed Coast is retained, and its economic vitality, tourism potential, ecological integrity and cultural fabric are enhanced.*

Policy Principles are identified at Clause B9.3.3, with characteristics to be considered including the following which are of particular relevance to this application.

The site is indicated as being an urban development area under the provisions of this DCP. The proposed development for change of use from a dwelling to a serviced apartment is considered to be consistent with the objectives of this DCP or the future development of the area. It is considered that the proposal is appropriate having regard to DCP Section B9.

**(a) (iii) Any planning agreement or any draft planning agreement under section 7.4**

The site is not affected by a planning agreement.

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

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

The site is located within the area covered by the Government Coastal Policy, and has been assessed with regard to the objectives of this policy. The Government Coastal Policy contains a strategic approach to help, amongst other goals, protect, rehabilitate and improve the natural environment covered by the Coastal Policy. The proposed change of use to a serviced apartment does not contradict the objectives of the Government Coastal Policy.

Clause 92(1)(b) Applications for demolition

Not applicable - no demolition is proposed.

Clause 93 Fire Safety Considerations

Not Applicable.

Clause 94 Buildings to be upgraded

Not Applicable.

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

**Tweed Shire Coastline Management Plan 2005**

This Plan applies to the Shire's 37 kilometre coastline and has a landward boundary that includes all lands likely to be impacted by coastline hazards plus relevant Crown lands. The subject site is not located on the coastal foreshore and is not affected by coastal hazards.

**Tweed Coast Estuaries Management Plan 2004**

The proposed development is not within Cudgen, Cudgera or Mooball Creeks. This Plan is therefore not relevant to the application.

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

The subject site is not located within the Cobaki or Terranora Broadwater (within the Tweed Estuary), with this Plan therefore not relevant to the proposed development.

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

Access, Transport and Traffic

The proposed short term tourist use is considered to generate an acceptable and similar level of vehicles and traffic as a residential dwelling used for permanent occupation, therefore the existing onsite parking and road network is considered acceptable.

Flora and Fauna

The proposal is considered not to have an adverse impact on existing flora and fauna, as vegetation removal is not proposed or required.

**(c) Suitability of the site for the development**

Surrounding Landuses/Development

The site is considered suitable for the proposed change of use of the existing dwelling to short term tourist accommodation, subject to conditions ensuring the site is managed in accordance with the house rules.

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

The application was notified for a period of 14 days from Wednesday 19 September 2018 to Wednesday 3 October 2018. Council received seven submissions objecting to the proposal. The submissions raised concerns in relation to rubbish overflowing from bins, damage to dwellings on adjoining sites, excess vehicles parked along the road reserve, poor management of the site/use, excessive noise till late at night/early morning, excessive number of people staying in the house, use as a "party house" and that the development is out of character with the residential area.

The issues raised in the submissions are of concern and have implications on the amenity of the surrounding residents, particularly as the use is currently operating with Council receiving complaints prior to the lodgement of the development application and also during the assessment of the development application.

It is evident that the use of the site is not being appropriately managed.

Notwithstanding the above, the applicant's Statement of Environmental Effects included under Appendix 1 "House Rules" which are considered to cover the issues raised in the submissions. The House Rules have been referenced within a condition of consent. Accordingly, should the application be granted consent the operation/management of the site as a serviced apartment (short term rental accommodation) is required to comply with the criteria determined under the House Rules (and any other conditions of this consent).

The House Rules outlines matters such as:

- contact number for complaints;
- limits the number of occupants to eight;
- prohibits the use of the dwelling for functions and 'Schoolies';
- restricts the use of the pool and outdoor areas to 9pm Sunday to Thursday and 10pm Friday and Saturday;
- restricts outdoor lighting after 9pm Sunday to Thursday and 10pm Friday and Saturday;
- restricts guest parking to the garage or kerbside in Casuarina Way or Sterculia Court;
- ensures pool safety compliances; and
- ensures that waste is to be placed within the Council bins provided.

In addition to the House Rules, further conditions have been recommended to address the issues raised in the submissions in order to maintain an acceptable level of amenity for the local residents.

The consent is recommended to be limited to a 12 month trial period enabling the owner to demonstrate to Council that the site can be appropriately managed with minimal impacts and also to provide a level of comfort to the local residents that if the use causes unacceptable impacts that the use is limited for only 12 months.

**(e) Public interest**

As outlined within the report above, the proposed use of the dwelling for short term holiday letting is currently creating adverse impacts on the amenity of the local residents. Notwithstanding this, when considering the *draft* changes in legislation pertaining to short term rental accommodation, the applicant's Statement of Environmental Effects, namely Appendix 1: House Rules and the recommended conditions of consent (in particular a 12 month trial period) the proposal is not considered to be contrary to public interest.

**OPTIONS:**

- 1A. Approve the application in accordance with the recommendation; and
- 1B. Issue a Penalty Infringement Notice for the unauthorised use and advise the applicant that the use of the site as a Service Apartment is not permitted until such time as an Occupation Certificate is issued; or
2. Refuse the application with reasons for refusal.

3. Approve the application with specified alternate conditions.

Option 1A & 1B is recommended.

**CONCLUSION:**

The proposed development is permitted with consent within the R1 General Residential zone. Although the use has been operating without approval and adversely impacting on the amenity of the neighbouring residents, the owner has provided House Rules which if complied with will mitigate the issue raised and maintain a reasonable level of amenity. A condition is recommended limiting the use for a 12 month trial period to enable to the owner to demonstrate to Council that the site and use can be appropriately managed. Should the site not be managed appropriately the use will cease and any future request to amend the consent to extend the use is unlikely to be supported.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

**b. Budget/Long Term Financial Plan:**

Not Applicable.

**c. Legal:**

The applicant may appeal any Council determination under Class 1 of the NSW Land and Environment Court.

**d. Communication/Engagement:**

Not applicable

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

### 18 [CNR-CM] Aboriginal Statement of Commitment Policy

**SUBMITTED BY:** Community and Cultural Services

mhm



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

#### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

**ROLE:** Advocate Leader

---

#### SUMMARY OF REPORT:

This report is to seek Council's consideration and adoption of the Aboriginal Statement of Commitment Policy v1.4 (previously known as the Aboriginal Statement Policy).

A report to Council 21 June 2018 detailed that the Aboriginal Statement Policy originally only contained statements to be read at significant events and a reconciliation statement. The report suggested the policy be expanded to include Council's commitment in five key areas following the recent adoption of a number of related policies and plans.

The June report also recommended that the name of the policy be changed to Aboriginal Statement of Commitment Policy to reflect its broadened scope and status as an overarching policy.

As per the Council Resolution of 21 June 2018 the draft was placed on public exhibition between 4 July 2018 and 1 August 2018, with submissions being accepted until 15 August 2018.

Council received no submissions during this period. However, the Aboriginal Advisory Committee made two recommendations at their meeting of 5 October 2018 which have been incorporated into the policy.

#### RECOMMENDATION:

**That Council adopts the revised Aboriginal Statement of Commitment Policy v1.4 which will supersede the Aboriginal Statement Policy v1.3.**

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## REPORT:

The Aboriginal Statement Policy was initially developed to provide guidance for staff to acknowledge Aboriginal and Torres Strait Islander peoples in written and verbal communication. This included an aboriginal statement, outlined in italics below, which is read at each Council meeting and on significant occasions such as State, National and International functions/events and other appropriate functions/events.

*'We wish to recognise the generations of the local Aboriginal people of the Bundjalung Nation who have lived in and derived their physical and spiritual needs from the forests, rivers, lakes and streams of this beautiful valley over many thousands of years as the traditional owners and custodians of these lands.'*

The aboriginal Statement is reflected in Council's Code of Meeting Practice Policy, Version 2.6. The original policy also contained a Reconciliation Statement as follows:

- Tweed Shire Council acknowledges that the Aboriginal and Torres Strait Islander peoples were the first peoples of this land and have survived 200 years of sometime violent dispossession of their land.
- Tweed Shire Council recognises that colonisation initiated massive changes to the land and its people.
- As a vital step towards building a just, common future, Tweed Shire Council recognises the loss and grief held by Aboriginal and Torres Strait Islander peoples. Council acknowledges that this loss and grief has been caused by alienation from their traditional lands, the loss of their lives and their freedom and the forced removal of their children.
- Tweed Shire Council supports the right of Aboriginal and Torres Strait Islander peoples to live according to their own values and culture within the laws of Australia.
- Tweed Shire Council recognises the vital importance of the Aboriginal and Torres Strait Islander peoples' contribution to strengthening and enriching our region and our community.

All of the above statements remain in the policy and have been unchanged. However, additional sub-headings have been inserted to reflect Council's commitment in five key areas which include:

1. Reconciliation
2. Aboriginal Cultural Heritage Protection and Management
3. Significant Events - Celebrating Culture
4. Social Justice and Inclusion
5. Economic Development

These changes were made to create an overarching Policy which reflects and provides linkages to the following plans:

1. Reconciliation Action Plan 2018 - 2020 (RAP)
2. Tweed Shire Cultural Heritage Mapping and Plan of Management
3. Tweed Shire Cultural Plan 2018-2021
4. Tweed Shire Community Strategic Plan
5. Northern Coast Regional Plan 2036

To acknowledge the broadening of the policy and its intention as an overarching policy the name has been updated to Aboriginal Statement of Commitment Policy.

**Exhibition of the updated Aboriginal Statement of Commitment Policy Draft**

At Council's meeting of 21 June 2018 it was resolved to place the draft Aboriginal Statement of Commitment Policy on public exhibition. In accordance with the resolution the draft Aboriginal Statement of Commitment was publicly exhibited from 4 July 2018 to 1 August 2018, with submissions being accepted until 15 August 2018. During this period no submissions were received. However, the Aboriginal Advisory Committee at the meeting of 5 October 2018 made two recommendations regarding the draft Aboriginal Statement of Commitment that:

1. Council recognises the Aboriginal Advisory Committee as the primary source of advice under the Terms of Reference for the Aboriginal Advisory Committee.
2. The insertion of an additional paragraph into the Aboriginal Statement of Commitment Policy as follows: 'Council is committed to the continuation of the Aboriginal Advisory Committee as the conduit for shared learning and work in partnership with the Aboriginal community'.

As such, the draft Aboriginal Statement of Commitment Policy v1.4 has been updated to reflect the Aboriginal Advisory Committee's recommendations.

**OPTIONS:**

1. Adopt the Aboriginal Statement of Commitment Policy v1.4.
2. Defer the further consideration by Council.

Option 1 is the recommended option.

**CONCLUSION:**

Whilst the original Aboriginal Statement used at significant events and Council's reconciliation statement remain unchanged, the Aboriginal Statement Policy has been expanded to include Council's commitment in five key areas and to reflect the adoption of a number of plans.

The name was also changed from Aboriginal Statement Policy to Aboriginal Statement of Commitment Policy to reflect the broadening of its scope.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Aboriginal Statement v1.3

**b. Budget/Long Term Financial Plan:**

Not applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

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

**Inform** - We will keep you informed.

As per the Council resolution of 21 June 2018 the draft was placed on public exhibition between 4 July 2018 and 1 August 2018 with submissions being accepted until 15 August 2018. No submissions were received.

Further consultation with the Aboriginal Advisory Committee at the meeting of 5 October 2018 resulted in two recommendations being proposed which have been incorporated.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Draft Aboriginal Statement of Commitment v1.4  
(ECM 5623683)

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19 [CNR-CM] Access and Inclusion Plan 2018-2021

SUBMITTED BY: Community and Cultural Services

mhm



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

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

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

**ROLE:** Collaborator Advocate

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**SUMMARY OF REPORT:**

The draft Access and Inclusion Plan 2018-2021 was endorsed by Council on 16 August 2018 to be placed on public exhibition from 28 August to 25 September 2018 with submissions received until 16 October 2018. This report provides information on the submissions received and changes incorporated into the draft Plan. This report presents the finalised Plan for Council adoption.

**RECOMMENDATION:**

**That Council adopts the Access and Inclusion Plan 2018-2021.**

## REPORT:

This report concerns the draft Access and Inclusion Plan 2018-2021 which was presented to Council on 16 August 2018. This three year plan continues the work of Tweed Shire Council's first Access and Inclusion Plan 2014-2018.

The preparation of the Access and Inclusion Plan 2018-2021 is a legal requirement under *NSW Disability Inclusion Act 2014*.

The three year period for this Plan (2018-2021) is a one off to bring Tweed Shire in line with the rest of NSW Councils and the Integrated Planning and Reporting Framework time frame. Plans from 2021 will be of a four year duration.

Community consultation was undertaken by the Community Development Officer, Ageing and Disability in April, May and June 2018 with assistance from the Communications and Customer Experience Unit.

This Plan will inform and guide Council planning processes, design methodology, construction and service delivery in accordance with the principles of universal design.

The draft Plan was placed on public exhibition from 28 August to 25 September 2018 with submissions received until 1 October 2018. One submission was received from a member of the public. Further changes were made to the Plan after additional consultation with Council's Human Resources Unit. These changes have been incorporated into the Plan. Specific information on these comments and changes are included in Attachment 2.

The draft Plan for public comment was advertised in the Tweed Link, circulated by email and promoted face-to-face through the Equal Access Advisory Committee, Access & Inclusion Committee, Tweed Disability Interagency Network, Tweed Community Care Forum (aged services interagency), Dementia-Friendly Communities Network and forwarded on by members of these networks.

## OPTIONS:

1. That Council adopts the Access and Inclusion Plan 2018-2021.
2. That Council does not adopt the Access and Inclusion Plan 2018-2021 at this time and seeks further information.

## CONCLUSION:

The preparation of an Access and Inclusion Plan is a requirement under the *NSW Disability Inclusion Bill 2014* and meets the intentions of the Commonwealth *Disability Discrimination Act 1992*. Of equal, if not greater, importance is recognising the human rights of all our residents and visitors enshrined in the United Nations *Convention on the Rights of People with Disabilities 2007* ratified by Australia in 2008. An accessible and inclusive community has benefits for everyone in social, health and economic factors. Monitoring and reporting on the progress of the plan must be incorporated into Council's Operational Plans from 2018. The Access and Inclusion Plan 2018-2021 outlines Council's commitment to work within the framework of Universal Design. This means everything we plan, design, build and communicate is accessible and inclusive for the whole community.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Access and Inclusion v1.1

The Access and Inclusion Policy v1.1 is in need of review in order to support Council's progress towards a universal design approach. A number of Council's adopted policies, protocols and templates will also be reviewed to include principles of access, inclusion and Universal Design. These reviews are included as actions in the Plan.

**b. Budget/Long Term Financial Plan:**

Funding of \$48,316 per annum plus CPI is currently in place in the Long Term Financial Plan for the delivery of the Access and Inclusion Plan. There is \$45,985 roll over from the previous Plan not expended due to delays caused by the 2017 flood event. The roll over amount will complete work on projects carried over from the first Plan to upgrade Designated Accessible Parking Bays in Tweed Shire.

**c. Legal:**

Compliance with the *NSW Disability Inclusion Act 2014*.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

As per the usual process, the exhibition of the draft Policy was advertised in the Tweed Link. Representatives of the Equal Access Advisory Committee, Community Options Team and members of the Tweed Disability Interagency were informed about the exhibition of the Access and Inclusion Plan and encouraged to make submissions.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

|               |   |
|---------------|---|
| Attachment 1. | Draft Access and Inclusion Plan 2018-2021 (ECM 5616204) |
| Attachment 2. | Submission Report (ECM 5616207)                         |
| Attachment 3. | Action Tables (ECM 5616221)                             |
| Attachment 4. | Easy English Version (ECM 5447277)                      |

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**20 [CNR-CM] RFO2018119 Expression of Interest (EOI) Design, Construction and Operation of the proposed Stotts Creek Organics Processing Facility**

**SUBMITTED BY: Waste Management**

mhm



**Leaving a Legacy**  
*Looking out for future generations*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

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

**ROLE: Provider**

---

**SUMMARY OF REPORT:**

The Request for Expression of Interest RFO2018119 has been called to engage a suitably qualified and experienced contractor from the open market to design, construct and operate the proposed Stotts Creek Organics Processing Facility.

The offer was uploaded on Tweed Shire Council's Tender site and advertised as per the requirements of the Local Government Regulation 2005 and was scheduled to close at 4:00pm NSW Local Time on 31 October 2018.

Once offers have been received on 31 October 2018, Council officers will undertake an assessment and provide an Addendum Report to Council to be included in the Agenda for the Council Meeting of 15 November 2018.

Therefore due to the timing of this offer assessment the subsequent report will need to be considered as a late item.

**RECOMMENDATION:**

**That Council considers an Addendum report for RFO2018119 Expression of Interest (EOI) Design, Construction and Operation of the proposed Stotts Creek Organics Processing Facility.**



**REPORT:**

As per summary.

**OPTIONS:**

Not applicable.

**CONCLUSION:**

Not applicable.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Procurement Policy v1.8.

**b. Budget/Long Term Financial Plan:**

To be determined.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**21 [CNR-CM] RFO2018120 Tweed Heads Civic Centre: Venue Management (Separable Portion A) and Cleaning Services (Separable Portion B) for the Auditorium, Library and Meeting Rooms**

**SUBMITTED BY: Community and Cultural Services**

Valid

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

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 3 People, places and moving around
- 3.2 Places
- 3.2.3 Auditoria - To provide quality event and performance space for public hire.

**ROLE:** **Provider**

---

**SUMMARY OF REPORT:**

Request for Offer RFO2018120 Tweed Heads Civic Centre: Venue Management (Separable Portion A) and Cleaning Services (Separable Portion B) for the Auditorium, Library and Meeting Rooms was called to engage a Venue Services Contractor/s to perform the venue management services (Separable Portion A) and venue cleaning services (Separable Portion B) at the Tweed Heads Civic Centre Auditorium, Library and Meeting Rooms.

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

**RECOMMENDATION:**

**That in respect to Contract RFO2018120 Tweed Heads Civic Centre: Venue Management (Separable Portion A) and Cleaning Services (Separable Portion B) for the Auditorium, Library and Meeting Rooms:**

- 1. Council awards the contract RFO2018120 to Elliot and Son Venue Management ABN 77 954 732 299 for the following rates (subject to annual CPI adjustments):**

| ITEM | DESCRIPTION               | UNIT      | RATE (GST EXCLUSIVE) |
|------|---------------------------|-----------|----------------------|
| A.1  | Venue Management Services | FORTNIGHT | \$1,572.73           |
| B.1  | Venue Cleaning Services   | FORTNIGHT | \$1,524              |

2. **The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.**
3. **The General Manager be granted delegated authority to approve up to 2 x 1 year contract extensions at the expiration of the initial 3 year contract term.**
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 RFO2018120 Tweed Heads Civic Centre: Venue Management (Separable Portion A) and Cleaning Services (Separable Portion B) for the Auditorium, Library and Meeting Rooms was called to engage a Venue Services Contractor/s to perform the venue management services (Separable Portion A) and venue cleaning services (Separable Portion B) at the Tweed Heads Civic Centre Auditorium, Library and Meeting Rooms.

**Request for Offer Advertising**

The Offer was invited in accordance with the provisions of the Local Government Act 1993, the NSW Local Government (General) Regulation 2005 and the Tendering Guidelines for NSW Local Government. The Request for Offer was officially advertised in The Sydney Morning Herald on Tuesday 25 September 2018 and also in The Tweed Link on 24 September 2018 and on Council's website.

Offer submissions closed at 4.00pm (local time) on 17 October 2018 in the Tender Box located in the foyer at the tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

**Offer Addendums**

There were two (2) Offer Addendums (Notice to Bidders) issued before close of Offer.

**Notice to Bidders No.1 was issued to advise Bidders that:**

The Tweed Heads Civic Centre will be open for Pre-Offer site inspections by appointment only at the following times: 1pm-3pm Wednesday 10 October 2018.

**Notice to Bidders No.2 was issued to advise Bidders that:**

1. Tweed Heads Auditorium Evacuation Diagrams was provided.
2. Tweed Heads Auditorium Facility Bookings 1 July 2017 to 30 June 2018 was provided.

**Offer Submissions**

At the closing time for Offer Submissions, the Tender Box was opened and five (5) Offers were recorded as below:

| <b>Bidder</b>                     | <b>ABN</b>     |
|-----------------------------------|----------------|
| ASC Services                      | 47 132 993 072 |
| Challenger Services Group Pty Ltd | 95 163 895 225 |
| Elliot and Son Venue Management   | 77 954 732 299 |
| GC Leisure                        | 98 117 082 881 |
| Kon Velegrinis                    | 72 384 390 055 |

**Offer Evaluation**

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

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

|                                 |
|---------------------------------|
| <b>Position</b>                 |
| Coordinator- Community Services |
| Project Manager- Contracts      |

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

| <b>Evaluation Criteria</b>  | <b>Document Reference</b> | <b>Weighting (%)</b> |
|---|---------------------------|----------------------|
| Assessed Offer Price (as adjusted).<br>Predicted quantities used to find Total Offer Price. | Schedule 5.8              | 65                   |
| Relevant Experience and Capability  | Schedule 5.4              | 20                   |
| WH&S Management Systems   | Schedule 5.5              | 5                    |
| Local Content   | Schedule 5.7              | 10                   |
|   | <b>Total</b>              | <b>100</b>           |

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

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

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

#### **OPTIONS:**

That Council:

1. Council awards the contract RFO2018120 to Elliot and Son Venue Management ABN 77 954 732 299 for the following rates (subject to annual CPI adjustments):

| ITEM | DESCRIPTION               | UNIT      | RATE (GST EXCLUSIVE) |
|------|---------------------------|-----------|----------------------|
| A.1  | Venue Management Services | FORTNIGHT | \$1,572.73           |
| B.1  | Venue Cleaning Services   | FORTNIGHT | \$1,524              |

2. Declines to accept any of the Offers, including reasons for this course of action in accordance with Regulation 178 of the Local government (General) Regulation 2005).

#### **CONCLUSION:**

Elliot and Son Venue Management achieved the highest overall assessment score and is therefore deemed as the best value option for Council for RFO2018120.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

- Procurement Policy v1.7
- In accordance with Local Government (General) Regulations 2005.

**b. Budget/Long Term Financial Plan:**

Provision for the RFO2018120 Tweed Heads Civic Centre: Venue Management (Separable Portion A) and Cleaning Services (Separable Portion B) for the Auditorium, Library and Meeting Rooms is included in the ongoing operational budget for the venue.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*(Confidential)* Attachment 1. RFO2018120 - Offer Evaluation Report (ECM 5625335)

*(Confidential)* Attachment 2. RFO2018120 - Offer Evaluation Score Sheet (ECM 5625317)

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**22 [CNR-CM] RFO2018121 Murwillumbah Civic Centre - Venue Management and Cleaning Services for Auditorium and Canvas & Kettle Kitchen**

**SUBMITTED BY: Community and Cultural Services**

Valid



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

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 3 People, places and moving around
- 3.2 Places
- 3.2.3 Auditoria - To provide quality event and performance space for public hire.

**ROLE: Provider**

**SUMMARY OF REPORT:**

Request for Offer RFO2018121 Murwillumbah Civic Centre: Venue Management and Cleaning Services for Auditorium and Canvas & Kettle Kitchen was called to engage a Venue Services Contractor/s to perform the Auditorium venue management and Auditorium and Canvas & Kettle Kitchen cleaning services (Separable Portion A) and Canvas & Kettle Kitchen venue management services (Separable Portion B) upon the terms and conditions provided for in this Agreement.

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

**RECOMMENDATION:**

**That in respect to Contract RFO2018121 Murwillumbah Civic Centre: Venue Management and Cleaning Services for Auditorium and Canvas & Kettle Kitchen:**

- 1. Council awards the contract RFO2018121 to Elliot and Son Venue Management ABN 77 954 732 299 for the following rates (subject to annual CPI adjustments):**

| ITEM | DESCRIPTION                                       | UNIT      | RATE (GST EXCLUSIVE) |
|------|---|-----------|----------------------|
| A.1  | Auditorium Venue Management Services              | FORTNIGHT | \$1,572.73           |
| A.2  | Auditorium and Canvas & Kitchen Cleaning Services | FORTNIGHT | \$732.73             |

|            |   |                  |                |
|------------|---|------------------|----------------|
| <b>B.1</b> | <b>Canvas &amp; Kettle Kitchen<br/>Venue Management<br/>Services (Payment to<br/>Council)</b> | <b>FORTNIGHT</b> | <b>\$49.09</b> |
|------------|---|------------------|----------------|

2. **The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.**
3. **The General Manager be granted delegated authority to approve up to 2 x 1 year contract extensions at the expiration of the initial 3 year contract term.**
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**

Request for Offer RFO2018121 Murwillumbah Civic Centre: Venue Management and Cleaning Services for Auditorium and Canvas & Kettle Kitchen was called to engage a Venue Services Contractor/s to perform the Auditorium venue management and Auditorium and Canvas & Kettle Kitchen cleaning services (Separable Portion A) and Canvas & Kettle Kitchen venue management services (Separable Portion B) upon the terms and conditions provided for in this Agreement.

**Request for Offer Advertising**

The Offer was invited in accordance with the provisions of the Local Government Act 1993, the NSW Local Government (General) Regulation 2005 and the Tendering Guidelines for NSW Local Government. The Offer was officially advertised in The Sydney Morning Herald on Tuesday 25 September 2018 and also in The Tweed Link on 24 September 2018 and also on Council's website.

Offer submissions closed at 4.00pm (local time) on 17 October 2018 in the Tender Box located in the foyer at the tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

**Offer Addendums**

There were two (2) Offer Addendums (Notice to Bidders) issued before close of Offer.

**Notice to Bidders No.1 was issued to advise Bidders that:**

The Tweed Heads Civic Centre will be open for Pre-Offer site inspections by appointment only at the following times: 8am-10am Wednesday 10 October 2018.

**Notice to Bidders No.2 was issued to advise Bidders that:**

1. Murwillumbah Auditorium Evacuation Diagram was provided.
2. Murwillumbah Auditorium Facility Bookings 1/07/2017 to 30/06/2018 was provided.

**Offer Submissions**

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

| <b>Bidder</b>                   | <b>ABN</b>     |
|---------------------------------|----------------|
| ASC Services                    | 47 132 993 072 |
| Elliot and Son Venue Management | 77 954 732 299 |

**Offer Evaluation**

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

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

| <b>Position</b>                 |
|---------------------------------|
| Coordinator- Community Services |
| Project Manager- Contracts      |

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

| Evaluation Criteria   | Document Reference | Weighting (%) |
|---|--------------------|---------------|
| Assessed Offer Price (as adjusted).<br>Predicted quantities used to find Total Offer Price. | Schedule 5.8       | 65            |
| Relevant Experience and Capability  | Schedule 5.4       | 20            |
| WH&S Management Systems   | Schedule 5.5       | 5             |
| Local Content   | Schedule 5.7       | 10            |
|   | <b>Total</b>       | <b>100</b>    |

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

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

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

**OPTIONS:**

That Council:

1. Council awards the contract RFO2018121 to Elliot and Son Venue Management ABN 77 954 732 299 for the following rates (subject to annual CPI adjustments):

| ITEM | DESCRIPTION  | UNIT      | RATE (GST EXCLUSIVE) |
|------|--|-----------|----------------------|
| A.1  | Auditorium Venue Management Services                                   | FORTNIGHT | \$1,572.73           |
| A.2  | Auditorium and Canvas & Kitchen Cleaning Services                      | FORTNIGHT | \$732.73             |
| B.1  | Canvas & Kettle Kitchen Venue Management Services (Payment to Council) | FORTNIGHT | \$49.09              |

2. Declines to accept any of the Offers, including reasons for this course of action in accordance with Regulation 178 of the Local government (General) Regulation 2005).

**CONCLUSION:**

Elliot and Son Venue Management achieved the highest overall assessment score and is therefore deemed as the best value option for Council for RFO2018121.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

- Procurement Policy v1.7
- In accordance with Local Government (General) Regulations 2005.

**b. Budget/Long Term Financial Plan:**

Provision for the RFO2018121 Murwillumbah Civic Centre: Venue Management and Cleaning Services for Auditorium and Canvas & Kettle Kitchen is included in the ongoing operational budget for the venue.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*(Confidential)* Attachment 1. RFO2018121 - Offer Evaluation Report (ECM 5626283)

*(Confidential)* Attachment 2. RFO2018121 - Offer Evaluation Score Sheet (ECM 5626323)

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## REPORTS FROM THE DIRECTOR ENGINEERING

23 [E-CM] Classification of Land as Operational - Rous River Way, Murwillumbah

SUBMITTED BY: Design

mhm



Leaving a Legacy  
*Looking out for future generations*

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

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### SUMMARY OF REPORT:

Lots 602 and 627 in DP 1243648 were transferred to Council as Drainage Reserve as a Condition of Consent under Subdivision Certificate 18/0013.

In compliance with Section 31 of the Local Government Act 1993, Council is required to provide a land classification to these parcels.

Prior to resolving to classify the land, Council was required to publish a notice of its intention to classify the land in a locally circulated publication. Such notice advertising the proposed classification of Operational Land to Lots 602 and 627 in DP 1243648 was published in the Tweed Link on 6 November 2018. No submissions were received.

It is recommended that Council classifies Lots 602 and 627 in DP 1243648 as Operational Land, pursuant to its obligations under the Local Government Act 1993.

### RECOMMENDATION:

**That Council approves the classification of Lots 602 and 627 in DP 1243648 as Operational Land, pursuant to Section 31 of the Local Government Act 1993.**



to Council or issue of Title. Failure to classify land intended to have an Operational classification will result in the land being automatically classified as Community Land and will limit the use of the land pursuant to Section 35 of the *Local Government Act, 1993*.

Prior to resolving to classify the land, Council was required to publish a notice of its intention to classify the land in a locally circulated publication. Such notice advertising the proposed classification of Operational Land to Lots 602 and 627 in DP 1243648 was published in the Tweed Link on 6 November 2018. No submissions were received.

**OPTIONS:**

As the classification of land is a statutory obligation under Section 31 of the *Local Government Act, 1993*, there are no alternative options available regarding this matter. The property is to be utilised for operational purposes associated with a drainage reserve.

**CONCLUSION:**

Council is required to classify all land held by it pursuant to Section 31 of the *Local Government Act, 1993* and the purpose of this report is to fulfil that statutory obligation.

It is recommended that Council approve the classification of the subject land as Operational, in pursuance of its obligations under the *Local Government Act, 1993*.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Classification of Land pursuant to Section 31 of the *Local Government Act, 1993*.

**b. Budget/Long Term Financial Plan:**

To form part of the future Water and Wastewater budget.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

Advertised in the Tweed Link on 6 November 2018.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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24 [E-CM] Road Closure - Wabba Road, Burringbar

SUBMITTED BY: Design

mhm

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Behind the scenes  
*Providing support to make it happen*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

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

**ROLE:** Leader

---

**SUMMARY OF REPORT:**

Council at its meeting of 21 April 2016 resolved to approve the closure and purchase of the Wabba Road Reserve running through Lot 1 DP 551265.

The recommendation and pursuant resolution of this meeting omitted to include the further recommendation that all necessary documentation be executed under the Common Seal of Council.

**RECOMMENDATION:**

**That all necessary documentation relevant to the closure and purchase of the road reserve running through Lot 1 DP 551265, as resolved in the meeting of 21 April 2016, be executed under the Common Seal of Council.**

**REPORT:**

Council at its meeting of 21 April 2016 resolved to approve the closure and purchase of the Wabba Road Reserve running through Lot 1 DP 551265.

To enable plans of road closure to be registered at Land Registry Services, it is now a requirement that all road closure plans be executed by the General Manager and the Mayor under the Common Seal of Council, pursuant to the Registrar General's directions. The report submitted to Council's meeting of 21 April 2016 omitted to include the recommendation that all necessary documentation be executed under the Common Seal of Council.

**OPTIONS:**

As this is a direction from the Registrar General, Council must resolve that all necessary documentation be executed under the Common Seal of Council.

**CONCLUSION:**

To enable the plan of road closure as approved by Council to be registered, it is recommended that all necessary documentation relevant to the closure and purchase of the road reserve running through Lot 1 DP 551265 as resolved in the meeting of 21 April 2016 be executed under the Common Seal of Council.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Road Closures and Private Purchase v1.2.

**b. Budget/Long Term Financial Plan:**

No budget implications.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

---



**25 [E-CM] Classification of Land as Operational - Lot 604 DP 1244954 at Industry Central, South Murwillumbah**

**SUBMITTED BY:** Design

mhm

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

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

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

**ROLE:** **Leader**

---

**SUMMARY OF REPORT:**

Council at its meeting of 3 May 2018 resolved to purchase proposed Lot 604 in the subdivision of Lot 519 DP 1132400 at Industry Central, South Murwillumbah.

The plan was registered on 26 July 2018 as DP 1244954.

Lot 604 was purchased for the Industry Central Land Swap project. Lot 603 was also created in this plan as a drainage reserve and will be transferred to Council in due course, a future report will be made to classify Lot 603 as operational land.

Settlement of the purchase of Lot 604 occurred on 16 August 2018 and pursuant to Section 31 of the *Local Government Act 1993*, Council is required to classify all land held by it within 3 months of the date of transfer to Council.

It is recommended that Council approve the classification of Lot 604 as "operational land" in pursuance of its obligations under the *Local Government Act, 1993*.

**RECOMMENDATION:**

**That Council:**

- 1. In accordance with Section 31 of the Local Government Act, 1993, classifies Lot 604 in DP 1244954 at Industry Central, South Murwillumbah as "Operational Land".**
- 2. Approves the transfer of Lot 603 in DP 1244954 for drainage reserve.**
- 3. Executes all documentation under the Common Seal of Council.**

**REPORT:**

Council at its meeting of 3 May 2018 resolved to purchase proposed Lot 604 in the subdivision of Lot 519 DP 1132400 at Industry Central, South Murwillumbah.

The plan was registered on 26 July 2018 as DP 1244954.

Lot 604 was purchased for the Industry Central Land Swap project. Lot 603 was also created in this plan as a drainage reserve and will be transferred to Council in due course, a future report will be made to classify Lot 603 as operational land.

Settlement of the purchase of Lot 604 occurred on 16 August 2018 and pursuant to Section 31 of the *Local Government Act 1993*, Council is required to classify all land held by it within 3 months of the date of transfer to Council.

**Diagram 1** - Plan showing location of Lot 604.



It is intended to classify the land as "operational land" to reflect the operational nature of the land.

Prior to resolving to classify the land, it is necessary for Council to publish a notice of its intention to classify the land. Such a notice was published in the Tweed Link with no submissions received.

It is recommended that Council approve the classification of the subject land as "operational land" in pursuance of its obligations under the *Local Government Act, 1993*.

**OPTIONS:**

As the classification of Council land is a statutory obligation, there are no alternative options available regarding this matter.

**CONCLUSION:**

Council is required to classify all land held by it and the purpose of this report is to fulfil that statutory obligation. It is recommended that Council approve the classification of the subject land as "operational land" in pursuance of Section 31 of the *Local Government Act 1993*.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.  
Section 31 of the *Local Government Act 1993*.

**b. Budget/Long Term Financial Plan:**

No future budget implications.

**c. Legal:**

In accordance with the classification of land acquired after July 1993, to satisfy section 31 of the *Local Government Act 1993*.

**d. Communication/Engagement:**

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

Advertised in the Tweed Link inviting written submissions from the public.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**26 [E-CM] RFO2018109 Expression of Interest (EOI) for Environmental Impact Statement (EIS) Clarrie Hall Dam Raising**

**SUBMITTED BY: Water and Wastewater**

Valid

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**Leaving a Legacy**  
*Looking out for future generations*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

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

**ROLE: Provider**

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**SUMMARY OF REPORT:**

Request for Offer RFO2018109 Expression of Interest (EOI) for Environmental Impact Statement (EIS) Clarrie Hall Dam Raising has been called to shortlist applicants to provide an Environmental Impact Statement for the raising of Clarrie Hall Dam.

The offer was uploaded on Tweed Shire Council's Tender site as per the requirements of the Local Government Regulation 2005 and was scheduled to close at 4:00pm NSW Local Time on 17 October 2018.

Offers were received on 17 October 2018, and Council officers will undertake an assessment and provide an Addendum Report to Council to be included in the Agenda for the Council Meeting of 15 November 2018.

**RECOMMENDATION:**

**That Council considers an Addendum report for RFO2018109 Expression of Interest (EOI) for Environmental Impact Statement (EIS) Clarrie Hall Dam Raising.**

**REPORT:**

As per Summary.

**OPTIONS:**

Not Applicable.

**CONCLUSION:**

Not Applicable.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Procurement Policy v1.7

In accordance with Local Government (General) Regulations 2005.

**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.

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## 27 [E-CM] Tweed Road Development Strategy Endorsement

**SUBMITTED BY:** Roads and Stormwater

mhm



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

### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 3 People, places and moving around
- 3.3 Moving around
- 3.3.3 Design Services - To produce civil designs and undertake environmental assessment for public infrastructure.

**ROLE:** **Provider**

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### **SUMMARY OF REPORT:**

Council resolved at its 22 March 2018 meeting that:

- "1. The draft Tweed Road Development Strategy and attachments be publicly exhibited for a period of 42 days.*
- 2. Council holds a Workshop in relation to the Tweed Development Strategy in conjunction within the exhibition period."*

The submission period closed on 3 July 2018.

A number of workshops and presentations were held with community groups and individuals during the exhibition period. The requested Councillor Workshop was held on 24 May.

A summary of the public submissions received are included as an attachment to this report and the actions, if any, are detailed.

The final report is attached for adoption.

### **RECOMMENDATION:**

**That Council adopts the 2017 Tweed Road Development Strategy and proceeds with a review of the current s.711 Tweed Road Contribution Plan as the basis for the funding of the Strategy.**

## REPORT:

On 22 March 2018 Council resolved to exhibit the draft 2017 Tweed Road Development Strategy (TRDS). During the exhibition period (4 May to 3 July 2018) Council received a number of written submissions as summarised in the table provided in Attachment 1. The comments were reviewed by officers and our consultants and the report was modified accordingly. The amended draft is Attachment 2 of this report.

## OPTIONS:

1. Council adopts the 2017 Tweed Road Development Strategy, and a review of the current s7.11 Tweed Road Contribution Plan (TRCP), which funds the Strategy, commence.
2. Council does not adopt the 2017 Tweed Road Development Strategy and seeks further information or alternatives from the consultant.

## CONCLUSION:

The Strategy was exhibited as per Council's directive and community feedback was solicited through workshops and presentations. The Strategy was modified to acknowledge the feedback comments and concerns where considered warranted.

Subject to the Strategy's adoption, the next step in the process is to review the s7.11 Plan that funds the Strategy. This will involve engaging consultants and attaching cost estimates to the proposed roadwork upgrades identified in the Strategy and recalculation of contribution rates for traffic generating developments.

## COUNCIL IMPLICATIONS:

### a. Policy:

The attached document sets Council's long term strategy for the arterial road network to cater for growth. The 2017 version updates and replaces the current TRDS.

### b. Budget/Long Term Financial Plan:

The TRDS forms the works program for the s7.11 Plan TRCP. The Plan requires updating to reflect the updated Strategy. The TRCP review will be funded from s7.11 administration funds held.

### c. Legal:

Not Applicable.

### d. Communication/Engagement:

**Inform** - We will keep you informed.

During the exhibition period Council staff hosted a public drop in session and presented the draft to the Residents Associations at Banora Point, Kingscliff and Casuarina, and the Tweed and Murwillumbah Business Chambers.

The adopted final report will be uploaded to Council's website for public information.



**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Bitzios Responses to Public Submissions (ECM 5631836).

Attachment 2. 2017 Tweed Road Development Strategy (ECM 5631807).

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**REPORTS FROM THE EXECUTIVE MANAGER FINANCE, REVENUE AND INFORMATION TECHNOLOGY**

**28 [FRIT-CM] Tweed Shire Council Financial Statements 30 June 2018**

**SUBMITTED BY: Financial Services**

mhm



Making decisions with you  
*We're in this together*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 2 Making decisions with you
- 2.2 Engagement
- 2.2.5 Financial Services - To collect and manage Council funds and provide information and advice to support sound financial decision-making.

**ROLE:** **Provider**

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**SUMMARY OF REPORT:**

Council's Statutory General Purpose and Special Purpose Financial Reports for the financial year ended 30 June 2018, have been completed and audited in accordance with Section 413 of the Local Government Act, 1993. The reports and associated independent Audit Reports from Audit Office of New South Wales, presents Council with a financial overview of its operations for the year 2017/2018.

The financial result for the year reveals that Council's finances are in a strong position and that the internal financial management practices are sound.

The financial reports for 2017/2018 are now presented to Council for adoption. The Audit Office of New South Wales, through their contract auditors Thomas, Noble and Russell, provided an overview at the October 2018 Council meeting with respect to Council's financial position.

**RECOMMENDATION:**

**That Council adopts the 2017/2018 Statutory General Purpose and Special Purpose Financial Reports.**

## **REPORT:**

### **Background**

Council's General Purpose Financial Report for year ended 30 June 2018 has now been completed and the auditor's report received.

These reports were completed by Council and audited by the Audit Office of New South Wales.

### **Legislation Requirements:**

The Local Government Act, 1993 ("the Act") relating to the preparation of Council's annual financial reports requires that:

1. Section 413 – A council must prepare financial reports for each year, and must refer them for audit as soon as practicable after the end of that year.
2. Section 413 (2) – A council's financial reports must include:
  - (a) a general purpose financial report;
  - (b) any other matter prescribed by the regulations; and
  - (c) a statement in the approved form by the council as to its opinion on the general purpose financial report.
3. Section 413 (3) – The general purpose financial report must be prepared in accordance with the Act and the regulations and the requirements of:
  - (a) the publications issued by the Australian Accounting Standards Board, as in force for the time being, subject to regulations; and
  - (b) such other standards as may be prescribed by the regulations.
4. Section 416 – A council's financial reports for a year must be prepared and audited within the period of 4 months after the end of that year.
5. Section 418 – Upon receiving the Auditor's Report, the Act requires the Council to give at least 7 days public notice of the meeting at which it proposes to present its audited financial reports, together with the Auditor's Report, to the public.
6. Section 420 – Any person may make a submission to the Council with respect to the Council's audited financial reports or with respect to the Auditor's Report within 7 days of the reports being presented to the public.
7. Section 428(4)(a) – The audited financial reports must be included in the Council's annual report.
8. Clause 215 of the Local Government (General) Regulation, 2005 requires that the Statement under Section 413 (2) (c) on the annual financial report must be made by resolution of the Council and signed by the Mayor, at least one (1) other member of Council, the General Manager and the Responsible Accounting Officer.

9. It is a requirement of the Office of Local Government that lodgement of the Audited Financial Statements and the Auditors Report be submitted to the Chief Executive by 31 October of each year. (Note: This requirement has been met with Council submitting the Financial Statements on 30 October 2018).

### **Council's responsibility**

Council is responsible for the preparation of the financial reports and adequate disclosures. This includes the maintenance of adequate accounting records and internal controls, the selection and application of accounting policies, and the safeguarding of the assets of Council. As the Responsible Accounting Officer, the Executive Manager Finance, Revenue and Information Technology, Mr Michael Chorlton, has stated the accounting records have been maintained in accordance with Section 412 of the Act and in a manner that permitted the preparation of the General and Special Purpose Financial Reports for the year ended 30 June 2018.

Update No. 26 to the Local Government Code of Accounting Practice and Financial Reporting was issued in April of this year and is relevant to accounting periods ending 30 June 2018.

### **Purpose of Annual Financial Reporting**

The purpose of financial reporting, or the preparation of annual financial statements, is to communicate information about the financial position and operating results of Council to those who need to know or have an interest in Council operations.

Parties who have an interest in, or need to know financial reporting information include:

- councillors and management;
- residents/ratepayers;
- government departments and public authorities;
- community groups; and
- financial institutions

The users of financial reporting information are varied and financial statements must, therefore, be structured to meet all their respective requirements. This is achieved through conformity with the Australian Accounting Standards, which apply to the majority of business operations in Australia.

### **Annual Financial Reporting System**

#### ***General Purpose Financial Reports***

Under the requirements of Australian Accounting Standards, Council is required to prepare the following reports for each financial year.

#### ***Income Statement***

This shows the operating result and change in net assets from operations for the year.

### ***Statement of Comprehensive Income***

Components of other comprehensive income are items of income and expense (including reclassification adjustments) that are specifically required or permitted by other Australian Accounting Standards to be included in other comprehensive income and are not recognised in profit or loss such as changes in the revaluation surplus relating to property, plant and equipment.

### ***Statement of Financial Position***

This discloses the assets, liabilities and equity of Council.

### ***Statement of Changes in Equity***

This reconciles opening and closing balances for each class of equity during the reporting period and gives details of any movement in these classes of equity.

### ***Statement of Cash Flow***

This shows information about cash flows associated with Council's operating, financing and investing activities.

### ***Notes to the Financial Statements***

These disclose the accounting policies adopted by Council and provide additional material necessary for evaluating and interpreting the financial statements.

In addition to the General Purpose Financial Reports, Council must also submit the Auditor's Reports in accordance with Section 417(1) of the Act and Council's Statement in accordance with Section 413(2)(c) of the Act.

### ***Special Purpose Financial Reports***

The National Competition Policy requires Local Government to complete Special Purpose Financial Reports for all Council's declared business activities:- Tweed Water, Tweed Sewerage, Tweed Coast Holiday Parks and Commercial Waste.

### ***Special Schedules***

The Office of Local Government, the Local Government Grants Commission and the NSW Department of Industry – Water, require a series of schedules. These provide additional details on Council's net cost of services; operating statements and statements of net assets committed for water and sewerage services; and information on water and sewerage rates and charges.

### **Audit Mandate**

The Audit Office of New South Wales, have completed the audit of Council's general purpose financial reports for the year ended 30 June 2018 under Section 417 of the Local Government Act 1993.

Council's auditor must prepare two reports to Council (Section 417 (1)):

- A report on the general purpose financial report, and
- A report on the conduct of the audit.

As soon as practicable after receiving the auditor's reports, Council must send a copy of the audited financial reports and the auditor's reports to the NSW Office of Local Government.

## Management Responsibility - Audit

The performance of an audit or the provision of an audit report does not in any way absolve or relieve management of its responsibility in the maintenance of adequate accounting policies and the preparation of financial information such as budget preparation and the quarterly budget reviews submitted to Council. Council has strong internal management reporting practices in place that ensures all costs and income are monitored and acted upon.

Management has the responsibility to safeguard Council assets and prescribe policies and procedures that are consistent with the economic and efficient use of resources.

## Performance Indicators

The key financial performance ratios and their purpose, as shown in the financial reports, are listed in the following table.

| Performance Indicators               | 2017/18    | 2016/17    | 2015/16    |
|--------------------------------------|------------|------------|------------|
| Operating Performance Ratio          | 11.26%     | 11.26%     | 9.26%      |
| Own Source Operating Revenue Ratio   | 71.17%     | 74.40%     | 78.03%     |
| Unrestricted Current Ratio           | 1.77:1     | 3.52:1     | 3.75:1     |
| Debt Service Cover Ratio             | 3.81       | 3.66       | 3.26       |
| Rates and Annual Charges Outstanding | 3.99%      | 4.35%      | 4.58%      |
| Cash Expense Cover Ratio             | 21.55 mths | 20.66 mths | 17.59 mths |

- Operating Performance Ratio - This ratio measures Council's achievement of containing operating expenditure within operating revenue. (*Benchmark: >= 0%*)
- Own Source Operating Revenue Ratio - This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contributions. (*Benchmark: >60%*)
- Unrestricted Current Ratio - This liquidity ratio is used to assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council. (*Benchmark: >1.50:1*)
- Debt Service Cover Ratio - This ratio measures the ability of operating cash to service debt including interest, principal and lease payments. (*Benchmark: >2.0*)
- Rates, Annual Charges, Interest and Extra Charges Outstanding Percentage - This ratio is used to assess the impact of uncollected rates, annual charges, interest and extra charges on Council's liquidity and the adequacy of recovery efforts. (*Benchmark: <10%*)
- Cash Expense Cover Ratio - This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow. (*Benchmark: >3 mths*)

On a consolidated funds basis Council has achieved all the above key financial performance indicator benchmarks for 2017/2018.

**OPTIONS:**

Not applicable

**CONCLUSION:**

The financial reports for 2017/2018 are now presented to Council for adoption.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable

**b. Budget/Long Term Financial Plan:**

The 2017/2018 Financial Reports will inform the Budget/Long Term Financial Plan for 2019/2020.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.

Statutory General Purpose and Special Purpose Financial Statements and Special Schedules for the year 2017/2018 - Annual Report (ECM 5623898).

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29 [FRIT-CM] 2017/2018 Annual Report

SUBMITTED BY: Financial Services

mhm



Making decisions with you  
*We're in this together*



Behind the scenes  
*Providing support to make it happen*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

|       |  |
|-------|--|
| 2     | Making decisions with you  |
| 2.2   | Engagement   |
| 2.2.2 | Communications - To inform, educate and engage the public about Council and community activities.                |
| 4     | Behind the scenes  |
| 4.1   | Assurance  |
| 4.1.1 | Governance - To provide assistance to Councillors and support for Council to operate within its legal framework. |

**ROLE:** Collaborator Provider Advocate Leader

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**SUMMARY OF REPORT:**

The 2017/2018 Annual Report has been prepared as required under Sections 428 and 428A of the Local Government Act 1993 and Clause 217 of the Local Government (General) Regulation 2005 and is attached to this report for information of the Council and community.

The Annual Report documentation comprises the following:

- Annual Report 2017/2018 which highlights Council's achievements and progress towards the Community Strategic Plan and other statutory information as prescribed within the Local Government Act and Regulations; and
- Audited Financial Statements 2017/2018.

Copies of these documents will be uploaded to the Council website and as prescribed, will be made available to the Minister for Local Government.

**RECOMMENDATION:**

**That Council adopts the Annual Report 2017/2018 and makes it available to the public on Council's website and notifies the Minister for Local Government of its availability.**



**REPORT:**

The 2017/2018 Annual Report has been prepared as required under Sections 428 and 428A of the Local Government Act 1993 and Clause 217 of the Local Government (General) Regulation 2005 and is attached to this report for information of the Council and community.

The Annual Report highlights Council's achievements and progress, including award recognition, against each of the following four 2017/2027 Community Strategic Plan principal streams:

**Leaving a legacy: *Looking out for future generations***

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

The Annual Report documentation comprises the following:

- Annual Report 2017/2018 which highlights Council's achievements and progress towards the Community Strategic Plan and other statutory information as prescribed within the Local Government Act and Regulations; and
- Audited Financial Statements 2017/2018.

Copies of all these documents will be uploaded to the Council website and as prescribed, will be made available to the Minister for Local Government.

The audited Financial Statements 2017/2018 detail the income and expenditure and financial position of Council over this period as well as specific schedules and the Special Purpose Financial Reports.

**OPTIONS:**

Not Applicable.

**CONCLUSION:**

That Council adopts the Tweed Shire Council Annual Report 2017/2018 and makes it available to the public on Council's website and notifies the Minister for Local Government of its availability.

**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 accordance with the requirements of Sections 428 and 428A of the Local Government Act 1993 and Clause 217 of the Local Government (General) Regulation 2005.



30 [FRIT-CM] Corporate Quarterly Performance Report - 1 July to 30 September 2018

SUBMITTED BY: Financial Services

mhm

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Making decisions with you  
*We're in this together*



Behind the scenes  
*Providing support to make it happen*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

|       |  |
|-------|--|
| 2     | Making decisions with you  |
| 2.2   | Engagement   |
| 2.2.2 | Communications - To inform, educate and engage the public about Council and community activities.                |
| 4     | Behind the scenes  |
| 4.1   | Assurance  |
| 4.1.1 | Governance - To provide assistance to Councillors and support for Council to operate within its legal framework. |

**ROLE:** Collaborator Provider Advocate Leader

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**SUMMARY OF REPORT:**

The Corporate Quarterly Report for the period 1 July to 30 September 2018 is presented to Council for consideration.

This report and accompanying attachments detail the progress of the 2018/2019 Operational Plan activities up to 30 September 2018.

**RECOMMENDATION:**

**That Council receives and notes the Corporate Quarterly Performance Report as at 30 September 2018.**

**REPORT:**

At the Council meeting held 6 April 2017, Council adopted the Community Strategic Plan 2017/2027 “Living and Loving the Tweed”. At the Council meeting held 21 June 2018, the Delivery Program 2017-2021/Operational Plan 2018-2019 was adopted by Council. Both of these documents contained a reporting structure which is based upon the following four principal streams:

**Leaving a legacy: *Looking out for future generations***

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

This is the first quarterly report on the progress of the 2018/2019 Operational Plan and following adoption by Council will be made available via the Integrated Planning and Reporting Framework page on Council's website.

**OPTIONS:**

Not Applicable.

**CONCLUSION:**

That Council receives and notes the Corporate Quarterly Performance Report as at 30 September 2018.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Not applicable

**b. Budget/Long Term Financial Plan:**

Not applicable.

**c. Legal:**

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

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.

Corporate Quarterly Performance Report for the period 1 July to 30 September 2018 (ECM 5633100)

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31 [FRIT-CM] Quarterly Budget Review - September 2018

SUBMITTED BY: Financial Services

mhm



Making decisions with you  
*We're in this together*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 2 Making decisions with you
- 2.2 Engagement
- 2.2.5 Financial Services - To collect and manage Council funds and provide information and advice to support sound financial decision-making.

**ROLE:** **Leader**

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**SUMMARY OF REPORT:**

This is the first quarter statutory budget review for this financial year and summarises the estimated expenditure and income changes to the 2018/2019 Budget.

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

**RECOMMENDATION:**

**That the:**

1. **Quarterly Budget Review Statement as at 30 September 2018 be adopted.**
2. **Expenditure and income, as summarised below and detailed within the report, be voted and adjusted in accordance with the revised total expenditure and income for the year ending 30 June 2019.**



| Description                  | Change to Vote    |                   |
|------------------------------|-------------------|-------------------|
|                              | Deficit           | Surplus           |
| <b>General Fund</b>          |                   |                   |
| <b><u>Expenses</u></b>       |                   |                   |
| Employee costs               | 278,408           | 0                 |
| Materials & Contracts        | 15,182,447        | 0                 |
| Interest                     | 0                 | 0                 |
| Other Operating costs        | 0                 | 150,000           |
| Capital                      | 45,488,016        | 0                 |
| Loan Repayments              | 0                 | 0                 |
| Transfers to Reserves        | 525,338           | 0                 |
|                              | <u>61,474,209</u> | <u>150,000</u>    |
| <b><u>Income</u></b>         |                   |                   |
| Rates and Annual Charges     | 0                 | 0                 |
| Interest revenue             | 0                 | 0                 |
| Operating Grants & Conts     | 135,961           | 0                 |
| Capital Grants & Conts       | 0                 | 6,805,904         |
| User Charges & Fees          | 0                 | 72,814            |
| Other Operating Revenue      | 0                 | 0                 |
| Loan Funds                   | 0                 | 1,152,622         |
| Recoupments                  | 0                 | 1,553,281         |
| Transfers from Reserves      | 0                 | 51,875,549        |
| Asset Sales                  | 0                 | 0                 |
|                              | <u>135,961</u>    | <u>61,460,170</u> |
| <b>Net Surplus/(Deficit)</b> |                   | <u>0</u>          |
|                              | <b>Deficit</b>    | <b>Surplus</b>    |
| <b>Sewer Fund</b>            |                   |                   |
| <b><u>Expenses</u></b>       |                   |                   |
| Employee costs               | 0                 | 0                 |
| Materials & Contracts        | 613,491           | 0                 |
| Interest                     | 0                 | 0                 |
| Other Operating costs        | 0                 | 0                 |
| Capital                      | 1,565,984         | 0                 |
| Loan Repayments              | 0                 | 0                 |
| Transfers to Reserves        | 0                 | 412,966           |
|                              | <u>2,179,475</u>  | <u>412,966</u>    |
| <b><u>Income</u></b>         |                   |                   |
| Rates and Annual Charges     | 0                 | 0                 |
| Interest revenue             | 0                 | 65,330            |
| 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                 | 215,869           |
| Transfers from Reserves      | 0                 | 1,485,310         |
| Asset Sales                  | 0                 | 0                 |
|                              | <u>0</u>          | <u>1,766,509</u>  |
| <b>Net Surplus/(Deficit)</b> |                   | <u>0</u>          |

**Water Fund**

**Expenses**

|                       |                  |                |
|-----------------------|------------------|----------------|
| Employee costs        | 0                | 0              |
| Materials & Contracts | 168,485          | 0              |
| Interest              | 0                | 0              |
| Other Operating costs | 0                | 0              |
| Capital               | 3,022,205        | 0              |
| Loan Repayments       | 0                | 0              |
| Transfers to Reserves | 0                | 340,086        |
|                       | <u>3,190,690</u> | <u>340,086</u> |

**Income**

|                          |               |                  |
|--------------------------|---------------|------------------|
| Rates and Annual Charges | 0             | 0                |
| Interest revenue         | 33,766        | 0                |
| Operating Grants & Conts | 0             | 0                |
| Capital Grants & Conts   | 0             | 57,500           |
| User Charges & Fees      | 0             | 0                |
| Other Operating Revenue  | 0             | 0                |
| Loan Funds               | 0             | 0                |
| Recoupments              | 0             | 2,192,210        |
| Transfers from Reserves  | 0             | 634,660          |
| Asset Sales              | 0             | 0                |
|                          | <u>33,766</u> | <u>2,884,370</u> |

|                       |  |          |
|-----------------------|--|----------|
| Net Surplus/(Deficit) |  | <u>0</u> |
|-----------------------|--|----------|

## **REPORT:**

### **Budget Review 30 September 2018 (Quarterly Budget Review)**

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

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

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

### **Report by Responsible Accounting Officer – Quarterly Budget Review Statements**

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

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

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

This information is presented in the following reports:

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

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

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

| Description                         | \$  | \$                            |
|-------------------------------------|---|-------------------------------|
|                                     | <b>Net Effect<br/>on<br/>2018/2019<br/>Budget</b> | <b>Net Effect<br/>on LTFP</b> |
| <b>General Fund</b>                 |   |                               |
| General Managers Sundry Expenses    | 10,000  | 10,000                        |
| Councillor Professional Development | 80,000  | 80,000                        |
| Tumbulgum flood gauge               | 23,000  |                               |
| Communication tower rental income   | 12,155  | 12,155                        |
| Emergency Services levies           | -53,809   | -53,809                       |
| Financial Assistance Grant          | -774,499  |                               |
| Regional Cities                     | 5,000   |                               |
| Community Services                  | 46,097  | 46,097                        |
| New pound                           | 600,000   |                               |
| Coolamon Centre                     | 25,056  |                               |
| Community Halls Advisory Committee  | 27,000  | 27,000                        |
|                                     | <b>0</b>  | <b>121,443</b>                |

## Detailed list of changes

| In/Ex                         | Item | Category   | Description   | Current Vote    | Change to Vote  | Details / Comments                                      |
|-------------------------------|------|------------|---|-----------------|-----------------|---|
| <b>1. Proposed Variations</b> |      |            |   |                 |                 |   |
| <b>General Fund</b>           |      |            |   |                 |                 |   |
| Ex                            | 1    | Ex-Op      | General Managers Sundry Expenses                          | 2,395           | <b>10,000</b>   | Performance reviews, subscriptions etc                  |
| Ex                            | 2    | Ex-Op      | Sth Mbah Industrial Precinct Infrastructure Joint Venture |                 | <b>50,000</b>   | Master Planning Mbah properties                         |
| In                            | 2    | In-TFR     | Land development Reserve                                  |                 | <b>-50,000</b>  | Funding   |
| Ex                            | 3    | Ex-OpOther | Public Liability/Professional Indemnity reserve           | 920,956         | <b>-150,000</b> | Reduced premium   |
| Ex                            | 3    | Ex-TTR     | Transfer saving to reserve                                |                 | <b>150,000</b>  |   |
| Ex                            | 4    | Ex-Capital | Richards Deviation Bridge                                 | 384,000         | <b>-384,000</b> | Deferral to 2019/2020                                   |
| Ex                            | 4    | Ex-Capital | Palmers Road Bridge                                       | 432,000         | <b>-432,000</b> | Deferral to 2019/2020                                   |
| In                            | 4    | In-Loan    | Bridges construction funding                              | <b>-816,000</b> | <b>816,000</b>  | Funding no longer required                              |
| Ex                            | 5    | Ex-Capital | Mount Warning Road  |                 | <b>400,000</b>  | Culvert upgrade   |
| In                            | 5    | In-CG&C    | Richmond Roads Package                                    |                 | <b>-400,000</b> | Federal grant   |
| Ex                            | 5    | Ex-Capital | Bartletts Road sealing                                    |                 | <b>750,000</b>  | Sealing   |
| In                            | 5    | In-CG&C    | Richmond Roads Package                                    |                 | <b>-750,000</b> | Federal grant   |
| Ex                            | 6    | Ex-Op      | Councillor Professional Development                       |                 | <b>80,000</b>   | New Policy<br>Incorporate into BoM flood warning system |
| Ex                            | 7    | Ex-Op      | Tumbulgum flood gauge                                     |                 | <b>69,000</b>   |   |
| In                            | 7    | In-OG&C    | Office of Environment and Heritage grant                  |                 | <b>-46,000</b>  | Funding for above                                       |

|    |    |            |   |                   |                   |   |
|----|----|------------|---|-------------------|-------------------|---|
| Ex | 8  | Ex-Capital | Stokers Road R2R  |                   | <b>340,817</b>    | Allocate Roads to Recovery funds                                      |
| Ex | 8  | Ex-Capital | R2R Unallocated   | 340,817           | <b>-340,817</b>   | Allocate Roads to Recovery funds                                      |
| Ex | 9  | Ex-Capital | Tweed Heads Cultural Plaza Upgrade – Central Access                 |                   | <b>846,000</b>    |   |
| Ex | 9  | Ex-Capital | Tweed Heads Cultural Plaza Upgrade – Auditorium                     |                   | <b>196,993</b>    |   |
| Ex | 9  | Ex-Capital | Tweed Heads Cultural Plaza Upgrade – Café                           |                   | <b>85,007</b>     |   |
| In | 9  | In-CG&C    | grant funding   |                   | <b>-1,128,000</b> |   |
| Ex | 10 | Ex-Op      | Illegal Dumping Costs   |                   | <b>81,000</b>     | Per Delivery Plan   |
| In | 10 | In-Fees    | Landfill management charge  | <b>-1,854,412</b> | <b>-81,000</b>    | \$2 per assessment per Delivery Plan                                  |
| Ex | 11 | Ex-Op      | Regional road maintenance   | 1,953,280         | <b>22,561</b>     | Actual grant advice received  |
| In | 11 | In-OG&C    | RMS contributions   | <b>-1,953,280</b> | <b>-22,561</b>    | Actual grant advice received  |
| Ex | 12 | Ex-Capital | Kingscliff Library solar project                                    |                   | <b>19,568</b>     | Renewable Energy Action Plan  |
| In | 12 | In-TFR     | Revolving Energy Reserve  |                   | <b>-19,568</b>    | Funding for above   |
| In | 13 | In-Fees    | Communication tower rental income                                   | <b>-12,155</b>    | <b>12,155</b>     | Lease to NBN approved in 2013 did not go ahead. Rent never received   |
| Ex | 14 | Ex-Capital | Anchorage Boardwalk construction                                    | 857,156           | <b>50,672</b>     | RMS Active Transport Program  |
| In | 14 | In-CG&C    | RMS Cycleways grant   |                   | <b>-225,000</b>   | Grant funding for above   |
| Ex | 14 | Ex-TTR     | Coastal Landscape recurrent costs                                   |                   | <b>174,328</b>    | Repay 7 year Plan reserve funds voted in March 2018                   |
| Ex | 15 | Ex-Capital | Cudgen Creek Foreshore Boardwalk                                    |                   | <b>169,953</b>    | RMS Active Transport Program  |
| In | 15 | In-CG&C    | RMS Priority Cycleways grant  |                   | <b>-169,953</b>   | Funding for above   |
| Ex | 16 | Ex-Capital | Marine Parade shared path, Kingscliff                               |                   | <b>44,456</b>     | RMS Active Transport Program  |
| In | 16 | In-CG&C    | RMS Connecting Centres grant  |                   | <b>-22,228</b>    | Funding for above   |
| Ex | 16 | Ex-Op      | Cycleways Program   | 110,795           | <b>-22,228</b>    | Funding for above   |
| Ex | 17 | Ex-Capital | Elrond Drive shared path, Kingscliff                                |                   | <b>149,850</b>    | RMS Active Transport Program  |
| In | 17 | In-CG&C    | RMS Connecting Centres grant  |                   | <b>-74,925</b>    | Funding for above   |
| Ex | 17 | Ex-Op      | Cycleways Program   | 88,567            | <b>-74,925</b>    | Funding for above   |
| Ex | 18 | Ex-Capital | Treasures of the Tweed mural  |                   | <b>5,000</b>      | Part of Stronger Communities project                                  |
| Ex | 18 | Ex-Op      | Public Art Maintenance  | 32,322            | <b>-5,000</b>     | Funding for above   |
| Ex | 19 | Ex-Capital | Lot 603   |                   | <b>2,700,000</b>  | Industry Central land swap  |
| In | 19 | In-CG&C    | Office of Environment & Heritage                                    |                   | <b>-2,700,000</b> | Funding for above   |
| Ex | 20 | Ex-Op      | Fire and Rescue NSW   | 406,243           | <b>-12,902</b>    | Contribution advice received  |
| Ex | 21 | Ex-Op      | Rural Fire Service  | 250,446           | <b>-13,715</b>    | Contribution advice received  |
| Ex | 22 | Ex-Op      | State Emergency Service   | 153,991           | <b>-27,192</b>    | Contribution advice received  |
| In | 23 | In-OG&C    | Financial Assistance Grant - General                                | <b>-6,977,733</b> | <b>-774,499</b>   | Grant estimates received  |
| In | 23 | In-OG&C    | Financial Assistance Grant - Roads                                  | <b>-2,696,940</b> | <b>-178,780</b>   | Grant estimates received  |
| Ex | 23 | Ex-Op      | FAG Roads maintenance   | 932,392           | <b>178,780</b>    | Allocation of FAG roads income  |
| Ex | 24 | Ex-Op      | Investing in the future of Pottsville's koalas                      |                   | <b>11,020</b>     | Environmental Trust funded project                                    |
| Ex | 25 | Ex-Op      | Pottsville Wetland  | 8,699             | <b>-8,000</b>     | Funding for above   |
| Ex | 25 | Ex-Op      | Koala Management Plan   | 138,835           | <b>-3,020</b>     | Funding for above   |
| Ex | 26 | Ex-Op      | South Murwillumbah Industrial Precinct Infrastructure Joint Venture |                   | <b>50,000</b>     | Consultancy costs associated with preparation of future business case |
| In | 26 | In-TFR     | Land Development Reserve  |                   | <b>-50,000</b>    | Funding for above   |
| Ex | 27 | Ex-Op      | Regional Cities membership  |                   | <b>5,000</b>      |   |
| Ex | 28 | Ex-Capital | Depot improvements Murwillumbah                                     | 367,513           | <b>-199,843</b>   | Defer and place in reserve  |
| Ex | 28 | Ex-Capital | Depot improvements Tweed Heads                                      | 81,051            | <b>-50,167</b>    | Defer and place in reserve  |
| Ex | 28 | Ex-TTR     | Infrastructure reserve  |                   | <b>250,010</b>    | Transfer above funds to reserve                                       |
| Ex | 29 | Ex-Capital | Nullum Street road rehabilitation                                   |                   | <b>310,000</b>    | Delivery Program item previously unfunded                             |
| Ex | 29 | Ex-Capital | Boyd Street road rehabilitation                                     |                   | <b>560,000</b>    | Delivery Program item previously unfunded                             |
| In | 29 | In-TFR     | Infrastructure reserve  |                   | <b>-870,000</b>   | Replace Roads to Recovery funding                                     |
| Ex | 30 | Ex-OpEmp   | Natural Resource Management   | 1,133,078         | <b>49,000</b>     | Budget adjustment   |
| Ex | 30 | Ex-TTR     | Coastal Landscape recurrent costs                                   | 90,466            | <b>-49,000</b>    | Budget adjustment   |
| Ex | 31 | Ex-OpEmp   | Art Gallery Salaries  | 706,362           | <b>35,000</b>     | Reallocation of Art Gallery budget                                    |

|    |    |            |   |          |          |                                       |
|----|----|------------|---|----------|----------|---------------------------------------|
| Ex | 31 | Ex-Op      | Art Exhibitions - Invitations                 | 7,564    | -3,039   | Reallocation of Art Gallery budget    |
| Ex | 31 | Ex-Op      | Art Exhibitions - Sundries                    | 20,078   | -15,000  | Reallocation of Art Gallery budget    |
| Ex | 31 | Ex-Op      | Art Exhibitions - Miscellaneous exhibitions   | 50,678   | -50,678  | Reallocation of Art Gallery budget    |
| Ex | 31 | Ex-Op      | TRAG - Working expenses                       | 55,209   | -5,000   | Reallocation of Art Gallery budget    |
| Ex | 31 | Ex-Op      | TRAG - Conservation                           | 21,622   | -4,000   | Reallocation of Art Gallery budget    |
| Ex | 31 | Ex-Op      | TRAG - Marketing                              | 37,240   | 5,000    | Reallocation of Art Gallery budget    |
| Ex | 31 | Ex-Op      | TRAG - 30th Anniversary dinner                | 0        | 4,000    | Reallocation of Art Gallery budget    |
| Ex | 31 | Ex-Op      | MOAC - Miscellaneous                          | 11,964   | -11,964  | Reallocation of Art Gallery budget    |
| Ex | 31 | Ex-Op      | MOAC - Freight                                | 1,087    | 6,528    | Reallocation of Art Gallery budget    |
| Ex | 31 | Ex-Op      | MOAC - Moyra Dyring exhibition                | 5,438    | -5,438   | Reallocation of Art Gallery budget    |
| Ex | 31 | Ex-Op      | MOAC - The Yellow Room exhibition             | 6,528    | -6,528   | Reallocation of Art Gallery budget    |
| Ex | 31 | Ex-Op      | MOAC - A Painter's House exhibition           | 0        | 5,438    | Reallocation of Art Gallery budget    |
| Ex | 31 | Ex-Op      | MOAC - Margaret Olley Collection show         | 0        | 2,000    | Reallocation of Art Gallery budget    |
| Ex | 31 | Ex-Op      | Collection expenses - Vernon licence fee      | 0        | 2,680    | Reallocation of Art Gallery budget    |
| Ex | 31 | Ex-Op      | Collection expenses - Framing                 | 1,028    | 11,177   | Reallocation of Art Gallery budget    |
| Ex | 31 | Ex-Op      | Artist in Residence Expenses                  | 5,138    | 6,974    | Reallocation of Art Gallery budget    |
| In | 31 | In-Fees    | Artist in Residence Income                    | -3,150   | -3,969   | Reallocation of Art Gallery budget    |
| Ex | 31 | Ex-Op      | International exhibitions 2017 to 2019        | 10,275   | -10,275  | Reallocation of Art Gallery budget    |
| Ex | 31 | Ex-Op      | Grant expenditure - Artworks sales            | 8,700    | -8,700   | Reallocation of Art Gallery budget    |
| Ex | 31 | Ex-Op      | Grant expenditure - Publications              | 10,874   | -4,000   | Reallocation of Art Gallery budget    |
| Ex | 31 | Ex-Op      | Grant expenditure - Furniture and fittings    | 0        | 12,700   | Reallocation of Art Gallery budget    |
| Ex | 31 | Ex-Op      | Art Exhibition - Experimenta                  | 0        | 728      | Reallocation of Art Gallery budget    |
| Ex | 31 | Ex-Op      | Art Exhibition - Deirdre Bean                 | 0        | 1,678    | Reallocation of Art Gallery budget    |
| Ex | 31 | Ex-Op      | Art Exhibition - Graeme Drendel               | 0        | 2,632    | Reallocation of Art Gallery budget    |
| Ex | 31 | Ex-Op      | Art Exhibition - Laith McGregor               | 0        | 3,036    | Reallocation of Art Gallery budget    |
| Ex | 31 | Ex-Op      | Art Exhibition - Marion Hall Best             | 0        | 9,750    | Reallocation of Art Gallery budget    |
| Ex | 31 | Ex-Op      | Art Exhibition - 30 Year Anniversary Show     | 0        | 4,050    | Reallocation of Art Gallery budget    |
| Ex | 31 | Ex-Op      | Art Exhibition - Abstract Women               | 0        | 2,900    | Reallocation of Art Gallery budget    |
| Ex | 31 | Ex-Op      | Art Exhibition - Salient                      | 0        | 2,045    | Reallocation of Art Gallery budget    |
| Ex | 31 | Ex-Op      | Art Exhibition - Art Deco - NGA               | 0        | 10,275   | Reallocation of Art Gallery budget    |
| Ex | 32 | Ex-Op      | Artist in Residence Expenses                  | 0        | 4,000    | Reallocation of Art Gallery rollovers |
| Ex | 32 | Ex-Op      | Art Exhibition - Australian Exotica           | 0        | 8,896    | Reallocation of Art Gallery rollovers |
| Ex | 32 | Ex-Op      | Art Exhibition - Marion Hall Best             | 9,750    | 25,000   | Reallocation of Art Gallery rollovers |
| Ex | 32 | Ex-Op      | Art Exhibition - Salient                      | 2,045    | 5,000    | Reallocation of Art Gallery rollovers |
| Ex | 32 | Ex-Op      | Art Exhibition - 30 Year Anniversary Show     | 4,050    | 3,000    | Reallocation of Art Gallery rollovers |
| Ex | 32 | Ex-Op      | Art Exhibition - Les Peterkin                 | 0        | 1,382    | Reallocation of Art Gallery rollovers |
| Ex | 32 | Ex-Op      | Art Exhibition - Self-made:zine and art books | 0        | 6,000    | Reallocation of Art Gallery rollovers |
| Ex | 32 | Ex-Op      | Art Exhibition - Use                          | 0        | 6,500    | Reallocation of Art Gallery rollovers |
| Ex | 32 | Ex-Op      | Art Exhibition - Dean Home                    | 0        | 6,500    | Reallocation of Art Gallery rollovers |
| Ex | 32 | Ex-Op      | Art Exhibitions - CAEP                        | 0        | 4,000    | Reallocation of Art Gallery rollovers |
| Ex | 32 | Ex-Op      | Art Exhibition - Fred Jessup                  | 0        | 60,000   | Reallocation of Art Gallery rollovers |
| Ex | 32 | Ex-Op      | Art Exhibition - Olley Collection show 2019   | 0        | 2,000    | Reallocation of Art Gallery rollovers |
| Ex | 32 | Ex-Op      | Grant expenditure                             | 0        | -132,278 | Reallocation of Art Gallery rollovers |
| Ex | 32 | Ex-Capital | Gallery Garden Walk-way                       | 0        | 88,317   | Reallocation of Art Gallery rollovers |
| Ex | 32 | Ex-Capital | Gallery Carpark unisex accessible toilets     | 138,617  | -88,317  | Reallocation of Art Gallery rollovers |
| Ex | 33 | Ex-Op      | COP Operating Costs                           | 69,687   | -69,687  | Updating of Community Services budget |
| Ex | 33 | Ex-Op      | COP Client Expenses                           | 93,587   | -93,587  | Updating of Community Services budget |
| Ex | 33 | Ex-Op      | COP Commonwealth Funded Operating Costs       | 748,637  | -748,637 | Updating of Community Services budget |
| In | 33 | In-OG&C    | COPs Commonwealth Grant Income                | -471,551 | 471,551  | Updating of Community Services budget |
| Ex | 33 | Ex-Op      | COP Grandfathering Client Expenses            | 134,638  | -102,638 | Updating of Community Services budget |
| In | 33 | In-OG&C    | COP Other                                     | -550,614 | 518,614  | Updating of Community Services budget |
| In | 33 | In-OG&C    | NDIS - Income                                 | 0        | -260,000 | Updating of Community Services budget |
| Ex | 33 | Ex-Op      | NDIS - Expenditure                            | 0        | 260,000  | Updating of Community Services budget |

|    |    |            |  |           |                |                                       |
|----|----|------------|--|-----------|----------------|---------------------------------------|
| Ex | 33 | Ex-Op      | Regional Assessment Service (RAS)        | 0         | 136,467        | Updating of Community Services budget |
| In | 33 | In-OG&C    | Regional Assessment Service (RAS)        | -5,195    | -131,272       | Updating of Community Services budget |
| In | 33 | In-OG&C    | Commonwealth Home Support Program (CHSP) | 0         | -145,165       | Updating of Community Services budget |
| Ex | 33 | Ex-Op      | Commonwealth Home Support Program (CHSP) | 0         | 145,165        | Updating of Community Services budget |
| In | 33 | In-OG&C    | SUPPORT COORDINATION (OPC) Income        | -730,527  | 730,527        | Updating of Community Services budget |
| Ex | 33 | Ex-Op      | SUPPORT COORDINATION (OPC) Expenses      | 671,359   | -671,359       | Updating of Community Services budget |
| In | 33 | In-OG&C    | COP Podiatry Income                      | -30,056   | 30,056         | Updating of Community Services budget |
| Ex | 33 | Ex-Op      | COP Podiatry Expenses                    | 28,706    | -28,706        | Updating of Community Services budget |
| In | 33 | In-OG&C    | Continuity of Supports Income            |           | -29,328        | Updating of Community Services budget |
| Ex | 33 | Ex-Op      | Continuity of Supports Expenditure       |           | 34,096         | Updating of Community Services budget |
| Ex | 34 | Ex-Capital | Pottsville Beach Community Centre        |           | 46,500         | Floor renewal                         |
| Ex | 34 | Ex-Op      | Community Buildings Maintenance          | 440,371   | -16,500        | Funding for above                     |
| In | 34 | In-CG&C    | Crown Reserves Improvement Fund          |           | -30,000        | Funding for above                     |
| Ex | 35 | Ex-OpEmp   | Human Resources Salaries                 | 826,477   | 275,408        | Additional positions                  |
| Ex | 35 | Ex-Op      | IT Resourcing Strategy                   | 814,208   | -68,877        | Funding for above                     |
| Ex | 35 | Ex-OpEmp   | Workers Comp Wages                       | 89,889    | -50,000        | Funding for above                     |
| Ex | 35 | Ex-Op      | Health & Safety Initiatives Fund         | 120,986   | -14,531        | Funding for above                     |
| Ex | 35 | Ex-OpEmp   | Executive Salaries                       | 1,642,271 | -131,000       | Funding for above                     |
| In | 35 | In-TFR     | Works Carried Forward Reserve            |           | -11,000        | Funding for above                     |
| Ex | 36 | Ex-OpEmp   | Gallery Down Town                        |           | 100,000        | Curator and ancillary expenses        |
| Ex | 36 | Ex-Op      | Economic Development                     | 525,000   | -100,000       | Funding for above                     |
| Ex | 37 | Ex-Op      | Foxes & Rabbits on the Tweed Coast       |           | 29,909         | Control & Monitoring program          |
| In | 37 | In-OG&C    | NSW Department of Industry               |           | -27,182        | Funding for above                     |
| Ex | 37 | Ex-Op      | Feral Animal Control                     | 11,157    | -2,727         | Funding for above                     |
| Ex | 38 | Ex-Capital | New pound                                |           | 600,000        | Relocation of facility                |
| Ex | 39 | Ex-Capital | Coolamon Centre                          |           | 25,056         | Building repairs                      |
|    |    |            |  |           | <b>-27,000</b> |                                       |

#### Sewer Fund

|    |    |             |                         |  |            |   |
|----|----|-------------|-------------------------|--|------------|---|
| Ex | 40 | Ex-Op       | Operations              |  | 613,491    | SCADA and hydraulic model projects, revisions |
| Ex | 40 | Ex-Capital  | Capital works           |  | 1,565,984  | Revisions and carry over projects             |
| Ex | 40 | In-Interest | Interest received       |  | -65,330    | Funding adjustments                           |
| In | 40 | In-TFR      | Transfers from reserves |  | -1,485,310 | Funding adjustments                           |
| In | 40 | In-Recoup   | Recoupment from s64     |  | -215,869   | Funding adjustments                           |
| Ex | 40 | Ex-TTR      | Transfers to reserves   |  | -412,966   | Funding adjustments                           |
|    |    |             |                         |  | <b>0</b>   |   |

#### Water Fund

|    |    |             |                         |  |            |  |
|----|----|-------------|-------------------------|--|------------|--|
| Ex | 41 | Ex-Op       | Operations              |  | 168,485    | Reservoir repairs and SCADA/mobility projects, revisions |
| Ex | 41 | Ex-Capital  | Capital works           |  | 3,022,205  | Revisions and carry over projects                        |
| Ex | 41 | In-Interest | Interest received       |  | 33,766     | Funding adjustments                                      |
| Ex | 41 | In-CG&C     | Capital grants          |  | -57,500    | Funding adjustments                                      |
| In | 41 | In-TFR      | Transfers from reserves |  | -634,660   | Funding adjustments                                      |
| In | 41 | In-Recoup   | Recoupment from s64     |  | -2,192,210 | Funding adjustments                                      |
| Ex | 41 | Ex-TTR      | Transfers to reserves   |  | -340,086   | Funding adjustments                                      |
|    |    |             |                         |  | <b>0</b>   |  |

#### 2. Variations Arising from Council Resolutions

|    |    |            |  |  |         |                             |
|----|----|------------|--|--|---------|-----------------------------|
| Ex | 42 | Ex-Capital | Kyogle Road (West of Clarrie Hall Dam Road) Black Spot |  | 214,036 | Resolution 21 June, Item 18 |
| Ex | 42 | Ex-Capital | Clothiers Creek Rd (Nth of Condor Place) Black Spot    |  | 87,052  | Resolution 21 June, Item 18 |

**COUNCIL MEETING DATE: THURSDAY 15 NOVEMBER 2018**

|    |    |            |  |        |                   |                                  |
|----|----|------------|--|--------|-------------------|----------------------------------|
| Ex | 42 | Ex-Capital | Kyogle Road (Byrrell Creek Rd Intersection) Black Spot               |        | <b>552,000</b>    | Resolution 21 June, Item 18      |
| Ex | 42 | Ex-Capital | Kyogle Road (Bakers Road Intersection) Black Spot                    |        | <b>349,760</b>    | Resolution 21 June, Item 18      |
| Ex | 42 | Ex-Capital | Numinbah Road (East of Crystal Cr Rd) Black Spot                     |        | <b>102,950</b>    | Resolution 21 June, Item 18      |
| In | 42 | In-CG&C    | Kyogle Road (West of Clarrie Hall Dam Road) Black Spot grant funding |        | <b>-214,036</b>   | Resolution 21 June, Item 18      |
| In | 42 | In-CG&C    | Clothiers Creek Rd (Nth of Condor Place) Black Spot grant funding    |        | <b>-87,052</b>    | Resolution 21 June, Item 18      |
| In | 42 | In-CG&C    | Kyogle Road (Byrrell Creek Rd Intersection) Black Spot grant funding |        | <b>-552,000</b>   | Resolution 21 June, Item 18      |
| In | 42 | In-CG&C    | Kyogle Road (Bakers Road Intersection) Black Spot grant funding      |        | <b>-349,760</b>   | Resolution 21 June, Item 18      |
| In | 42 | In-CG&C    | Numinbah Road (East of Crystal Cr Rd) Black Spot grant funding       |        | <b>-102,950</b>   | Resolution 21 June, Item 18      |
| Ex | 43 | Ex-Op      | Sacred Littoral Project  | 10,000 | <b>-10,000</b>    | Resolution 20 September, Item 10 |
| Ex | 43 | Ex-Op      | Festivals & Events - Christmas decorations                           |        | <b>10,000</b>     | Resolution 20 September, Item 10 |
| Ex | 44 | Ex-Op      | LED Street lighting replacement - Casuarina/Salt                     |        | <b>85,000</b>     | Resolution 19 July, Item 31      |
| In | 44 | In-TFR     | Asset Management Reserve - Infrastructure                            |        | <b>-85,000</b>    | Funding for above                |
| Ex | 45 | Ex-Op      | Community Halls Advisory Committee                                   | 0      | <b>27,000</b>     | Resolution 20 September, Item 31 |
| Ex | 46 | Ex-Op      | Rollovers - materials & contracts                                    |        | <b>16,022,711</b> | Resolution 25 October Item 42    |
| Ex | 46 | Ex-Capital | Rollovers - capital works  |        | <b>38,289,173</b> | Resolution 25 October Item 42    |
| In | 46 | In-TFR     | Rollover funding - reserves, unexpended grants                       |        | <b>-</b>          | Resolution 25 October Item 42    |
| In | 46 | In-Recoup  | Rollover funding - s94   |        | <b>-1,553,281</b> | Resolution 25 October Item 42    |
| In | 46 | In-Loan    | Rollover funding - unexpended loans                                  |        | <b>-1,968,622</b> | Resolution 25 October Item 42    |
|    |    |            |  |        | <b>27,000</b>     |                                  |
|    |    |            | <b>Summary of Votes by Type</b>                                      |        |                   |                                  |
|    |    |            | 2018/19 Variations   |        | <b>-27,000</b>    |                                  |
|    |    |            | Council Resolutions  |        | <b>27,000</b>     |                                  |
|    |    |            |  |        | <b>0</b>          |                                  |

**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     | Repayment on principal on loans  |
| Reps        | Repayment on principal on loans  |
| Ex-TTR      | Transfers to reserves            |
| Ex-Dep      | Depreciation                     |
| Ex-Deprev   | Depreciation reversal            |
| In-Rates    | Rates & annual charges           |
| In-Interest | Interest income                  |
| In-OG&C     | Operating grants & contributions |
| In-CG&C     | Capital grants & contributions   |
| In-Fees     | User charges & fees              |
| In-OpOther  | Other operating income           |
| In-Loan     | Loan funds                       |
| In-Recoup   | Recoupment from s64 & s94 funds  |
| In-TFR      | 613.491                          |
| In-Sales    | Proceeds from sale of assets     |



|                                       |            |
|---------------------------------------|------------|
| <u>Expenses</u>                       |            |
| Employee costs                        | 278,408    |
| Materials & Contracts                 | 15,964,423 |
| Interest                              | 0          |
| Other Operating costs                 | -150,000   |
| Capital                               | 50,076,205 |
| Loan Repayments                       | 0          |
| Transfers to Reserves                 | -227,714   |
|                                       | 65,941,322 |
| <u>Income</u>                         |            |
| Rates and Annual Charges              | 0          |
| Interest revenue                      | -31,564    |
| Operating Grants & Conts              | 135,961    |
| Capital Grants & Conts                | -6,863,404 |
| User Charges & Fees                   | -72,814    |
| Other Operating Revenue               | 0          |
| Loan Funds                            | -1,152,622 |
| Recoupments                           | -3,961,360 |
|                                       | -          |
| Transfers from Reserves               | 53,995,519 |
| Asset Sales                           | 0          |
|                                       | -          |
|                                       | 65,941,322 |
| Net                                   | 0          |
| <b>Summary of Votes - by Division</b> |            |
| Corporate Services                    | 56,501     |
| Planning & Regulation                 | -53,809    |
| Community & Natural Resources         | 73,097     |
| Engineering                           | 60,211     |
| General Manager                       | -136,000   |
|                                       | 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 30 September 2018

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

#### Income

|                                      |                |          |          |                |              |                |               |
|--------------------------------------|----------------|----------|----------|----------------|--------------|----------------|---------------|
| Rates and Annual Charges             | 111,135        | -        | -        | 111,135        | -            | 111,135        | 27,708        |
| User Charges and Fees                | 46,920         | -        | -        | 46,920         | 73           | 46,993         | 12,246        |
| Interest and Investment Revenue      | 9,821          | -        | -        | 9,821          | 31           | 9,852          | 3,749         |
| Other Revenues                       | 2,955          | -        | -        | 2,955          | -            | 2,955          | 1,097         |
| Grants & Contributions - Operating   | 17,123         | -        | -        | 17,123         | (136)        | 16,987         | 5,005         |
| Grants and Contributions - Capital   | 1,017          | -        | -        | 1,017          | 6,806        | 7,823          | 685           |
| - Contributions (S94)                | 16,732         | -        | -        | 16,732         | 58           | 16,790         | 4,180         |
| Net gain from the disposal of assets | -              | -        | -        | -              | -            | -              | -             |
| <b>Total Income</b>                  | <b>205,703</b> | <b>-</b> | <b>-</b> | <b>205,703</b> | <b>6,832</b> | <b>212,535</b> | <b>54,670</b> |

#### Expense

|                                  |                |          |          |                |               |                |               |
|----------------------------------|----------------|----------|----------|----------------|---------------|----------------|---------------|
| Employee costs                   | 57,916         | -        | -        | 57,916         | 278           | 58,194         | 14,139        |
| Borrowing Costs                  | 11,666         | -        | -        | 11,666         | -             | 11,666         | 2,917         |
| Materials & Contracts            | 46,739         | -        | -        | 46,739         | 15,966        | 62,705         | 10,845        |
| Depreciation                     | 42,623         | -        | -        | 42,623         | -             | 42,623         | 10,656        |
| Legal Costs                      | 476            | -        | -        | 476            | -             | 476            | 164           |
| Consultants                      | 492            | -        | -        | 492            | -             | 492            | 14            |
| Other Expenses                   | 16,931         | -        | -        | 16,931         | (150)         | 16,781         | 3,386         |
| Net Loss from Disposal of Assets | -              | -        | -        | -              | -             | -              | -             |
| <b>Total Expenses</b>            | <b>176,843</b> | <b>-</b> | <b>-</b> | <b>176,843</b> | <b>16,094</b> | <b>192,937</b> | <b>42,121</b> |

#### Net Operating Result

|  |        |   |   |        |         |        |        |
|--|--------|---|---|--------|---------|--------|--------|
|  | 28,860 | - | - | 28,860 | (9,262) | 19,598 | 12,549 |
|--|--------|---|---|--------|---------|--------|--------|

#### Net Operating Result before capital items

|  |        |   |   |        |          |         |       |
|--|--------|---|---|--------|----------|---------|-------|
|  | 11,111 | - | - | 11,111 | (16,126) | (5,015) | 7,684 |
|--|--------|---|---|--------|----------|---------|-------|

**Funding Statement - Consolidated - Source & Application of Funds**

|   |                |          |          |                |               |                |
|---|----------------|----------|----------|----------------|---------------|----------------|
| Operating Result (Income Statement)                     | 28,860         | -        | -        | 28,860         | (9,262)       | 19,598         |
| <b>Add Back non-funded items:</b>                       |                |          |          |                |               |                |
| Depreciation  | 42,623         | -        | -        | 42,623         | -             | 42,623         |
|   |                | -        | -        | -              | -             | -              |
| <b>Add non-operating funding sources</b>                |                |          |          |                |               |                |
| Transfers from Externally Restricted Cash               | 25,659         | -        | -        | 25,659         | 3,961         | 29,620         |
| Transfers from Internally Restricted Cash               | 3,499          | -        | -        | 3,499          | 53,996        | 57,495         |
| Proceeds from sale of assets                            | 2,210          | -        | -        | 2,210          | -             | 2,210          |
| Loan Funds Utilised                                     | 3,066          | -        | -        | 3,066          | 1,153         | 4,219          |
| Repayments from Deferred Debtors                        | -              | -        | -        | -              | -             | -              |
| <b>Funds Available</b>                                  | <b>105,917</b> | <b>-</b> | <b>-</b> | <b>105,917</b> | <b>49,848</b> | <b>155,765</b> |
| <b>Funds were applied to:</b>                           |                |          |          |                |               |                |
| Purchase and construction of assets                     | 45,771         | -        | -        | 45,771         | 50,076        | 95,847         |
| Repayment of principal on loans                         | 8,838          | -        | -        | 8,838          | -             | 8,838          |
| Transfers to Externally Restricted Cash                 | 47,590         | -        | -        | 47,590         | -             | 47,590         |
| Transfers to Internally Restricted Cash                 | 3,718          | -        | -        | 3,718          | (228)         | 3,490          |
| <b>Funds Used</b>                                       | <b>105,917</b> | <b>-</b> | <b>-</b> | <b>105,917</b> | <b>49,848</b> | <b>155,765</b> |
| <b>Increase/(Decrease) in Available Working Capital</b> | <b>-</b>       | <b>-</b> | <b>-</b> | <b>-</b>       | <b>-</b>      | <b>-</b>       |

\* Includes Carried Forward Works revotes

**Income & Expense- General Fund Budget Review Statement for the quarter ended 30 September 2018**

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

**Income**

|                                      |                |          |          |                |              |                |               |
|--------------------------------------|----------------|----------|----------|----------------|--------------|----------------|---------------|
| Rates and Annual Charges             | 74,731         |          |          | 74,731         | -            | 74,731         | 18,851        |
| User Charges and Fees                | 19,177         |          |          | 19,177         | 73           | 19,250         | 5,772         |
| Interest and Investment Revenue      | 5,243          |          |          | 5,243          | -            | 5,243          | 1,954         |
| Other Revenues                       | 2,624          |          |          | 2,624          | -            | 2,624          | 896           |
| Grants & Contributions - Operating   | 16,209         |          |          | 16,209         | (136)        | 16,073         | 4,962         |
| Grants and Contributions - Capital   | 1,017          |          |          | 1,017          | 6,806        | 7,823          | 685           |
| - Contributions (S64/S94)            | 1,856          |          |          | 1,856          |              | 1,856          | 2,513         |
| Net gain from the disposal of assets |                |          |          | -              |              | -              | -             |
| <b>Total Income</b>                  | <b>120,857</b> | <b>-</b> | <b>-</b> | <b>120,857</b> | <b>6,743</b> | <b>127,600</b> | <b>35,633</b> |

**Expense**

|                                  |                |          |          |                |               |                |               |
|----------------------------------|----------------|----------|----------|----------------|---------------|----------------|---------------|
| Employee costs                   | 45,838         |          |          | 45,838         | 278           | 46,116         | 11,109        |
| Borrowing Costs                  | 5,393          |          |          | 5,393          | -             | 5,393          | 1,348         |
| Materials & Contracts            | 25,620         |          |          | 25,620         | 15,184        | 40,804         | 8,793         |
| Depreciation                     | 24,978         |          |          | 24,978         |               | 24,978         | 6,245         |
| Legal Costs                      | 476            |          |          | 476            |               | 476            | 162           |
| Consultants                      | 94             |          |          | 94             |               | 94             | 10            |
| Other Expenses                   | 12,708         |          |          | 12,708         | (150)         | 12,558         | 2,888         |
| Net Loss from Disposal of Assets |                |          |          | -              |               | -              |               |
| <b>Total Expenses</b>            | <b>115,107</b> | <b>-</b> | <b>-</b> | <b>115,107</b> | <b>15,312</b> | <b>130,419</b> | <b>30,555</b> |

**Net Operating Result**

|  |       |   |   |       |         |         |       |
|--|-------|---|---|-------|---------|---------|-------|
|  | 5,750 | - | - | 5,750 | (8,569) | (2,819) | 5,078 |
|--|-------|---|---|-------|---------|---------|-------|

**Net Operating Result before capital items**

|  |       |   |   |       |          |          |       |
|--|-------|---|---|-------|----------|----------|-------|
|  | 2,877 | - | - | 2,877 | (15,375) | (12,498) | 1,880 |
|--|-------|---|---|-------|----------|----------|-------|

**Funding Statement - General Fund - Source & Application of Funds**

|   |        |   |   |        |         |         |
|---|--------|---|---|--------|---------|---------|
| Operating Result (Income Statement)       | 5,750  | - | - | 5,750  | (8,569) | (2,819) |
| <b>Add Back non-funded items:</b>         |        |   |   |        |         |         |
| Depreciation                              | 24,978 |   |   | 24,978 | -       | 24,978  |
| <b>Add non-operating funding sources</b>  |        |   |   |        |         |         |
| Transfers from Externally Restricted Cash | 1,554  |   |   | 1,554  | 1,553   | 3,107   |
| Transfers from Internally Restricted Cash | 3,499  |   |   | 3,499  | 51,876  | 55,375  |
| Proceeds from sale of assets              | 2,210  |   |   | 2,210  | -       | 2,210   |
| Loan Funds Utilised                       | 3,066  |   |   | 3,066  | 1,153   | 4,219   |
| Internal charges                          |        |   |   | -      |         | -       |
| Repayments from Deferred Debtors          |        |   |   | -      |         | -       |

|   |        |   |   |        |        |        |
|---|--------|---|---|--------|--------|--------|
| <b>Funds Available</b>                                  | 41,057 | - | - | 41,057 | 46,013 | 87,070 |
| <b>Funds were applied to:</b>                           |        |   |   |        |        |        |
| Purchase and construction of assets                     | 25,543 |   |   | 25,543 | 45,488 | 71,031 |
| Repayment of principal on loans                         | 4,419  |   |   | 4,419  | -      | 4,419  |
| Transfers to Externally Restricted Cash                 | 7,377  |   |   | 7,377  |        | 7,377  |
| Transfers to Internally Restricted Cash                 | 3,718  |   |   | 3,718  | 525    | 4,243  |
| <b>Funds Used</b>                                       | 41,057 | - | - | 41,057 | 46,013 | 87,070 |
| <b>Increase/(Decrease) in Available Working Capital</b> | -      | - | - | -      | -      | -      |

\* Includes Carried Forward Works revotes

**Income & Expense- Sewer Fund Budget Review Statement for the quarter ended 31 December 2017**

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

**Income**

|                                      |        |   |   |        |    |        |        |
|--------------------------------------|--------|---|---|--------|----|--------|--------|
| Rates and Annual Charges             | 30,680 |   |   | 30,680 | -  | 30,680 | 7,377  |
| User Charges and Fees                | 3,389  |   |   | 3,389  | -  | 3,389  | 824    |
| Interest and Investment Revenue      | 2,687  |   |   | 2,687  | 65 | 2,752  | 1,238  |
| Other Revenues                       | 17     |   |   | 17     | -  | 17     | 6      |
| Grants & Contributions - Operating   | 505    |   |   | 505    | -  | 505    | 43     |
| Grants and Contributions - Capital   |        |   |   | -      |    | -      |        |
| - Contributions (S64/S94)            | 4,877  |   |   | 4,877  | -  | 4,877  | 612    |
| Net gain from the disposal of assets |        |   |   | -      |    | -      |        |
| <b>Total Income</b>                  | 42,155 | - | - | 42,155 | 65 | 42,220 | 10,100 |

**Expense**

|                                  |        |   |   |        |     |        |       |
|----------------------------------|--------|---|---|--------|-----|--------|-------|
| Employee costs                   | 7,381  |   |   | 7,381  | -   | 7,381  | 1,793 |
| Borrowing Costs                  | 2,030  |   |   | 2,030  | -   | 2,030  | 508   |
| Materials & Contracts            | 10,268 |   |   | 10,268 | 613 | 10,881 | 1,008 |
| Depreciation                     | 10,196 |   |   | 10,196 | -   | 10,196 | 2,549 |
| Legal Costs                      |        |   |   | -      | -   | -      |       |
| Consultants                      | 158    |   |   | 158    | -   | 158    | 2     |
| Other Expenses                   | 2,761  |   |   | 2,761  | -   | 2,761  | 316   |
| Net Loss from Disposal of Assets |        |   |   | -      |     | -      |       |
| <b>Total Expenses</b>            | 32,794 | - | - | 32,794 | 613 | 33,407 | 6,176 |

|  |       |   |   |       |       |       |       |
|--|-------|---|---|-------|-------|-------|-------|
| <b>Net Operating Result</b>                      | 9,361 | - | - | 9,361 | (548) | 8,813 | 3,924 |
| <b>Net Operating Result before capital items</b> | 4,484 | - | - | 4,484 | (548) | 3,936 | 3,312 |

**Funding Statement - Sewer Fund - Source & Application of Funds**

|   |        |   |   |        |       |        |
|---|--------|---|---|--------|-------|--------|
| Operating Result (Income Statement)                     | 9,361  | - | - | 9,361  | (548) | 8,813  |
| <b>Add Back non-funded items:</b>                       |        |   |   |        |       |        |
| Depreciation  | 10,196 | - | - | 10,196 | -     | 10,196 |
| <b>Add non-operating funding sources</b>                |        |   |   |        |       |        |
| Transfers from Externally Restricted Cash               | 8,631  |   |   | 8,631  | 216   | 8,847  |
| Transfers from Internally Restricted Cash               |        |   |   | -      | 1,485 | 1,485  |
| Proceeds from sale of assets                            |        |   |   | -      | -     | -      |
| Loan Funds Utilised                                     |        |   |   | -      | -     | -      |
| Repayments from Deferred Debtors                        |        |   |   | -      | -     | -      |
| <b>Funds Available</b>                                  | 28,188 | - | - | 28,188 | 1,153 | 29,341 |
| <b>Funds were applied to:</b>                           |        |   |   |        |       |        |
| Purchase and construction of assets                     | 5,933  |   |   | 5,933  | 1,566 | 7,499  |
| Repayment of principal on loans                         | 2,867  |   |   | 2,867  | -     | 2,867  |
| Transfers to Externally Restricted Cash                 | 19,388 |   |   | 19,388 | -     | 19,388 |
| Transfers to Internally Restricted Cash                 |        |   |   | -      | (413) | (413)  |
| Internal charges  |        |   |   | -      | -     | -      |
| <b>Funds Used</b>                                       | 28,188 | - | - | 28,188 | 1,153 | 29,341 |
| <b>Increase/(Decrease) in Available Working Capital</b> | -      | - | - | -      | -     | -      |

**Income & Expense- Water Fund Budget Review Statement for the quarter ended 31 December 2017**

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

**Income**

|                                      |               |          |          |               |           |               |              |
|--------------------------------------|---------------|----------|----------|---------------|-----------|---------------|--------------|
| Rates and Annual Charges             | 5,724         |          |          | 5,724         | -         | 5,724         | 1,480        |
| User Charges and Fees                | 24,354        |          |          | 24,354        | -         | 24,354        | 5,650        |
| Interest and Investment Revenue      | 1,891         |          |          | 1,891         | (34)      | 1,857         | 557          |
| Other Revenues                       | 314           |          |          | 314           | -         | 314           | 195          |
| Grants & Contributions - Operating   | 409           |          |          | 409           | -         | 409           | -            |
| Grants and Contributions - Capital   |               |          |          | -             |           | -             | -            |
| - Contributions (S64/S94)            | 9,999         |          |          | 9,999         | 58        | 10,057        | 1,055        |
| Net gain from the disposal of assets |               |          |          | -             |           | -             |              |
| <b>Total Income</b>                  | <b>42,691</b> | <b>-</b> | <b>-</b> | <b>42,691</b> | <b>24</b> | <b>42,715</b> | <b>8,937</b> |

**Expense**

|                                  |               |          |          |               |            |               |              |
|----------------------------------|---------------|----------|----------|---------------|------------|---------------|--------------|
| Employee costs                   | 4,697         |          |          | 4,697         | -          | 4,697         | 1,237        |
| Borrowing Costs                  | 4,243         |          |          | 4,243         | -          | 4,243         | 1,061        |
| Materials & Contracts            | 10,851        |          |          | 10,851        | 169        | 11,020        | 1,044        |
| Depreciation                     | 7,449         |          |          | 7,449         | -          | 7,449         | 1,862        |
| Legal Costs                      |               |          |          | -             | -          | -             | 2            |
| Consultants                      | 240           |          |          | 240           | -          | 240           | 2            |
| Other Expenses                   | 1,462         |          |          | 1,462         | -          | 1,462         | 182          |
| Net Loss from Disposal of Assets |               |          |          | -             |            | -             |              |
| <b>Total Expenses</b>            | <b>28,942</b> | <b>-</b> | <b>-</b> | <b>28,942</b> | <b>169</b> | <b>29,111</b> | <b>5,390</b> |

**Net Operating Result**

|  |        |   |   |        |       |        |       |
|--|--------|---|---|--------|-------|--------|-------|
|  | 13,749 | - | - | 13,749 | (145) | 13,604 | 3,547 |
|--|--------|---|---|--------|-------|--------|-------|

**Net Operating Result before capital items**

|  |       |   |   |       |       |       |       |
|--|-------|---|---|-------|-------|-------|-------|
|  | 3,750 | - | - | 3,750 | (203) | 3,547 | 2,492 |
|--|-------|---|---|-------|-------|-------|-------|

**Funding Statement - Water Fund - Source & Application of Funds**

|   |               |          |          |               |              |               |
|---|---------------|----------|----------|---------------|--------------|---------------|
| Operating Result (Income Statement)       | 13,749        | -        | -        | 13,749        | (145)        | 13,604        |
| <b>Add Back non-funded items:</b>         |               |          |          |               |              |               |
| Depreciation                              | 7,449         | -        | -        | 7,449         | -            | 7,449         |
| <b>Add non-operating funding sources</b>  |               |          |          |               |              |               |
| Transfers from Externally Restricted Cash | 15,474        |          |          | 15,474        | 2,192        | 17,666        |
| Transfers from Internally Restricted Cash |               |          |          | -             | 635          | 635           |
| Proceeds from sale of assets              |               |          |          | -             | -            | -             |
| Loan Funds Utilised                       |               |          |          | -             | -            | -             |
| Repayments from Deferred Debtors          |               |          |          | -             | -            | -             |
| <b>Funds Available</b>                    | <b>36,672</b> | <b>-</b> | <b>-</b> | <b>36,672</b> | <b>2,682</b> | <b>39,354</b> |

|   |               |          |          |               |              |               |
|---|---------------|----------|----------|---------------|--------------|---------------|
| <b>Funds were applied to:</b>                           |               |          |          |               |              |               |
| Purchase and construction of assets                     | 14,295        |          |          | 14,295        | 3,022        | 17,317        |
| Repayment of principal on loans                         | 1,552         |          |          | 1,552         | -            | 1,552         |
| Transfers to Externally Restricted Cash                 | 20,825        |          |          | 20,825        | -            | 20,825        |
| Transfers to Internally Restricted Cash                 |               |          |          | -             | (340)        | (340)         |
| Internal charges  |               |          |          | -             |              | -             |
| <b>Funds Used</b>                                       | <b>36,672</b> | <b>-</b> | <b>-</b> | <b>36,672</b> | <b>2,682</b> | <b>39,354</b> |
| <b>Increase/(Decrease) in Available Working Capital</b> | <b>-</b>      | <b>-</b> | <b>-</b> | <b>-</b>      | <b>-</b>     | <b>-</b>      |

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 30 September 2018 and should be read in conjunction with other documents in the QBRS.

**Capital Budget Review Statement - Consolidated - for the quarter ended 30 September 2018**

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

**Capital Funding \*\***

|                                     |               |  |  |               |               |                |               |
|-------------------------------------|---------------|--|--|---------------|---------------|----------------|---------------|
| Rates and other untied funding      | 31,961        |  |  | 31,961        | 625           | 32,586         | 5,051         |
| Capital Grants & Contributions      | 928           |  |  | 928           | 6,863         | 7,791          | 1,208         |
| Internal Restrictions (Reserves)    | 1,987         |  |  | 1,987         | 25,769        | 27,756         | 4,303         |
| External Restrictions               | 12,366        |  |  | 12,366        | 13,567        | 25,933         | 4,020         |
| - s64 & s94 funds                   | 2,205         |  |  | 2,205         | 2,600         | 4,805          | 745           |
| Other Capital Funding Sources       |               |  |  |               |               |                |               |
| - loans                             | 3,066         |  |  | 3,066         | 652           | 3,718          | 576           |
| Income from sale of assets          |               |  |  |               |               |                |               |
| - plant and equipment               | 2,210         |  |  | 2,210         |               | 2,210          | 343           |
| - Land,Buildings,Furniture,Fittings |               |  |  |               |               |                |               |
| <b>Total Capital Funding</b>        | <b>54,723</b> |  |  | <b>54,723</b> | <b>50,076</b> | <b>104,799</b> | <b>16,246</b> |

**Capital Expenditure**

New Assets

|                                     |       |  |  |       |        |        |       |
|-------------------------------------|-------|--|--|-------|--------|--------|-------|
| - Plant and Equipment               | 230   |  |  | 230   | 106    | 336    | 59    |
| - Land,Buildings,Furniture,Fittings | 3,939 |  |  | 3,939 | 15,799 | 19,738 | 6,796 |
| - Roads, Bridges, Footpaths         | 20    |  |  | 20    | 6,748  | 6,768  | 661   |
| - Drainage                          |       |  |  |       |        |        |       |
| - Water & Sewer Infrastructure      | 7,016 |  |  | 7,016 | 2,504  | 9,520  | 756   |
| - Other                             | 3,200 |  |  | 3,200 | 9,836  | 13,036 | 39    |
| <u>Renewals (Replacement)</u>       |       |  |  |       |        |        |       |
| - Plant and Equipment               | 7,170 |  |  | 7,170 |        | 7,170  | 390   |



|                                     |               |  |               |               |                |               |
|-------------------------------------|---------------|--|---------------|---------------|----------------|---------------|
| - Land,Buildings,Furniture,Fittings | 101           |  | 101           | 219           | 320            | 353           |
| - Roads, Bridges, Footpaths         | 11,338        |  | 11,338        | 4,288         | 15,626         | 3,663         |
| - Drainage                          | 644           |  | 644           | 134           | 778            | 8             |
| - Water & Sewer Infrastructure      | 6,845         |  | 6,845         | 1,673         | 8,518          | 973           |
| - Other                             |               |  |               | 2,544         | 2,544          | 313           |
| <b>Upgrades</b>                     |               |  |               |               |                |               |
| - Plant and Equipment               |               |  |               |               |                |               |
| - Land,Buildings,Furniture,Fittings |               |  |               | 2,227         | 2,227          | 149           |
| - Roads, Bridges, Footpaths         | 630           |  | 630           | 2,761         | 3,391          | 686           |
| - Drainage                          | 800           |  | 800           | 772           | 1,572          | 292           |
| - Water & Sewer Infrastructure      | 3,952         |  | 3,952         | 411           | 4,363          | 161           |
| - Other                             |               |  |               | 54            | 54             |               |
| Loan Repayments (principal)         | 8,838         |  | 8,838         |               | 8,838          | 948           |
| <b>Total Capital Expenditure</b>    | <b>54,723</b> |  | <b>54,723</b> | <b>50,076</b> | <b>104,799</b> | <b>16,247</b> |

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 30 September 2018 and should be read in conjunction with other documents in the QBRS.

\* Note: Includes Carry over works

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

#### Cash and Investments Budget Review Statement for the quarter ended 30 September 2018

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

#### Unrestricted

|       |  |  |       |  |       |       |
|-------|--|--|-------|--|-------|-------|
| 7,814 |  |  | 7,814 |  | 7,814 | 3,471 |
|-------|--|--|-------|--|-------|-------|

#### Externally restricted

|                                    |                |          |                |                 |                |                |
|------------------------------------|----------------|----------|----------------|-----------------|----------------|----------------|
| Developer contributions            | 40,632         |          | 40,632         | (3,961)         | 36,671         | 42,435         |
| Domestic waste management          | 20,659         |          | 20,659         | (11,387)        | 9,272          | 20,000         |
| Special Rates                      | 224            |          | 224            |                 | 224            | 301            |
| Unexpended grants & contributions  | 6,019          |          | 6,019          | (6,019)         | 0              | 6,000          |
| Water Supplies                     | 75,087         |          | 75,087         |                 | 75,087         | 62,410         |
| Sewerage Services                  | 100,861        |          | 100,861        |                 | 100,861        | 98,931         |
| Other                              | 17,396         |          | 17,396         |                 | 17,396         | 17,000         |
| <b>Total Externally restricted</b> | <b>260,878</b> | <b>0</b> | <b>260,878</b> | <b>(21,367)</b> | <b>239,511</b> | <b>247,077</b> |

#### Internally restricted

|                             |        |  |        |         |        |        |
|-----------------------------|--------|--|--------|---------|--------|--------|
| Employee Leave entitlements | 13,554 |  | 13,554 |         | 13,554 | 13,554 |
| Unexpended untied grants    | 1,501  |  | 1,501  | (1,501) | 0      | 1,500  |
| Unexpended loans            | 3,091  |  | 3,091  | (1,968) | 1,123  | 3,000  |
| 7 Year Plan                 | 2,445  |  | 2,445  | (2,282) | 163    | 2,400  |

|                                    |                |          |              |                |                 |                |                |
|------------------------------------|----------------|----------|--------------|----------------|-----------------|----------------|----------------|
| Works Carried Forward              | 8,508          |          |              | 8,508          | (7,070)         | 1,438          | 8,000          |
| Replacement of Plant and Vehicles  | 5,456          |          |              | 5,456          |                 | 5,456          | 5,000          |
| Tip improvements                   | 14,545         |          |              | 14,545         | (7,625)         | 6,920          | 14,000         |
| Asset renewals                     | 28,534         |          | (744)        | 27,790         | (6,163)         | 21,627         | 28,000         |
| Other                              | 8,844          |          | (111)        | 8,733          |                 | 8,733          | 8,000          |
| <b>Total Internally restricted</b> | <b>86,478</b>  | <b>0</b> | <b>(855)</b> | <b>85,623</b>  | <b>(26,609)</b> | <b>59,014</b>  | <b>83,454</b>  |
| <b>Total Restricted</b>            | <b>347,356</b> | <b>0</b> | <b>(855)</b> | <b>346,501</b> | <b>(47,976)</b> | <b>298,525</b> | <b>330,531</b> |
| <b>Total cash and investments</b>  | <b>355,170</b> | <b>0</b> | <b>(855)</b> | <b>354,315</b> | <b>(47,976)</b> | <b>306,339</b> | <b>334,002</b> |
| <b>Available cash</b>              | <b>7,814</b>   | <b>0</b> | <b>0</b>     | <b>7,814</b>   | <b>0</b>        | <b>7,814</b>   | <b>3,471</b>   |

\* 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:**

|  |                |
|--|----------------|
|  | <b>(000's)</b> |
| Total restricted funds   | 330,531        |
| Total invested funds as per September Investment Report                                      | 327,363        |
| Note, some restricted funds are held as cash as they will be utilised in the current period. |                |

**Statement of bank reconciliation:**

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

**Reconciliation of cash and investments:**

|                                   |                       |
|-----------------------------------|-----------------------|
|                                   | <b>(000's)</b>        |
| Cash and investments as per above | 334,002               |
| <b>Cash on hand and at bank</b>   | <b>6,639</b>          |
| <b>Investments</b>                | <b><u>327,363</u></b> |
|                                   | <b>334,002</b>        |

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 30 September 2018 and should be read in conjunction with other documents in the QBRS.

## Key Performance Indicators Budget Review Statement for the quarter ended 30 September 2018

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

These ratios should therefore be viewed with caution.

|   | Amounts | Indicator |
|---|---------|-----------|
| <b>1. Unrestricted Current Ratio</b>          |         |           |
|   | (000's) |           |
| Current assets less all external restrictions | 96,268  | 3.3:1     |
| Current liabilities                           | 29,463  |           |
| Target:                                       |         | 2:1       |

### Purpose:

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

|                              | Amounts | Indicator |
|------------------------------|---------|-----------|
| <b>2. Debt Service Ratio</b> |         |           |
|                              | (000's) |           |
| Debt Service Cost            | 3,865   | 8.38%     |
| Selected operating income    | 46,111  |           |
| 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 30 September 2018 and should be read in conjunction with other documents in the QBRS.

**Budget Review Contracts and Other Expenses for the quarter ended 30 September 2018**

**PART A-Contracts Listing**

| Contractor                                   | Contract Title   | Contract Value \$ | Award Date | Duration of Contract | Budgeted (Y/N) |
|--|--|-------------------|------------|----------------------|----------------|
| OnTime Guardrail Pty Ltd                     | RFO2018050 - ROAD FLOOD DAMAGE RESTORATION- Guardrails                                     | \$247,650.00      | 11-Jul-18  | 8 Weeks              | Y              |
| Premier Technologies Pty Ltd                 | RFO2018021 - Provision and support of browser based Contact Centre solution                | \$141,212.00      | 11-Jul-18  | 3 Years              | Y              |
| Desire Contractors Pty Ltd                   | RFO2018071 - Lions Park Refurbishment Kingscliff   | \$632,871.26      | 16-Aug-18  | 12 Weeks             | Y              |
| Coughran Electrical Services Pty Ltd         | RFO2018073 - Overhead Lighting Coastal Cycleway  | \$514,709.64      | 16-Aug-18  | 36 Weeks             | Y              |
| OnTime Guardrail Pty Ltd                     | RFO2018074 - Kyogle Road Guardrail System Installation                                     | \$108,180.00      | 20-Aug-18  | N/A                  | Y              |
| East Coast Asphalt & Concrete Edging Pty Ltd | RFO2018067 - Supply and Place 35mm AC10M Wearing Course at Enid St, Tweed Heads            | \$56,380.00       | 21-Aug-18  | 4 Weeks              | Y              |
| Enco Precast                                 | RFO2018098 - Fabricate Supply & Delivery (FOT) of PSC Bridge Beams for Byrill Creek Bridge | \$163,800.00      | 18-Sep-18  | 20 Weeks             | Y              |
| Water Infrastructure Services                | RFO2017181 - Design and Construct Four Reservoir access Structures                         | \$420,340.09      | 20-Sep-18  | 17 Weeks             | Y              |
| Wagstaff Piling                              | RFO2018097 - Byrill Creek Road Bridge – Piling works                                       | \$372,900.00      | 20-Sep-18  | 6 Weeks              | Y              |
| NSW Spray Seal                               | RFO2018079 - Spray Seal Services and Associated Products                                   | \$3,000,000.00    | 20-Sep-18  | 2 Years              | Y              |
| PT Automation Solutions Pty Ltd              | RFO2018100 - Manufacture and Supply of Switchboard for SPS3006                             | \$94,135.00       | 26-Sep-18  | 12 Weeks             | Y              |
| COMPLETE Urban                               | RFO2018126 - Tweed Heads Civic Centre Cultural Plaza Project                               | \$63,623.64       | 28-Sep-18  | 10 Weeks             | Y              |

**PART B - Consultancy and Legal expenses**

| Expense        | Expenditure YTD \$ | Budgeted (Y/N) |
|----------------|--------------------|----------------|
| Consultancies  | 14,149             | Y              |
| Legal expenses | 138,683            | Y              |

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 30 September 2018 and should be read in conjunction with other documents in the QBRs.

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

**202 Responsible accounting officer to maintain system for budgetary control**

*The responsible accounting officer of a council must:*

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

**203 Budget review statements and revision of estimates**

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

**Statutory Statement**

It is my opinion that the Quarterly Budget Review Statement for Tweed Shire Council for the quarter ended 30 September 2018 indicates that Council’s projected financial position at 30 June 2019 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 2 November 2018  
“Responsible Accounting Officer”  
Executive Manager Finance, Revenue and Information Technology  
Tweed Shire Council

**OPTIONS:**

Not Applicable

**CONCLUSION:**

Refer to Statutory Statement above

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Not Applicable

**b. Budget/Long Term Financial Plan:**

As detailed within the report.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**32 [FRIT-CM] Monthly Investment and Section 94 Development Contribution Report for Period Ending 31 October 2018**

**SUBMITTED BY: Financial Services**

mhm

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Making decisions with you  
*We're in this together*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 2 Making decisions with you
- 2.2 Engagement
- 2.2.5 Financial Services - To collect and manage Council funds and provide information and advice to support sound financial decision-making.

**ROLE:** **Leader**

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**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 15 November 2018.

**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.

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## REPORTS FROM THE EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE

Nil.

## DELEGATE REPORTS

Nil.

## REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

**33 [SUB-EAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 17 October 2018**

**SUBMITTED BY: Community and Cultural Services**

mhm

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People, places and moving around

*Who we are and how we live*

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

**ROLE:** **Advocate**

---

### SUMMARY OF REPORT:

The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 17 October 2018 are reproduced in the body of this report for the information of Councillors.

### RECOMMENDATION:

**That the Minutes of the Equal Access Advisory Committee Meeting held Wednesday 17 October 2018 be received and noted.**

**REPORT:**

Minutes of the Equal Access Advisory Committee Meeting held Wednesday 17 October 2018

Venue:

Banora Point Community Centre

Time:

10am

Present:

Wendy Gilbertt (Chair), Suzanne Hudson, Prospero Aplet, Una Cowdroy, Chris Vannucci (Dementia Australia), Bev Kelso, Milena Morrow (Community Representatives), Karen Collins, Chantelle Howse, Cr Warren Polglase, Alana Brooks (Tweed Shire Council), Wendy Yearsley (Minutes).

Apologies:

Nathan Quinell, Robert Noakes, Robyn Grigg.

Minutes of Previous Meeting:

Moved: Suzi Hudson

Seconded: Chris Vannucci

RESOLVED that the Minutes of the Equal Access Advisory Committee meeting held Wednesday 15 August 2018 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

Outstanding Matters Report:

No outstanding matters.

Agenda Items:

A1. Access and Inclusion Planning (Disability Inclusion Action Plan)

Public Exhibition for the Draft Access and Inclusion Plan 2018-2021 closed on 25 September 2018 with one submission received. This submission was happy with the document however proposed that regular updates on progress, perhaps quarterly could be provided to the community. This will be noted in the report to Council for November. Some additional changes to action that involve the work of the Human Resources Unit will also be made as a result of a late consultation with this team within the 42 day period.

Committee members had a number of questions concerning equal employment processes.

What support is available within the organisation to support flexible work options ensuring employees feel supported in their role. Karen Collins advised Council already supports flexible working hours, carers and domestic violence leave, a free counselling service as well as other employee benefits to employees and promotes an equal employment process.

Equal Employment Contact Officers and the Committee are available to address concerns and complaints. We need to ensure this information is included in the application process.

Concern was raised about training and awareness in recruitment panels. Karen Collins advised that training on unconscious bias is included in the draft action plan being prepared by the Human Resources unit and will be provided to the interview panels.

#### A2. Access and Inclusion Awards

Nominations for the Access and Inclusion awards have closed. Twenty nominations were received. Seventeen are new and 3 are repeats.

The awards judging panel has been convened including three members of the Equal Access Advisory Committee one of these is a Council staff member and an external representative from a Non-government organisation. The panel will convene on Monday 22 October.

Karen Collins is in contact with Seagulls Club in the lead up to the event. The Club is going out of their way to make sure the event goes well and is accessible and inclusive.

Action: Event invitation to be sent to committee members and request attendees/ numbers.  
*Responsibility:* Karen Collins

In 2019 a thorough evaluation of the event will be undertaken to investigate the extent to which the aims of the awards have been reached. It is likely that the event will not be held in 2019 to allow this evaluation to take place.

#### A3. Access Funds

There has been no update to the access funds over the past month.

#### General Business:

##### GB1. Election of EAAC Chair

In line with the Terms of Reference for this Committee the Chair position was spilled and nominations for Chairperson for the next 12 months were called.

Prospero Aplet was nominated who was pleased to accept.

Moved: Wendy Gilbertt

Seconded: Suzi Hudson

The Committee thanked Wendy Gilbertt for her contribution as Chair.

##### GB2. Keith Crompton Drive

Installation of accessible toilets in John Follent Park.

Bev Kelso asked for an update on the installation of toilets along Keith Compton Drive. Karen Collins advised that there were plans to install toilets at some stage.

Action: *Further clarification to be provided for December meeting: Responsibility: Karen Collins.*

##### GB3. Community Concerns

Bev Kelso expressed concerns raised by people with disability not feeling included in the community, in particular due to lack of understanding and awareness resulting in thoughtless behaviour, such as inappropriate use of parking bays and shared footpaths, guide dogs, white canes and hearing impairment.

Karen Collins advised that these key concerns are some of the issues that are included in the Access and Inclusion Plan.

White Cane day was held Monday 15 October 2018 and received great publicity including an article on asking the person if they need assistance rather than assuming they need help.

**GB4. Beach Public Car Park**

Suzi Hudson raised concerns about parking for a bus with rear exiting wheelchair ramp used by a disability service to transport clients to the beach. Due to the length of the bus, there was not sufficient space for the wheelchair ramp to be accessible off the roadway due to the length of the vehicle. The staff had to stop traffic to allow clients to exit the bus safely.

*Action: Provide information to TSC Roads Safety Officer to advise the beach location. Responsibility: Suzi Hudson.*

*Action: Site to be reviewed. Responsibility: Alana Brooks, Road Safety Officer.*

**GB5. All accessible playground**

Bev Kelso asked for an update on plans for the accessible playground at Ebenezer Park, Coral Street Tweed Heads. Karen Collins advised that stand alone destination accessible playgrounds are no longer the preferred option. The State Government has issued a directive that by 2020 all children's playgrounds should be accessible. Draft guidelines have been produced for public comment.

*Action: Everyone Can Play draft guidelines to be sent to Committee members. Responsibility: Karen Collins*

Suzi Hudson complimented Council on the Ray Pascoe Park upgrade saying the space and equipment was 95% accessible and her clients absolutely loved their experience there.

Karen Collins advised that plans for 3 new sites for seniors exercise equipment have been approved at Banora Point, Murwillumbah and Pottsville making a total of 5 for the Tweed.

Wendy Gilbert spoke about the Green Gym Project which gives carers the opportunity to make friends and participate in physical activity. Karen Collins advised that this could be relevant for a potential grant application and asked Wendy Gilbert to send the information to her.

*Action: Information to be provided to Karen Collins. Responsibility: Wendy Gilbert.*

Karen Collins advised that Council is seeking public comment and feedback on a planned upgrade of the whole of Jack Evans Boat Harbour around to Ebenezer Park.

Next Meeting: The next meeting for the Equal Access Advisory Committee will be held Wednesday 19 December 2018.

The meeting closed at 10.56am.

**EXECUTIVE LEADERSHIP TEAM'S COMMENTS:**

Nil.

**EXECUTIVE LEADERSHIP TEAM'S RECOMMENDATIONS:**

Nil.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice.

Terms of Reference - Equal Access Advisory Committee adopted 12 December 2013  
(ECM2847116)

**b. Budget/Long Term Financial Plan:**

Not applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**34 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 18 October 2018**

**SUBMITTED BY: Roads and Stormwater**

mhm

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People, places and moving around

*Who we are and how we live*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

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

**ROLE:** Advocate

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**SUMMARY OF REPORT:**

The Minutes of the Local Traffic Committee Meeting held Thursday 18 October 2018 are reproduced in the body of this report for the information of Councillors.

**RECOMMENDATION:**

**That the Minutes of the Local Traffic Committee Meeting held Thursday 18 October 2018 be received and noted.**

**REPORT:**

The Minutes of the Local Traffic Committee Meeting held Thursday 18 October 2018 are reproduced as follows for the information of Councillors.

**VENUE:**

Mt Warning Meeting Room

**TIME:**

Commencing at 10:00am

**PRESENT:**

**Committee Members:** Cr James Owen (via video conference), Ms Katherine Boulton, Roads and Maritime Services of NSW, 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), Ms Cheryl Jackson (training).

**APOLOGIES:**

Mr Thomas George MP, Member for Lismore, Mr Geoff Provest MP, Member for Tweed, Ms Linda Makejev, Roads and Maritime Services of NSW, Snr Constable Chris Davis, NSW Police, Mr Nick Tzannes.

**CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**MIN1 [LTC-MIN] Confirmation of Previous Minutes Meeting held 27 September 2018**

**ORIGIN:**

**Roads & Stormwater**

**RESOLVED** that the Minutes of the Local Traffic Committee Meeting held 27 September 2018 be adopted as a true and accurate record of proceedings of that meeting.

**SCHEDULE OF OUTSTANDING RESOLUTIONS**

**SCH1 [LTC-SOR] Schedule of Outstanding Resolutions - 18 October 2018**

**From Meeting held 27 September 2018**

**[LTC] Bay and Wharf Streets, Tweed Heads (B4)**

**Applicant's Information:**

Request received for the timing of the traffic lights at the intersection of Bay and Wharf Streets, Tweed Heads to be investigated. The customer has suggested the installation of a right hand turn arrow on the lights when turning right from Wharf Street into Bay Street. The customer sometimes has to wait for a couple of light changes before they can turn right. They have also suggested a right hand turn arrow when turning right from Bay Street into Wharf Street.

**Officer's Comment:**

Previous advice from Roads & Maritime Services (RMS) was that the warrants for a right turn phase from Wharf Street into Bay Street was not met given the volume of traffic carrying out the turn.

The Chairperson requested that this item be moved to the Schedule of Outstanding Resolutions.

**COMMITTEE ADVICE:**

**That the RMS provide advice on current best practice for installation of a right turn phase from Wharf Street into Bay Street, Tweed Heads and from Bay Street into Wharf Street.**

**From meeting held 18 October 2018:**

RMS advised that warrants are not required and it is Council and RMS responsibility to determine. Noted that further traffic modelling needs to be done. Further information to be received from RMS.

**BUSINESS ARISING**

Nil.

**A. FORMAL ITEMS SECTION**

**DELEGATIONS FOR REGULATORY DEVICES - MURWILLUMBAH**

Nil.

**DELEGATIONS FOR REGULATORY DEVICES - TWEED HEADS**

Nil.

**B. INFORMAL ITEMS SECTION**

**GENERAL TRAFFIC ADVICE - MURWILLUMBAH**

Nil.

**GENERAL TRAFFIC ADVICE - TWEED HEADS**

**B1 [LTC] Trigonie Drive, Triton Street and Coquille Place, Banora Point**

**ORIGIN:**

**Roads & Stormwater**

FILE NO: ECM 5429444; Traffic - Committee; Directional Signs; Safety; Trigonie Drive, Triton Street, Coquille Place



**SUMMARY OF REPORT:**

**Applicant's Information:**

I have experienced a number of 'near misses' and vehicular collisions in my street. The issue is that Trigonie Drive is a narrow street and only permits single-opposing lane use of the road. The single lane requires south bound traffic to drive on the west side of the road and in close proximity to entering traffic from Triton and Coquille Streets heading north. My request is that 'STOP' signs be erected on the corners of Trigonie Drive, Triton Street and Trigonie Drive and Coquille Place to avoid the possibility of future collisions and injury to others.

**Officer's Comment:**

Trigonie Drive, Coquille Place and Triton Street have low traffic volumes and no recorded crash history in our twelve year records. There is "No Parking" on the west side of Trigonie Drive south of Coquille Place.

According to Australian Standard 1742.2 Manual of Uniform Traffic Control Devices Part 2, Give Way and Stop signs should only be provided as follows:

- at intersection with four or more legs;
- at three way intersection where there is ambiguity about who has right of way;
- T-intersection where the continuing road is an arterial or sub-arterial road and
- stop signs are provided on any controlled approach where intersection sight distance is substandard

Entering traffic from Coquille Place and Triton Street have good sight distance in both directions and it is clear that Trigonie Drive motorists have right of way.

**COMMITTEE ADVICE:**

**That 'Give Way' and/or 'Stop' signs are not supported on Coquille Place/Triton Street at the intersections with Trigonie Drive as there is no requirement for their placement under AS1742.2, there is no recorded crash history and the intersections are clearly legible.**

**B2 [LTC] Tweed Coast Road, Hastings Point**

**ORIGIN:**

**Roads & Stormwater**

FILE NO: ECM 5568895; Traffic - Committee; Safety; Speed Zones; Tweed Coast Road, Hastings Point

**SUMMARY OF REPORT:**

**Applicant's Information:**

I would like to bring to the attention of the Local Traffic Committee a problem with the concrete traffic island situated directly opposite the reserve block in between 39 and 37 Tweed Coast Road Hastings Point.

I phoned council on 29 August in regard to pot holes and road works that needed to be repaired as I thought that they were a significant cause of our house shaking when heavy vehicles like trucks, busses and speeding 4 wheel drives pass by. Roadworks were repaired by council very quickly and I thank you for your timely response in regards to that. However it turns out the main cause of the vibrations subjected to and felt by the occupants of 39, 37 and 35 Tweed Coast Rd are caused by the said heavy vehicles rear wheels impacting into the concrete lip of the island.

I have witnessed a 4 wheel drive on one occasion drive straight through the island at over 100 klm per hr and it is a common occurrence for large heavy vehicles passing through the island to drive straight over it.

I honestly believe it is a very ineffective means of slowing the traffic and causes a nuisance to surrounding properties with both noise and shaking of structures.

In terms of improving safety and slowing the traffic a likely remedy would be to remove the edge or lip by smoothing the whole surface with asphalt and erecting speed restriction signs.

Or remove the island altogether and place speed restriction signs there or speed cameras. I have heard that on one occasion a car actually crashed into a neighbouring property some time ago due to swerving through the island at speed resulting in loss of control. I ask that you please bring this matter up at your next monthly meeting and implement a plan to rectify the problem.

**Officer's Comment:**

The traffic calming devices have been in place on Tweed Coast Road for over 20 years and their removal would result in increased speeds through this area. Whilst modification or removal of the devices would reduce noise generation there may also be a resultant road safety risk.

**COMMITTEE ADVICE:**

**That the removal of the traffic calming device on Tweed Coast Road, Hastings Point adjacent to Nos 35, 36 and 37 is not supported as it currently reduces the overall speeds. Additional RRPMS to be installed and their effectiveness be monitored.**

**NEXT MEETING:**

The next meeting of the Local Traffic Committee will be held 22 November 2018 in the Mt Warning Meeting Room commencing at 9.30am.

There being no further business the Meeting terminated at 10:40am.

**EXECUTIVE LEADERSHIP TEAM COMMENTS:**

Nil.

**EXECUTIVE LEADERSHIP TEAM RECOMMENDATIONS**

Nil.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice.

**b. Budget/Long Term Financial Plan:**

Not applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**35 [SUB-TCKM] Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 23 October 2018**

**SUBMITTED BY: Natural Resource Management**

mhm

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**Leaving a Legacy**  
*Looking out for future generations*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

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

**ROLE:** **Leader**

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**SUMMARY OF REPORT:**

The Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 23 October 2018 are reproduced in the body of this report for the information of Councillors.

**RECOMMENDATION:**

**That the Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 23 October 2018 be received and noted.**

## REPORT:

The Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 23 October 2018 are reproduced as follows for the information of Councillors.

### Venue:

TRAC Training Room, Murwillumbah

### Time:

2:00 pm

### Present:

Lorraine Vass, Jenny Hayes, Rhonda James, David Norris, Marama Hopkins, Scott Hetherington, Tanya Fountain, Cr Chris Cherry.

### Apologies:

Cr Katie Milne, Bill Hoskins, Mark Kingston, Tracey Stinson.

### Minutes of Previous Meeting:

Moved: Lorraine Vass

Seconded: Jenny Hayes

RESOLVED that the Minutes of the Tweed Coast Koala Management Committee meeting held Tuesday 24 July 2018 be accepted as a true and accurate record of the proceedings of that meeting.

### Business Arising:

1. Scott to notify committee when further information on the Dunloe Park Holcim Quarry (Major Project Mod 2) is made publicly available.
  - Application was re-advertised by NSW Department of Planning and Environment, as required by Independent Planning Commission. Council has resubmitted / reiterated information as previously provided.

### Agenda Items:

1. *OEH SOS funding and projects update*
  - Tweed, Byron, Lismore, Ballina Shires and Friends of the Koala are collaborating on the development of a three year regional koala conservation project proposal for possible funding through the Saving Our Species program.
2. *Lot 919, Pottsville – land tenure and funding update*
  - Land tenure resolution arrangements are progressing between Council and NSW Office of Environment and Heritage.
  - Funding for construction of holding facility is progressing. Council has accepted the offer and are awaiting funding agreements.
  - Initial project management and planning works are underway for the holding facility.
3. *2018 Tweed Coast koala activity assessment update*
  - Field work nearing completion. 66 sites surveyed, additional 7 planned, pending landholder permission. Also planning to establish a number of new sites in koala habitat planting areas.

- Data analysis and map/report preparation underway. Marama circulated early draft mapping comparing activity levels in 2015 and 2018 for the committee's consideration and feedback.

4. *Koala habitat restoration update*

- Tanya presented map of habitat restoration and planting works in progress on a mix of private and public land.
- Some new landholders have come on board this year. Tanya noted that the ongoing approach will be one of consistent follow up and continuing to make contact with those not yet engaged.
- Current focus is on higher quality habitat for weed control. Plantings are being done by community and contractors.

5. *ARC linkage project update*

- First paper published in Biological Conservation, second paper being reviewed.
- Field study work complete throughout the four LGAs and data analysis is well underway, including regional analysis of food tree preferences.
- Development of conservation strategy actions is underway, and will be able to feed into upcoming regional strategies, projects and grant funding applications.

6. *Community representative feedback*

- Dave noted that a number of people had mentioned sightings to him (at markets etc). Marama suggested that he assist observers to record their sightings on the spot, via laptop or phone app. Dave to facilitate this.
- Dave queried the development assessment status of the proposed ambulance station at Pottsville – unknown at present. Scott to follow up.

7. *Dunloe Park Urban Release Area update*

- Proponents' consultants are currently completing additional field work.
- Revised master plan in development in preparation for public exhibition.

8. *Black Rocks sportsfield maintenance – update*

- Recreation Services Unit is currently planning car park upgrade and initial mulched area / buffer to bushland.

General business

1. *Kings Forest update*

- Mark is working through review of revised KPOM. Jenny advised that Team Koala members are also reviewing the document.

Next Meeting: Four meetings of this committee were held in 2018: February, April, July and October. Meeting schedule for 2019 to be advised.

The meeting closed at 4:00pm

**EXECUTIVE MANAGEMENT TEAM'S COMMENTS:**

**Nil.**

**EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:**

**Nil.**

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice.

Terms of Reference – adopted 17 November 2017 (ECM4316512)

**b. Budget/Long Term Financial Plan:**

Not applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**CONFIDENTIAL ITEMS FOR CONSIDERATION**

**REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE**

**REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE**

**C1 [PR-CM-CON] Works at Lot 136 DP 755724 Boormans Road, Limpinwood**

**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: -

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

mhm

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Making decisions with you  
*We're in this together*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

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

**ROLE:** **Provider**

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## REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

### C2 [CNR-CM] Management of Chronic Acid Sulfate Soil Pollution, Christies Creek

#### 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: -

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

mhm

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Leaving a Legacy  
*Looking out for future generations*

#### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.1 Natural Resource Management
- 1.1.6 Waterways (Catchment) Management - Maintain, protect and enhance Tweed Shire's waterways and catchments.

ROLE: **Provider**

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## REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

### C3 [E-CM] Clarrie Hall Dam - Land Acquisition - 2009 Kyogle Road, Terragon

#### REASON FOR CONFIDENTIALITY:

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

#### Local Government Act

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

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

mhm

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#### Leaving a Legacy

*Looking out for future generations*

#### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Provider**

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