



**TWEED**  
SHIRE COUNCIL

**Mayor:** Cr B Longland (Mayor)

**Councillors:** P Youngblutt (Deputy Mayor)  
D Holdom  
K Milne  
W Polglase  
K Skinner  
J van Lieshout

# Agenda

## **Ordinary Council Meeting Tuesday 15 May 2012**

held at Murwillumbah Cultural and Civic Centre  
commencing at 10.30am

## **COUNCIL'S CHARTER**

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

Tweed Shire Council has the following charter:

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

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## CONFIRMATION OF MINUTES

- 1 **[CONMIN] Confirmation of the Minutes of the Ordinary and Confidential Council Meetings held Tuesday 17 April 2012**

### 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).*

1. Minutes of the Ordinary Council Meeting held Tuesday 17 April 2012 (ECM 49172259).
  2. **Confidential Attachment** - Minutes of the Confidential Council Meeting held Tuesday 17 April 2012 (ECM 49162051).
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- 2 **[CONMIN] Minutes of the Extraordinary Council Meeting held Tuesday 1 May 2012**

### UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. Minutes of the Extraordinary Council Meeting held Tuesday 1 May 2012 (ECM 49807303).
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## SCHEDULE OF OUTSTANDING RESOLUTIONS

### 3 [SOR] Schedule of Outstanding Resolution as at 15 May 2012

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## Civic Leadership

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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.*

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.2.1 Council will be underpinned by good governance and transparency in its decision making processes
- 1.2.2.1 Priority decision making
- 1.2.2.1.1 Council decisions will be in accordance with the Community Strategic Plan

### FOR COUNCILLOR'S INFORMATION:

16 February 2010

### ORDERS OF THE DAY

#### 57 [NOM-Cr K Milne] Tree Removal Approval

### NOTICE OF MOTION:

114

Cr K Milne

Cr K Skinner

**RESOLVED** that a report be brought forward on an appropriate system that requires authorisation for tree removal on private lands such as implemented in other councils.

**Current Status:** It is proposed to conduct a Workshop regarding a revised Environmental Strategy to support the advancement of the draft Local Environmental Plan 2010.

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19 October 2010

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

**23 [CNR-CM] Tweed District Water Supply - Demand Management Strategy**

686

Cr K Milne

Cr B Longland

**RESOLVED** that Council:

....

6. Develops a water friendly garden Policy.

**Current Status:** Policy development currently programmed for first half of 2012.

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16 August 2011

**ORDERS OF THE DAY**

**56 [NOM-Cr D Holdom] Non-Potable Water Harvesting in Commercial and Industrial Precincts**

504

Cr D Holdom

Cr W Polglase

**RESOLVED** that the:

1. General Manager investigates and reports back to Council on a new Policy for Tanks (non potable water harvesting) in Commercial and Industrial Precincts within the Tweed Shire Local Government area.
2. Investigation to also consider retrofitting possibilities in existing Commercial and Industrial Precincts.
3. Possibility of any rebate schemes being implemented.

**Current Status:** Awaiting outcome following the implementation of the top 20 non-residential program. Anticipate that policy would follow in mid 2012.

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24 January 2012

**REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS**

**21 [EO-CM] Chinderah Bay Drive Foreshore Masterplan**

35

Cr W Polglase

Cr P Youngblutt

**RESOLVED** that Council:

1. Endorses the Landscape Concept Plans for the Chinderah Foreshore Upgrade, as exhibited.
2. Reallocates a total of \$225,000 in the adopted Infrastructure Program 2011/2012 from the Chinderah Bay Drive foreshore upgrade (Wommin Bay Road to Chinderah Road) to fund additional cost of the roundabout and associated realignment works at the intersection of Chinderah Bay Drive and Wommin Bay Road.
3. Brings forward a report identifying where \$225,000 can be sourced for the completion of the Chinderah Foreshore Upgrade.

**Current Status:** Report to be prepared.

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**ORDERS OF THE DAY**

**43 [NOM-Cr K Milne] Albert's Lyrebird**

**NOTICE OF MOTION:**

55

Cr K Milne

Cr D Holdom

**RESOLVED** that Council brings forward a report on the current situation for the Albert's Lyrebird and the merits of applying for this species to be listed as Endangered on the State and National Threatened species list.

**Current Status:** Report to be prepared.

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**46 [NOM-Cr K Milne] Light Rail Extension to Tweed Heads**

**NOTICE OF MOTION:**

**57**

**Cr K Milne**

**Cr K Skinner**

**RESOLVED** that Council seeks urgent representations with the Cross Border Commissioner once appointed to discuss a range of issues relating to maximising benefits to the Tweed and NSW resulting from the Commonwealth Games being held in 2018, particularly around public transport issues.

**Current Status:** A suitable meeting is to be organised with the Cross Border Commissioner to discuss associated issues.

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**20 March 2012**

**ORDERS OF THE DAY**

**50 [NOM-Cr D Holdom] Historic Commercial Uses of the Tweed River**

**192**

**Cr D Holdom**

**Cr P Youngblutt**

**RESOLVED** that the General Manager investigates and reports back to Council on what business vessels are still operating on the Tweed River, as supplied in attachment form to Item 10 of the Ordinary Meeting held 21 February 2012, given the overview statement made to the attachment as follows:

*"Other development applications previously assessed for commercial operations on the Tweed River that may have relevance to the current proposal include the following. Most of the applications were lodged for continuation of businesses following compliance action and as a result of the Council resolution of 6 December 2000 that sought development applications within 40 days from all commercial boating operators that did not have a current consent."*

**Current Status:** A report will be submitted to the June Council Meeting.

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17 April 2012

**REPORTS FROM THE DIRECTOR PLANNING AND REGULATION**

**7 [PR-CM] Sale of Goods and Services at Public Markets on Council Controlled Land**

212

Cr P Youngblutt

Cr K Milne

**RESOLVED** that:

.....

4. The General Manager invites the Chief Executive Officer of Destination Tweed to a meeting regarding possible future options of Destination Tweed working with individual market operators to assist in growing the market profiles within the Shire and tourism in general.

**Current Status:** A meeting is to be organised.

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

**19 [CNR-CM] Green Infrastructure - Renewable Energy**

228

Cr K Milne

Cr K Skinner

**RESOLVED** that Council:

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5. Invites expressions of interest for the community to participate in a "think tank" with Council to further the potential for renewable energy and energy efficient projects.

**Current Status:** Expressions of Interest currently under development.

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**ORDERS OF THE DAY**

**41 [nom-Cr K Milne] Community Adopt-a-Park Program**

**NOTICE OF MOTION:**

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252

Cr K Milne  
Cr K Skinner

**RESOLVED** that Council brings forward a report on the possibilities of instigating community participation schemes in relation to the Adopt-a-Park program and any other areas potentially appropriate such as Sportsfields / Road Reserves / Library and Art Gallery or other green spaces or waterways.

**Current Status:** A report to be prepared.

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43 [NOM-Cr K Skinner] Jetty at Chinderah

**NOTICE OF MOTION:**

254

Cr K Skinner  
Cr P Youngblutt

**RESOLVED** that with reference to the letter from Chinderah District Residents' Association Inc dated 30 March 2012 (provided under separate cover) regarding a jetty at Chinderah, that:

1. Council supports the establishment of a pontoon jetty structure in Chinderah to properly service the boating fraternity and commences all necessary design and funding applications.
2. Council officers to bring back a report on options for size and location of the proposed jetty.

**Current Status:** A report analysing the options and funding arrangements is currently being prepared.

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**44 [NOM-Cr K Skinner] Jack Bayliss Park - Strategy for Coastal Erosion**

**NOTICE OF MOTION:**

**255**

**Cr K Skinner**  
**Cr P Youngblutt**

**RESOLVED** that in light of Council's present planned retreat approach to the Jack Bayliss Park area at Kingscliff that:

1. Council brings forward a report on the approximate value of this entire section of land from Kingscliff Bowls Club to North Kingscliff Caravan Park.
2. The community to be informed of what planned retreat actually means through an article in the Tweed Link.
3. Council also brings forward a report on the approximate cost of the installation of a similar rock wall as used south of the Cudgen Surf Club to give some protection to this parkland and infrastructure.

**Current Status:** A report to be prepared.

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## MAYORAL MINUTE

### 4 [MM-CM] Mayoral Minute - Period from 05 April to 03 May 2012

SUBMITTED BY: Cr B Longland, Mayor



**Civic Leadership**

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Councillors,

## COMMITTEE MEETINGS

### Attended by the Mayor

- 05 Apr 2012 - NOROC Meeting re Richmond Tweed Regional Library - Office of Don Page, Shop 1, 7 Moon Street, Ballina.
  - 11 Apr 2012 - Tweed Coastal Committee Meeting - Canvas and Kettle Meeting Room, Murwillumbah Civic Centre (Cr Milne also attended).
  - 13 Apr 2012 - Aboriginal Advisory Committee Meeting - Aboriginal Land Council office, Ourimbah Road, Tweed Heads.
  - 18 Apr 2012 - Destination Tweed Board Meeting - Stacks the Law Firm offices, Level 1, Wharf Central, 75 Wharf St, Tweed Heads.
  - 18 Apr 2012 - Community Safety Precinct Committee meeting, Tweed/Byron Local Area Command - Pottsville Community Hall, Tweed Coast Road, Pottsville.
  - 19 Apr 2012 - Tweed River Art Gallery Foundation Board Meeting - Tweed River Art Gallery, Mistral Rd, Murwillumbah (Cr Polglase also attended as Chair of the Foundation).
  - 20 Apr 2012 - Sub-committee meeting, Margaret Olley Art Centre Steering Committee - Tweed River Art Gallery (Warren Polglase also attended as Foundation Chairman).
-

**INVITATIONS:**

**Attended by the Mayor**

- 11 Apr 2012 - 4CRB Radio Talkback - 4CRB, 8 Stevenson Court, Burleigh Heads, QLD.
- 18 Apr 2012 - Youth Homelessness Matters Day - Tweed Heads Centrelink, Blundell Boulevard, South Tweed Heads.
- 18 Apr 2012 - Annual General Meeting of the Murwillumbah Community Men's Shed Inc - Murwillumbah Services Club, Wollumbin Street, Murwillumbah.
- 19 Apr 2012 - Justine Elliot's Morning Tea with Kevin Rudd - Salvation Army Centre, Leisure Drive Banora Point.
- 19 Apr 2012 - Private Citizenship Ceremony for two new citizens - Murwillumbah Civic Centre.
- 24 Apr 2012 - Hutchinson Builder's 100 year anniversary - Casuarina Sandbar & Grill, Barclay Drive, Casuarina (Crs Skinner & van Lieshout also attended).
- 25 Apr 2012 - Uki Dawn Anzac Day Service - Uki War Memorial, Kyogle Road.
- 25 Apr 2012 - Pottsville Anzac Day Ceremony - Anzac Park, Pottsville.
- 25 Apr 2012 - Murwillumbah Anzac Day Service - Murwillumbah Cenotaph, Tumbulgum Rd.
- 26 Apr 2012 - Meeting of the Board of the NSW Local Health District - The Tweed Hospital, Cnr Powell St & Florence St, Tweed Heads, CERCI Room.
- 27 Apr 2012 - General Manager's Retirement Farewell - Greenhills on Tweed, River Street, Murwillumbah.
- 01 May 2012 - Accessible Arts regional forum - Tweed River Art Gallery, Mistral Rd, Murwillumbah.
- 01 May 2012 - Tweed Heads Local Army Reserve Unit, Employer Support Awards Presentation and Barbecue - Tweed Heads Army Reserve Depot, 111 Dry Dock Rd, Tweed Heads.

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

None.

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

- 05 Apr 2012 - Regional Transport Stakeholder Workshop on NSW Transport Master Plan - YWCA, 101a Rous Rd, Goonellabah.
  - 05 Apr 2012 - Name Changing Day - Tweed Valley Respite - Dungay site, Jack Williams Place, off Tomewin Road, Dungay.
  - 03 May 2012 - Tweed River Art Gallery (TRAG) Foundation Board Meeting - TRAG, Mistral Road, Murwillumbah.
- 

**REQUESTS FOR WORKSHOPS:**

Councillors did not request any new workshops in the period from 05 April to 03 May 2012.

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**CONFERENCES:**

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

Councillors did not attend any Conferences in the period from 05 April to 03 May 2012.

**Information on Conferences to be held**

- 16-19 Oct 2012 - 13th International Cities Towns & Communities (ICTC) Society Conference hosted by the Gold Coast City Council - Outrigger Hotel, Gold Coast - *The theme is Cities in Transition with the program to include a Place Making Masterclass facilitated by Ethan Kent from Project for Public Spaces (PPS- USA) along with Separate Special Interest Group sessions (SIG) on Place Making, Transit Oriented Design (TOD) and Business Improvement Districts (BID's)* - Registration \$995 early bird rate, no flights or accommodation required - Refer [www.ictcsociety.org/](http://www.ictcsociety.org/).
- 

**SIGNING OF DOCUMENTS BY THE MAYOR:**

- 18 Apr 2012 - Deed of Transfer of Easement - Essential Energy - Jack Julius Park and Cudgen Foreshore Park Sutherland Street Kingscliff.
  - 23 Apr 2012 - Transfer - Easement Arkinstall Park Tweed Heads South.
  - 24 Apr 2012 - Transfer - Part of Road Reserve - Broadwater Esplanade, Bilambil Heights.
-

## **COUNCIL IMPLICATIONS**

**a. Policy:**

Code of Meeting Practice Version 2.2.

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

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

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

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

- 1 Civic Leadership
- 1.2 Improve decision making by engaging stakeholders and taking into account community input
- 1.2.2 Decisions made relating to the allocation of priorities will be in the long-term interests of the community
- 1.2.2.1 Priority decision making
- 1.2.2.1.1 Council decisions will be in accordance with the Community Strategic Plan

## **RECOMMENDATION:**

**That:-**

1. The Mayoral Minute for the period from 05 April to 03 May 2012 be received and noted.
  2. The attendance of Councillors at nominated Conferences is authorised.
- 

## **UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**5 [MM] Mayoral Minute - Northern Rivers Science and Engineering Challenge**

**SUBMITTED BY:** Cr B Longland, Mayor



**Strengthening the Economy**

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**Councillors,**

The Chair of the Northern Rivers Science and Engineering Challenge (NRSEC) has written to seek Council's support of the 2012 NRSEC, to be held at Southern Cross University on 7-8 June 2012. The target is year 9 and 10 students, with the aim of encouraging them to select science and mathematics during years 11 and 12, and to undertake tertiary studies in science and engineering. Sixteen secondary schools will be competing in the challenge this year, including Banora Point High School. The Challenge is a joint venture between the University of Newcastle, the Rotary Club of Alstonville and Southern Cross University.

Given Council's recent resolution supporting the proposed Engineering faculty at Southern Cross University, I propose that Council supports the 2012 Northern Rivers Science and Engineering Challenge with a Bronze Sponsorship contribution of \$500, to be funded from the Youth Development Fund.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Not applicable.

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

Arrangements to be made to allocate \$500 from the Youth Development Fund to the Northern Rivers Science and Engineering Challenge.

**c. Legal:**

Not Applicable

**d. Communication/Engagement:**

Not Applicable

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

- 3 Strengthening the Economy
- 3.1 Expand employment, tourism and education opportunities
- 3.1.1 Attract educational facilities to the Tweed
- 3.1.1.1 Assist educational facilities wishing to establish or expand in the Tweed

**RECOMMENDATION:**

**That Council supports the 2012 Northern Rivers Science and Engineering Challenge with a Bronze Sponsorship contribution of \$500.**

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## ORDINARY ITEMS FOR CONSIDERATION

### REPORTS THROUGH THE GENERAL MANAGER

#### REPORTS FROM THE GENERAL MANAGER

- 6            **[GM-CM] Destination Tweed Quarterly Performance Report - January to March 2012**

**SUBMITTED BY:**     Business and Economic Development



**Strengthening the Economy**

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#### SUMMARY OF REPORT:

As required by the current funding and performance agreement with Destination Tweed a quarterly performance report and summary financial statement are to be provided for Council's review. This report provides the Destination Tweed's Quarterly Reports for the Quarter 1 January to 31 March 2012. All financial information that is of a 'commercial in confidence' nature in this report has been provided in a confidential attachment.

This report recommends that Council endorses the quarterly report from Destination Tweed to March 2012.

#### RECOMMENDATION:

**That Council**

1.     **Endorses Destination Tweed's Quarterly Report for the quarter January to March 2012.**
2.     **ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-**
  - (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:



# Quarterly Report to Council January to March 2012

## 1. TOURISM MARKETING & PROMOTION

### **Engage with Industry:**

- As a member of the Tourism Managers Group, the CEO maintains a high level of contact with the regions LGA's and Regional Tourism Organisation.
- Destination Tweed remains the lead agency for the Australia's Green Cauldron and has been heavily involved in the Experiences Development Strategy, currently open for public comment.
- Regular communication with Destination NSW & Tourism Australia.
- Relationship development with trade, retails, wholesale, airlines, ITO's & DMC.
- Ongoing marketing, product development and PR with members.

### **Survey Members & Operators:**

DT is surveying members to identify a number of different factors. This surveying is ongoing and based on type of operation. The more immediate aim of this is to ascertain impediments to operations, the level and actual type of support required, as well as determining the value of membership to DT.

The outcome sought are more efficient uses of DT resources and better matching to the actual/real needs of members in order to provide more value in developing business and market share.

### **Tourism Update:**

- Network News sent to membership and stakeholders in January, February and March.
- Individual member meeting and updates provided by CEO.
- Small group updates scheduled with members in April.

### **Identify Product / Experience / Infrastructure Gaps:**

Through engagement of industry and consumer research DT are identifying gaps in the provision of services or product with which to fulfil the consumer experiences. Projects such as Australia's Green Cauldron (AGC) have provided platforms for Experience Development Strategies (EDS) to be drafted.

The EDS for the AGC is currently on display for public comment. This will soon be finalised, the EDS will provide the future frame work and rational for much of the product development.

### **Engage with Private Sector:**

Through the course of daily operations DT are engaged with its members and the broader tourism and tourism related industries.

### **Work with Council to Support Infrastructure Improvements:**

Letter of support provided for Redevelopment of Arkinstall Park Regional Sports Centre, Tweed Heads

### **Develop Tweed Tourism Brand:**

This is a work in progress, the poor design templates for the website need to be looked at to refresh them to a more contemporary design. Once this has been achieved the look and feel will be rolled out into the visitor guide and other collateral.

The current logo and corporate identities suit the purpose, so too does the sub brands of Tweed Tourism and Tweed Business.



The remaining element to be signed off is a tagline; however the actual requirement under current best practice indicates a preference to move away from taglines due to their lack of effectiveness.

**Develop Print Advertising:**

We have undertaken a number of advertising opportunities based on building awareness of the region as well as cooperative product advertising building the profile for the experiences available in the shire

- Northern Rivers Business Magazine
- Legendary pacific coast
- Byron bay and Beyond

**Develop & Produce Maps:**

DT is evaluating the full need for cartography services. Some maps of the leisure market will need to be created as illustrations, whereas for the Business Website we will be access council maps for the shire.

**Website Development:**

The draft website was delivered and due for launch, however the functionality behind the web site is below DT requirements so it has gone back to be redesigned and added functionality incorporated with in it. It is important that this project is completed properly as it provide both revenue potential and the accurate dissemination of the regions experiences.

**Editorial / PR:**

Destination Tweed engages Verve Consulting for Public Relations. A report is attached as Appendix 1.

**Social Media:**

At the end of March 2012, Destination Tweed has 3768 friends on Facebook and 134 followers on Twitter. This number is growing daily. These social media outlets are used to promote the regions community events, markets, activities, networking opportunities and business chamber functions.

**TOURISM MARKETING & PROMOTION TIMELINE**

Action	Jan	Feb	Mar
Engage with industry			
Survey members and operators			
Tourism Update			
Identify product / experience / infrastructure gaps			
Workshops / forums for local industry			
Outline product / experiences investment opportunities			
Annual Forum to review products and experiences			
Engage with private sector			
Work with Council to support infrastructure improvements			
Develop Tweed Tourism Brand			
Develop print advertising			
Develop and produce maps			
Web Site development			
Develop and produce relevant brochures			
Develop and produce visitor guide			
Develop TVC			
Place Ads			
Run FAM trips			
Editorial / PR			
Social Media			

## 2. BUSINESS ATTRACTION

### ***Engage with Local Business:***

DT CEO has been attending Chamber meetings and networking with local businesses. As well CEO now sits on local committees and is actively engaging with the business community.

### ***Assist Local Business Explore NBN Opportunities:***

DT has been involved with Council regarding the NBN, this is something that is raised with various industries that consume large amounts of bandwidth, engage in e-commerce or have an online presence.

### ***Raise the Profile of Destination Tweed:***

DT through working with AGD, Destination NSW, RDA and other local and state organisations has been promoting the region as a place of business, growth and opportunity.

Northern Rivers Business Magazine

Country & Regional Living Expo

Local Government Tourism Conference

### ***Develop a Tweed Business Website:***

The draft Business site for Tweed Business is active and live. This site is currently being populated with supporting documentation for download.

### ***Develop and Maintain Marketing Material & Develop Customised Marketing Packages:***

The copy for the material has been created. Designs have been drafted and adverts placed in publications Northern Rivers Business Magazine

### ***Develop and Promote News Stories:***

See appendix 1.

### ***Meet with Media from Trade Publications:***

This is an ongoing process to facilitate the promotion of the region as a place to do business.

### ***Identify and Engage with Potential Investors:***

DT CEO through working with industry has identified a number of opportunities for business development. These opportunities have been taken to prospective business, as well as DT has been approached by a number of Businesses looking to set up in the Tweed region or to expand their operations.

DT working through the TQUAL grant funding process has been actively supporting tourism related business.

DT have also been assisting businesses in preparation of submitting development application to TSC as well as assisting in the provision of information on the shire economic state. This process is ongoing and varied.

### ***Hold regular meetings with State, RDA & Industry Reps:***

Regular meeting have been held with various government departments and offices such as;

- ATEC
- Dept. Resources, Energy, Tourism
- RDA
- Dept. Industry & Innovation
- EDA
- Cross Border Commissioner



**BUSINESS ATTRACTION TIMELINE**

Action	Jan	Feb	Mar
Subscribe to industry publications			
Engage with local business			
Assist local business explore NBN opportunities			
Raise the profile of Destination Tweed			
Develop a Tweed Business website			
Develop and maintain marketing material			
Develop and promote news stories			
Develop customised marketing packages			
Design and implement direct mail campaign			
Produce annual update on Tweed economy			
Hold annual economic summit			
Attend trade shows and networking events			
Meet with media from trade publications			
Identify and engage with potential investors			
Maintain Tweed Business web site			
Hold regular meetings with Tweed Council			
Provide customised information to investors			
Hold regular meetings with State, RDA & Industry Reps			

### 3. OPERATE VISITOR INFORMATION CENTRES

*Provide visitor information services at Tweed Heads & Murwillumbah VICs:*

Movement In Visitor Numbers:

	2011/12	2010/11	Variance	2011/12	2010/11	Variance
	WHRC			Tweed Heads		
Sept Qtr	7238	7680	-5.76%	8721	9792	-10.94%
Dec Qtr	5442	5748	-5.32%	7507	7362	1.97%
Mar Qtr	5003	5211	-3.99%	7142	6765	5.57%
Jun Qtr		5843			6916	
Total		24,482			30,835	

- Murwillumbah had a decrease in visitor numbers this quarter in comparison to same quarter last year by 3.99% and a decrease of 8.07% compared to last quarter
- Tweed Heads had an increase in visitor numbers by 5.57% in comparison to the same quarter last year however had a decrease of 4.86% compared to last quarter

Visitor Number Comparisons for March Quarter 2012:

MURWILLUM BAH	Total Numbers	% difference to Dec Quarter 2011	% difference to March Quarter 2011	TWEED	Total Numbers	% difference to Dec. Quarter 2011	% difference to Mar Quarter 2011
TOTALS	5003	-8.07%	-3.99%	TOTALS	7142	-4.86%	5.57%
Local	849	2.54%	14.57%	Local	818	-3.99%	8.63%
INTERSTATE				INTERSTATE			
NSW	1102	-22.56%	-13.36%	NSW	1516	-3.50%	1.54%
QLD	1472	-9.30%	-6.48%	QLD	1159	-9.24%	11.12%
VIC	330	-12.29%	60.19%	VIC	780	-26.90%	-2.26%
ACT	19	-60.42%	-57.78%	ACT	28	-46.15%	-42.86%
WA	93	2.20%	15.81%	WA	119	-44.39%	7.21%
TAS	25	-13.79%	-41.86%	TAS	62	-34.04%	55.00%
SA	74	-23.71%	-13.95%	SA	156	-27.78%	2.63%
NT	23	35.29%	53.33%	NT	14	-39.13%	-48.15%
INTL				INTL			
US/Canada	112	-5.08%	-34.12%	US/Canada	372	110.17%	4.49%
NZ	65	-15.58%	13.33%	NZ	226	-37.05%	26.26%
UK	189	17.39%	-23.48%	UK	530	70.97%	18.30%
Europe	566	28.93%	9.48%	Europe	1001	11.22%	7.06%
Africa	9	50.00%	-65.38%	Africa	17	6.25%	-26.09%
Japan/Asia	63	-27.59%	-31.52%	Japan/Asia	302	-1.63%	7.47%
Other	12	-36.84%	-40.00%	Other	42	-14.29%	-19.23%

#### **Commissions Earned:**

- Commission revenue for the 3rd quarter of the 2011/2012 financial year totalled \$12,185 which is over the budgeted figure of \$9,000. It is also higher than the same period last year by \$3,359. The higher result can be attributed to very good day tour sales and increased signage at the Tweed Heads Information Centre
- Commission revenue represents 10% of total booking value made
- 20% of bookings through the website were made online, an increase of 11.00% in comparison to the previous quarter



**Retail Revenue:**

3rd Quarter	Jan-Mar 2012				9 Months YTD			
	Last Year	Budget	Variance		YTD	Last Year	Budget	Variance
11,968	12,215	12,950	-982		46,235	42,558	51,700	-5465

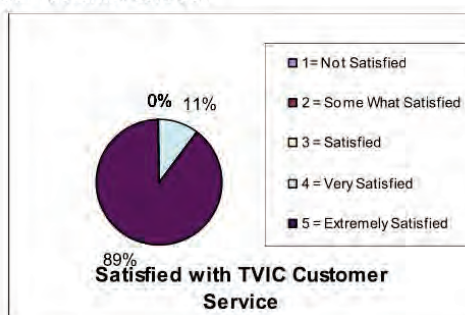
- Retail was up by 27.75% in Tweed Heads VIC compared to last year – but had a decrease of 10.45% compared to previous quarter
- Murwillumbah retail was down by 6.77% on last year's figures – and had a decrease of 33.08% on previous quarter

**Quality of Service at Visitor Information Centres:**

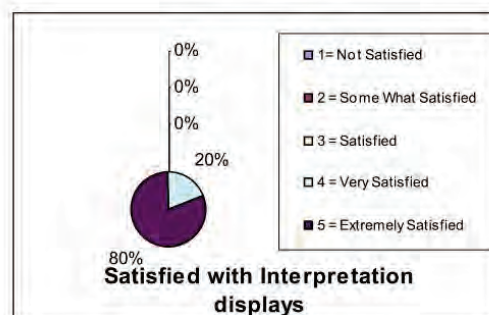
Surveys for the last quarter, results show that 89% of visitors to the VIC's were extremely satisfied and 11% very satisfied with the quality of customer service received. Majority of visitors surveyed were happy with the range of brochures and information provided as well as the interpretative displays.

Most of the feedback was very positive this month with comments such as Murwillumbah VIC is the best VIC we have visited, good to see the artists at work, friendly staff, keep up the good work and Tweed better than QLD info centre (hopeless), relaxing and unspoilt. The negative comments were disappointment that Tweed River Art Gallery was closed, more shaded picnic tables needed, want more variety of postcards and dump site for caravans needed in Murwillumbah.

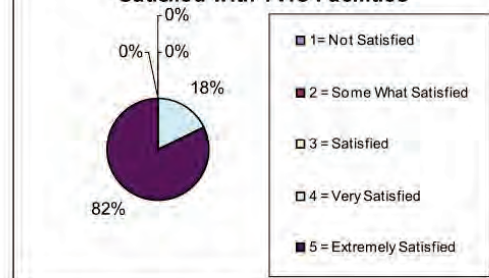
Were visitors satisfied with our customer service?



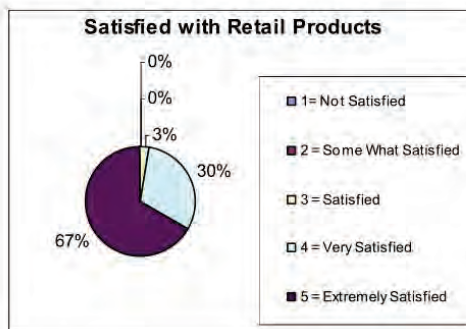
Were visitors satisfied with our displays?

**Satisfied with Information and Brochures**

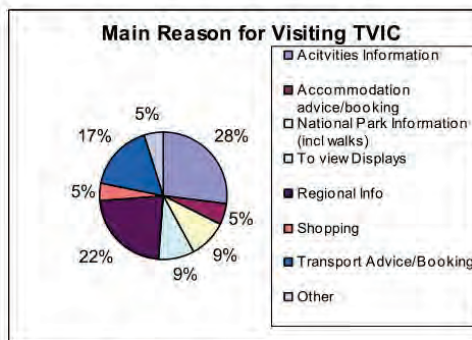
Were visitors satisfied with our range of information

**Satisfied with TVIC Facilities**

Were visitors satisfied with our facilities



Were visitors satisfied with the quality of retail products



Main reason for visiting TVIC

***Prepare and submit monthly VIC accreditation reports:***

Reports sent to Aurora each month and include walk in stats, number of phone calls and number of email enquiries.

***Deliver In-House Staff Training Via Weekly Smot Modules:***

Training covered in the January to March quarter included

- Useful Miscellaneous Information Part 1
- Useful Miscellaneous Information Part 2
- Cruising on the Tweed
- Greeting Your Customers
- Currumbin Wildlife Sanctuary
- Natural Arch & Springbrook National Park
- Murwillumbah Drives Part 1
- Murwillumbah Drives Part 2
- Risks & Accidents in the VIC's Part 1

***Organise monthly operator famils for VIC staff and volunteers:***

Famils conducted in the January to March quarter were to:

- EnRich Retreat and Spa
- Tweed River Motel
- Diamond Beach Resort
- Grand Mecure Apartment Casuarina Beach
- Big 4 North Star Holiday Park

***Provide an Online Accommodation Booking Service:***

Achieved

***Promote Tourism Operator Services through the VIC's:***

Achieved

***Distribute Annual Tweed Visitor Guide through Established Outlets:***

Achieved

**Present Progress Report to Nominated Council Committee**

The progress report to Council due at the end of October 2011 was postponed until January 2012 to accommodate the appointment of the new CEO, Bill Tatchell. The CEO presented to Councillors on 31 January 2012. Following this presentation it was advised that due to the timing, the March progress report would not be necessary and could be carried over to the September yearly presentation.

**OPERATE VISITOR INFORMATION CENTRES TIMELINE**

Action	Jan	Feb	Mar
Provide visitor information services at Tweed Heads & Murwillumbah VICs			
Prepare and submit monthly VIC accreditation reports			
Prepare and submit annual VIC accreditation report			
To contain VIC costs using an appropriately trained workforce			
Deliver in-house staff training via weekly 5MOT modules			
Deliver annual Aurora Research training			
Organise monthly operator famils for VIC staff and volunteers			
Provide an online accommodation booking service			
Promote tourism operator services through the VICs			
Distribute annual Tweed Visitor Guide through established outlets			
Produce annual Tweed Visitor Guide (in conjunction with marketing)			
Provide annual work programmes to Council			
Provide Quarterly Report to Council			
Present Progress Report to Council			



## **APPENDIX 1**

### **EDITORIAL & PR**

#### ***APPENDIX 1***

#### **QUARTERLY PUBLIC RELATIONS & MARKETING REPORT – JANUARY to MARCH 2012**

## TOURISM PRODUCT DEVELOPMENT

INITIATIVE	ACTION
<b>NuYu</b>	<ul style="list-style-type: none"> <li>Met with new operator, NuYu on 31 January to encourage him to join Destination Tweed (he did) and to suggest broader Tweed locations that could be incorporated into his weight loss and fitness live-in programs</li> <li>Developed list of potential activities, including all contact details, and forwarded them to NuYu</li> </ul>
<b>Tyalgum Festival of Classical Music</b>	<ul style="list-style-type: none"> <li>Met with Alex Wilkinson on 18 January to discuss sponsorship, media launch and other issues for this year's festival</li> <li>Assisted in writing sponsorship proposal for Essential Energy – it looks like they are going to come on board again this year with another \$2,500 for the Community Spring Fair and extend their involvement with \$500 for the Bright Sparks concert</li> <li>Forwarded Alex a list of potential sponsors</li> <li>Developed Action Plan for the Festival's sponsorship drive</li> </ul>
<b>Caldera Season of Events Committee</b>	<ul style="list-style-type: none"> <li>Updated action plan</li> <li>17 Feb – Attended Committee meeting with festival organisers to progress to concept of establishing a Caldera Season of Events</li> </ul>
<b>EnRich Day Spa</b>	<ul style="list-style-type: none"> <li>8 Feb – Attended Destination Tweed famil</li> <li>15 Feb – Met with Marketing Manager, Jeanene to assist with their PR/Marketing</li> </ul>
<b>Cabarita Beach Retreat</b>	<ul style="list-style-type: none"> <li>28 Feb – Met with CBR General Manager, Brook Ramage, and their PR consultant for a discussion and site inspection</li> </ul>
<b>Mt Warning Road Operators</b>	<ul style="list-style-type: none"> <li>28-29 Feb – Attended overnight famil with Mt Warning Road operators including site inspections at Rainforest Café, Mt Warning Holiday Park and Mt Warning B&amp;B.</li> <li>Also attended marketing/PR meeting with all operators and had discussions with Githabel Cultural Consultant, Pixie.</li> <li>Prepared marketing concepts and ideas</li> <li>Circulated to Mt Warning Road operators</li> <li>Attended meeting and ceremony with Githabul Aunties to see if we can get approval for TV crews to film on Mt Warning</li> <li>Spoke to National Parks &amp; Wildlife about getting approval for TV crews to film on Mt Warning</li> <li><b>OUTCOME:</b> Githabul Aunties was a dead-end; Damien from NPWS advised that we would not get permission from the Wollumbin Consultative Committee for filming as they are still very much against promoting the Mt Warning climb</li> </ul>
<b>Health Department Walks Booklet</b>	<ul style="list-style-type: none"> <li>Received printing quote of \$5000 for 200 copies for proposed 30 Cultural &amp; Historical Walks of the Tweed – a project instigated by Tracy Armstrong with Julia Gill from the Health Department</li> <li>Based on this quote, my advice is that this project is not viable – I have advised Julia accordingly</li> </ul>
<b>Watersports Guru</b>	<ul style="list-style-type: none"> <li>Provided suggestions and contacts for tie-in with Tweed Health Department and GCCC Active &amp; Healthy program</li> </ul>
<b>AGC: Food &amp; Wine story angles</b>	<ul style="list-style-type: none"> <li>Provided Tweed food and wine story angles to National Landscapes/TA</li> </ul>



AGC: EDS	<ul style="list-style-type: none"> <li>Reviewed and provided feedback on draft and final Experience Development Strategy</li> <li>2 Feb: Attended AGC Committee meeting re draft EDS</li> </ul>
AGC: Travel Agents collateral	<ul style="list-style-type: none"> <li>Review of marketing copy to be sent to Travel Agents</li> </ul>

#### TOURISM MARKETING

INITIATIVE	ACTION
Action Plans	<ul style="list-style-type: none"> <li>16 Jan: Met with Destination Tweed to update new CEO on Action Plans compiled from the Tourism and Business Strategies</li> </ul>
Drive Brochures	<ul style="list-style-type: none"> <li>Supply of four completed drive brochures for distribution to visitors through the VICs</li> </ul>
Marketing to Members	<ul style="list-style-type: none"> <li>Rewrote prospective members' letter</li> </ul>
Member Famil	<ul style="list-style-type: none"> <li>Hosted new CEO on Aunty Karen's Magical Mystery Tour to introduce Valley members and products – including Chillingham Bush Tucker, all Tyalgum operators, Wollumbin Palms and Mavis' Kitchen</li> </ul>
Group Travel	<ul style="list-style-type: none"> <li>Prepared written sales pitch, list of potential activities and sample itineraries in response to an inquiry from an NZ travel agent planning a group geographical/cultural itinerary</li> </ul>
DT Network News	<ul style="list-style-type: none"> <li>Wrote copy for February Network News</li> </ul>
Tweed Visitor Guide	<ul style="list-style-type: none"> <li>Attended meeting with Greg from Dogwhistle and Bill re revamping of Tweed Visitor Guide</li> <li>Redesigned content and pagination</li> <li>Submitted to Bill and Greg for feedback</li> <li>Submitted to Lee Eyre</li> <li><b>OUTCOME:</b> Lee is not happy with the proposed revised content</li> </ul>
UK Aussie Specialists Famil	<ul style="list-style-type: none"> <li>Liaised with DNSW organiser re arrangements for activities, etc for group of UK Aussie Specialist travel agents who will be touring the region on May 2</li> </ul>
New Zealand Tristate Famil	<ul style="list-style-type: none"> <li>Liaised with DNSW organiser re arrangements for activities, etc for group of New Zealand travel agents who will be touring the region on May 17</li> </ul>
Website: Tweed Tourism	<ul style="list-style-type: none"> <li>Rewrite and restructure of Media/Image Gallery log-in process</li> <li>Attended day of website 'training'</li> <li>Distributed media invites to launch</li> <li>Distributed launch cancellations to media</li> <li>Reviewed, proofed and provided detailed feedback on website</li> <li>Updated Vision &amp; Mission Statement</li> </ul>
Grasshoppertravel.com	<ul style="list-style-type: none"> <li>Supply of event calendar for new travel website</li> </ul>
Tweed Fishing Brochure	<ul style="list-style-type: none"> <li>Finalised Tweed fishing brochure and provided .pdfs to VICs (developed during process of writing web copy)</li> </ul>

#### TOURISM PUBLIC RELATIONS

##### International, National & Regional Media:

INITIATIVE	ACTION	OUTCOME
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Destination Tweed Quarterly Report to Council – March 2012

11

<b>Herald on Sunday (NZ)</b>	<ul style="list-style-type: none"> <li>• Worked with Destination NSW to develop Tweed itinerary for Herald on Sunday journalist, Donna McIntyre</li> <li>• Itinerary will incorporate yoga at Peppers, Mt Warning View Circuit (Chillingham Bush Tucker, lunch at Flutterbies, visit to Mt Warning with Josh from NPWS), overnight at Mavis' Kitchen</li> </ul>	Famil completed 19-22 February Monitoring in progress
<b>Discovery Channel documentary</b>	<ul style="list-style-type: none"> <li>• Made contact with TV/documentary crew from UK planning to film in the Tweed on March 28 for Discovery Channel feature</li> </ul>	
<b>Chinese Media Famil</b>	<ul style="list-style-type: none"> <li>• Worked with DNSW and TA, arranging Tweed component of Legendary Pacific Coast famil for key Chinese print and web media from Guangzhou and elsewhere.</li> <li>• Group will be staying at Outrigger, dining at The Orient (Twin Towns), breakfast at Café D'Bar, then Tweed Endeavour Cruise and Tropical Fruit World</li> <li>• Group will be in the region 19 and 20 April</li> </ul>	Publications represented include:  Guangzhou Daily – 1.85million circulation Guangzhou Times – 1.57million circulation Guangzhou Metro Daily – 800,000 circulation New Modern Magazine – 306,600 national Dayoo – internet site with 1.026million daily
<b>Yahoo.nz</b>	<ul style="list-style-type: none"> <li>• Fielded request from freelance journalist for houseboat and apartment accommodation for famil to write Tweed piece for New Zealand Yahoo Travel website</li> <li>• Contacted Berger Houseboats, Boyds Bay Houseboats, Tweed Ultima and Reflections Tower Two</li> <li>• On my recommendation, operators offered discounted rates rather than FOC</li> <li>• Journalist was not prepared to pay – I think she was looking for a free holiday!</li> </ul>	No result
<b>DNSW: NSW Unmapped</b>	<ul style="list-style-type: none"> <li>• Provided suggestions and activity ideas for DNSW international youth bloggers spending a day in the Tweed</li> </ul>	Can't work out if we got any coverage out of this or not ... it's all on FaceBook and Twitter
<b>SBS TV food program</b>	<ul style="list-style-type: none"> <li>• Provided food story ideas to Northern Rivers Food for pitching to SBS's new program – Destination Flavour</li> </ul>	
<b>Better Homes &amp; Gardens</b>	<ul style="list-style-type: none"> <li>• Liaised with DNSW and provided a selection of story pitches for Better Homes &amp; Gardens who are planning to film in the area before May</li> </ul>	<i>They are actually looking for gardens but have tried to swing them towards tropical fruit!</i>
<b>Event PR: Tyalgum Festival of Classical Music</b>	<ul style="list-style-type: none"> <li>• Pitched Tyalgum Festival for potential TV coverage to Ten News (Sydney)</li> </ul>	
<b>Destination NSW Media Unit</b>	<ul style="list-style-type: none"> <li>• Forwarded information on two new operators – EnRich Day Spa and NuYu to Destination NSW for inclusion in their</li> </ul>	



	media activities	
<b>Canberra Times</b>	<ul style="list-style-type: none"> <li>Wrote editorial copy, ad copy and provided images for full page on Tweed in forthcoming Grey Nomads feature</li> </ul>	Publication of feature has been postponed until later this year
<b>Calendar of Events</b>	<ul style="list-style-type: none"> <li>Distributed January, February &amp; March Calendar of Events to all regional media</li> </ul>	
<b>Regional Radio – Super Network</b>	<ul style="list-style-type: none"> <li>Liaised with afternoon show producer and Tweed Shire Council for Mayor Barry Longland to do a spot the day before Australia Day about the Tweed's various (washed-out!!) events</li> </ul>	<b>Super Network – 25 January, 2012</b> <i>Radio interview with Barry Longland</i>
<b>Coast Magazine</b>	<ul style="list-style-type: none"> <li>Forwarded email to all relevant members to source social pics for regional publication, Coast Magazine</li> </ul>	None of our members were able to supply me with anything
<b>Northern Rivers Business Magazine – Tweed feature</b>	<ul style="list-style-type: none"> <li>Wrote letter for mail-out to members</li> <li>Wrote main feature copy</li> <li>Wrote ad copy</li> <li>Proofed final editorial layout</li> <li>Provided feedback for front cover images</li> </ul>	<b>Northern Rivers Business Magazine – Autumn 2012</b> - <i>Cover &amp; back page photo</i> - <i>Tweed Shire: Setting a New Direction</i> 4 pgs of editorial stretched over 8 page spread
<b>Calendar of Events - 2012</b>	<ul style="list-style-type: none"> <li>Distributed 2012 Calendar of Major Events to all regional and national media</li> </ul>	
<b>FROM PREVIOUS FAMILS</b>		<b>Country Style Magazine – February 2012</b> <i>A Moveable Feast</i> 5-page feature promoting Mavis' Kitchen, Uki, Murwillumbah
	<ul style="list-style-type: none"> <li>General Media Kit /DNSW liaison – Mt Warning</li> </ul>	<b>Australian Geographic – 9 March 2012</b> Mt Warning included in <i>Ten of the Best Mountains</i>

**Local Media:**

INITIATIVE	ACTION	OUTCOME
<b>Bill Tatchell – first interviews</b>	<ul style="list-style-type: none"> <li>Arranged media interviews for new CEO with Gold Coast Bulletin/Tweed Sun, Daily News and Tweed Coast Weekly</li> </ul>	<b>Daily News – 20 January, 2012</b> <i>New Tourism Boss for Tweed</i>  <b>Daily News – 21 January, 2012</b> <i>Partnerships the Key</i>  Haven't been able to track down other clippings
<b>Daily News</b>	<ul style="list-style-type: none"> <li>Arranged interview and photograph for story on progress of Andy's Panorama in the Murwillumbah VIC</li> </ul>	<b>Daily News – 16 January, 2012</b> <i>Panorama to Replicate View</i>



<b>Daily News</b>	<ul style="list-style-type: none"> <li>• Provided possible contacts for a story they were working on about a regular Mt Warning hiker</li> </ul>	No result that I can find
<b>Gold Coast Bulletin</b>	<ul style="list-style-type: none"> <li>• Pitched story on Graeme Stevenson's success with his Colour Your Life TV program (sponsored by Destination Tweed)</li> </ul>	
<b>Gold Coast Bulletin - Bite</b>	<ul style="list-style-type: none"> <li>• Provided list of Tweed restaurants recommended for review in the Gold Coast Bulletin's weekly 'Bite' section</li> </ul>	
<b>Tweed Sun</b>	<ul style="list-style-type: none"> <li>• Pitched story on either Catch-a-Crab or Tweed Endeavour Cruises around Chinese New Year angle</li> </ul>	
<b>Event PR: An Evening to Remember</b>	<ul style="list-style-type: none"> <li>• Wrote Press Release on event at Tyalgum</li> <li>• Distributed to all local &amp; regional print and radio media with supplied pics</li> <li>• Arranged photo opportunity for Daily News</li> <li>• Story published in almost all local/regional media and on radio</li> </ul>	<p><b>Tweed Coast Weekly – 9 February, 2012</b> <i>Opera in the Valley at Tyalgum Hall</i></p> <p><b>Daily News – 27 February, 2012</b> <i>Tyalgum: Evening to Remember</i> (post-event)</p> <p><b>Daily News – 11 February, 2012</b> <i>Star Performers Take Centre Stage</i></p> <p><b>Daily News – 8 February, 2012</b> <i>A Night to Remember in Tyalgum</i></p> <p><b>Gold Coast Bulletin – 16 February, 2012</b> <i>Dancers offer a night to remember</i></p> <p><b>Tweed Valley Weekly - ?? February, 2012</b> <i>A Night to Remember in Tyalgum</i></p> <p><b>Tweed Border Mail - ?? February, 2012</b> Solar told me they ran the story</p> <p><b>Norther Star - ?? February, 2012</b> Solar mentioned an article in their weekend entertainment section</p> <p>The event was also mentioned on: <b>ABC Coast FM and ABC North Coast</b></p>
<b>Event PR: Flutterbies' Birthday</b>	<ul style="list-style-type: none"> <li>• Arranged photo opportunity for Daily News</li> </ul>	<i>Story was published in Daily News but it's not showing up on</i>

<b>&amp; Refurb Celebrations</b>		<i>the web</i>
<b>Event PR: Tyalgum Festival Gallery Concert at TRAG</b>	<ul style="list-style-type: none"> <li>Sent media alert to all local/region print and radio media</li> </ul>	
<b>Event PR: Samba Blisstas Drumming Course</b>	<ul style="list-style-type: none"> <li>Forwarded information to local media</li> <li>Daily News followed up with a photo opp</li> </ul>	
<b>Media Referrals</b>	<ul style="list-style-type: none"> <li>Liaised with media and arranged interviews with Bill at their request on various day-to-day news issues – including                             <ul style="list-style-type: none"> <li>NRT funding</li> <li>Quiksilver Pro</li> <li>Scoot Airlines launch</li> <li>China market</li> <li>Lifesaving Titles</li> <li>Tourism bookings for Easter</li> </ul> </li> </ul>	<p><b>Daily News – 6 February, 2012</b> <i>Art to Live Up M'Bah CBD</i></p> <p><b>Daily News – 6 February, 2012</b> <i>Year for Tax &amp; Tourism</i></p> <p><b>Daily News – 4 February, 2012</b> <i>Tatchell rains on indoor idea</i></p> <p><b>Northern Star – 4 February, 2012</b> <i>Outdoors is our strength</i></p> <p><b>Daily News – 3 February, 2012</b> <i>Floods split opinions on tourism</i></p> <p><b>Tweed Sun – 1 March, 2012</b> <i>Quiky, Roxy Pros boost tourism</i></p> <p><b>Gold Coast Bulletin – 9 February, 2012</b> <i>Tweed dips out on tourism funding</i></p> <p><b>Gold Coast Bulletin – 16 February, 2012</b> <i>Tweed Festival to go on</i></p> <p><b>Gold Coast Bulletin – 11 February, 2012</b> <i>Indigenous artist to share Tweed heritage</i></p> <p><b>Daily News – 9 March, 2012</b> <i>NSW Surf Titles in Full Swing</i></p> <p><b>Tweed Coast Weekly – 29 March, 2012</b> <i>Tourism Spotlight on the Tweed</i></p> <p><b>Daily News – 9 March, 2012</b> <i>Busy Easter Holidays Expected</i></p>
<b>Event PR: Battle on the Border</b>	<ul style="list-style-type: none"> <li>Reviewed and rewrote DT sponsorship proposal</li> <li>Wrote information for Cycling Australia website</li> <li>Prepared event media backgrounder</li> <li>Pitched TV event coverage to contacts at Today Show, Ten News (Sydney), Sunrise, Creek to Coast</li> <li>Wrote event listing</li> </ul>	<p>Today Show and Ten News have both come back to me with a 'no' – due to prior commitments;</p> <p>No word as yet from Sunrise and Creek to Coast</p>
<b>Event PR: Mavis'</b>	<ul style="list-style-type: none"> <li>Prepared media release and sourced images</li> </ul>	<b>Tweed Coast Weekly – 8 March,</b>



<b>Kitchen / Tyalgum Festival Dinner Concert</b>	<ul style="list-style-type: none"> <li>• Distributed release and images to all media</li> <li>• Wrote email for neighbouring accommodation operators (Mt Warning Road) to leverage event and attract overnight bookings</li> <li>• Attended concert (at own cost)</li> <li>• Took social photos</li> <li>• Supplied photos to organisers and attendees free of charge</li> <li>• Wrote follow-up piece to promote next concert</li> <li>• Forwarded follow-up and images to all media</li> </ul>	<b>2012</b> <b>Included in new DT Calendar of Events column</b> <b>Tweed Sun – 22 March, 2012</b> <b>Festival Delivers Classics</b>
<b>Event PR: Tyalgum Fashion Parade</b>	<ul style="list-style-type: none"> <li>• Wrote press release for upcoming Fashion Parade in May</li> <li>• Not distributed as yet</li> </ul>	
<b>Tweed Border Mail: My Town</b>	<ul style="list-style-type: none"> <li>• Pitched story on Tyalgum for Daily New's 'My Town' feature</li> </ul>	<b>Tweed Border Mail – 28 March, 2012</b> <i>Story ran but clipping not available</i>
<b>Member PR: Enrich Day Spa</b>	<ul style="list-style-type: none"> <li>• Sent pitch to Daily News re Enrich Day Spa</li> </ul>	Karina advises that DN interviewed her and took pics but I can't track down a story clipping
<b>Member PR: NuYu</b>	<ul style="list-style-type: none"> <li>• Pitched story on NuYu to Gold Coast Bulletin – no result as yet</li> </ul>	
<b>Member PR: Samba Blisstas</b>	<ul style="list-style-type: none"> <li>• Sent pitch re Samba Blisstas drumming course to all local media</li> </ul>	<b>Daily News – 21 March, 2012</b> <a href="#"><u>Learn Samba with the Best</u></a>
<b>Member PR: Flutterbies</b>	<ul style="list-style-type: none"> <li>• Supply of media contacts to Solar</li> <li>• Pitched article on Chocolate Workshop to GC Bulletin</li> <li>• Advised Solar on generating further media coverage by sending journalists a voucher to thank them for their support of recent event</li> </ul>	<b>Gold Coast Bulletin – 10 March, 2012</b> <b>Super Food Choc Full of Healthy Goodness</b> <b>Radio</b> – Grail also did a radio interview but not sure which station Nic from Tweed Coast Weekly took advantage of voucher and is keen to write more stories on Tyalgum
<b>GENERAL TOURISM COVERAGE</b>	<ul style="list-style-type: none"> <li>• Provided National Parks and bushwalking contacts to Daily News for upcoming story</li> </ul>	
<b>Calendar of Events</b>	<ul style="list-style-type: none"> <li>• Distributed January, February &amp; March Calendar of Events to all local media</li> <li>• Negotiated to arrange monthly events column in Tweed Coast Weekly</li> </ul>	<b>Tweed Coast Weekly – 8 March, 2012</b> <b>What's on in the Tweed: new monthly column</b> <b>Tweed Coast Weekly – 29 March, 2012</b> <b>April Events in the Tweed</b> <b>Tweed Coast Weekly – 15</b>

		<b>March, 2012</b> <b>Tweed Seniors Week: front cover story</b> <b>Chamber Ready for Breakfast</b>
<b>Calendar of Events - 2012</b>	<ul style="list-style-type: none"> <li>Distributed 2012 Calendar of Major Events to all local media</li> </ul>	
<b>FROM PREVIOUS INITIATIVES</b>	<ul style="list-style-type: none"> <li>Food Media Kit – New Govardhna Hare Krishna Farm</li> </ul>	<b>Gold Coast Bulletin – 9 March, 2012</b> <b>Hundreds Head to Gaura Pernima Festival</b>
	<ul style="list-style-type: none"> <li>General Media Kit – Parrot Garden Cafe</li> </ul>	<b>Northern Star – 13 March, 2012</b> <b>Café has Monkey Business on Menu</b>  <b>Daily News – 13 March, 2012</b> <b>Café has Monkey Business on Menu</b>

#### BUSINESS PUBLIC RELATIONS

##### Local Media:

INITIATIVE	ACTION	OUTCOME
<b>Daily News</b>	<ul style="list-style-type: none"> <li>Pitched various story ideas for their Better Business segment:                             <ul style="list-style-type: none"> <li>Watersports Guru</li> <li>Enrich Retreat</li> <li>Samba Blisstas</li> <li>Madura Tea</li> </ul> </li> </ul>	<b>Daily News: "Better Business" – 7 January, 2012</b> <b>Life's Tough on the Beach</b>
<b>Tweed Business Website</b>	<ul style="list-style-type: none"> <li>Website copywriting - complete</li> <li>Review, proofing and feedback on business website</li> <li>Translated various data lists into a series of graphs and charts to illustrate website</li> </ul>	
<b>Country &amp; Regional Living Expo</b>	<ul style="list-style-type: none"> <li>Supplied copy for CRLE website</li> </ul>	

## OPTIONS:

This report to Council presents the Quarterly report from Destination Tweed which is required as part of their contract. The successful submission of this report in an appropriate format will endorse payment of their quarterly contract instalment for the next quarter in line with their contract.

1. **Endorse this Quarterly Report** - By endorsing Destination Tweed's Quarterly Report Council acknowledge and endorse the progress Destination Tweed have made to achieving the milestones outlined in their funding contract and the agreed Business Attraction Marketing Strategy and the Tourism Marketing Strategy; or
2. **Postpone Endorsement of this Quarterly Report** - If Council is not satisfied with the progress Destination Tweed has made in achieving the milestones identified in their funding contract and the agreed Business Attraction Marketing Strategy and the Tourism Marketing Strategy then it would be prudent to postpone the endorsement and commence discussions with the Board of Destination Tweed regarding the project.

## CONCLUSION:

It is recommended that Council endorses this quarterly report from Destination Tweed.

## COUNCIL IMPLICATIONS:

### a. Policy:

Corporate Policy Not Applicable.

This report fulfils Destination Tweed's reporting requirement under its current funding agreement.

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

This report is submitted by Destination Tweed along with their quarterly invoice for payment under the current funding agreement.

### c. Legal:

Not Applicable.

### d. Communication/Engagement:

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

## LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 Strengthening the Economy
  - 3.1 Expand employment, tourism and education opportunities
    - 3.1.4 Market the Tweed as a destination for business and tourism
      - 3.1.4.2 Facilitate the development of the Strategic Plan and Operational Plan for tourism promotion and economic development
        - 3.1.4.3 Operate Visitor Information Centres at Murwillumbah and Tweed Heads
        - 3.1.4.4 Establish a website to promote the Tweed as a destination and to attract visitors
        - 3.1.4.6 Facilitate economic promotion and tourism development within the Tweed
        - 3.1.4.7 Increase visitors to the Tweed

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

1. Attachment A **Confidential Attachment:** Destination Tweed Quarterly Financial Report – January to March 2012 (ECM49842730)
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## **REPORTS FROM THE DIRECTOR PLANNING AND REGULATION**

### **MATTERS FOR CONSIDERATION UNDER SECTION 79(C)(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

The following are the matters Council is required to take into consideration under Section 79(C)(1) of the Environmental Planning and Assessment Act 1979 in assessing a development application.

#### **MATTERS FOR CONSIDERATION**

1. In determining a development application, a consent authority shall take into consideration such of the following matters as are of relevance to the development the subject of that development application:
  - (a) the provisions of
    - (i) any environmental planning instrument; and
    - (ii) any draft environmental planning instrument that is or has been placed on exhibition and details of which have been notified to the consent authority, and
    - (iii) any development control plan, and
    - (iv) any matters prescribed by the regulations,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 of 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.

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**7 [PR-CM] Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards**

**SUBMITTED BY: Director**



**Civic Leadership**

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**SUMMARY OF REPORT:**

In accordance with the Department of Planning's Planning Circular PS 08-014 issued on 14 November 2008, the following information is provided with regards to development applications where a variation in standards under SEPP1 has been supported/refused.

**RECOMMENDATION:**

**That Council notes the April 2012 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.**

## REPORT:

On 14 November 2008 the Department of Planning issued Planning Circular PS 08-014 relating to reporting on variations to development standards under State Environmental Planning Policy No. 1 (SEPP1).

In accordance with that Planning Circular, the following Development Applications have been supported/refused where a variation in standards under SEPP1 has occurred.

<b>DA No.</b>	DA11/0304
<b>Description of Development:</b>	Seniors living - seventy seven (77) units (JRPP)
<b>Property Address:</b>	Lots 113-116 DP 237806 Nos. 6-12 Powell Street, Tweed Heads
<b>Date Granted:</b>	30/4/2012
<b>Development Standard to be Varied:</b>	Clause 16 - Heights of Buildings
<b>Zoning:</b>	2(b) Medium Density Residential
<b>Justification:</b>	7 storey building within a 6 storey height restricted area.
<b>Extent:</b>	Building exceeding height limit by 1 storey.
<b>Authority:</b>	Tweed Shire Council under assumed concurrence

## COUNCIL IMPLICATIONS:

### a. Policy:

Not Applicable.

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

Not applicable.

### c. Legal:

No-Legal advice has not been received.

Attachment of Legal Advice-Not Applicable.

### d. Communication/Engagement:

Not Applicable.

## LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.4 Strengthen coordination among Commonwealth and State Governments, their agencies and other service providers and Statutory Authorities to avoid duplication, synchronise service delivery and seek economies of scale
- 1.4.1 Council will perform its functions as required by law and form effective partnerships with State and Commonwealth governments and their agencies to advance the welfare of the Tweed community

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**8 [PR-CM] Development Application DA11/0607 for a Dwelling House at Lot 1 DP 1059093; No. 1 Gray Street, Tweed Heads West**

**SUBMITTED BY: Building and Environmental Health**

**FILE REFERENCE: DA11/0607 Pt1**



**Civic Leadership**

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**SUMMARY OF REPORT:**

An application has been received by Council for the construction of a new single storey dwelling house within the 30-35 ANEF Contour for Gold Coast Airport.

The proposal does not meet the requirements of Clause 32(4) of the Tweed Local Environmental Plan (TLEP) 2000 in terms of the aircraft noise attenuation measures of AS2021-2000. The non-compliance relates specifically to the degree of attenuation of some of the windows and doors of the proposed new dwelling.

The applicant has submitted a written objection pursuant to Clause 6 of State Environmental Planning Policy No 1 – Development Standards, stating that compliance with the abovementioned Clause 32 (4) of the Tweed Local Environmental Plan (TLEP) 2000 of the requirement is unreasonable in this instance predominantly on financial grounds as supported by a report and design recommendation by a qualified acoustics engineer.

Following a detailed technical assessment and consultation with the Gold Coast Airport, it is the officers' view that the applicant has provided reasonable grounds for Council to support a SEPP1 variation, and the construction of the proposed dwelling house in accordance with the practical recommendations of their acoustic expert, given that there are already a number of existing residential dwelling houses and residential units that would be equally affected by aircraft noise that are within the 30-35 ANEF contour in the immediate vicinity of the site which were in existence prior to the introduction of the LEP and are unlikely to have been constructed with adequate aircraft noise attenuation.

It is therefore recommended that Council support the current development application subject to conditions.

**RECOMMENDATION:**

**That:**

- A. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-**
  - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.**

- B. Council assumes the concurrence of the Director-General of the Department of Planning and Infrastructure for the approval of the State Environmental Planning Policy No. 1 (SEPP1) objection to vary the prohibition for the construction of a dwelling house within the 25 or higher ANEF which does not meet the construction requirements of Australian Standard AS 2021-1994 (Acoustics-Aircraft noise intrusion-building siting and construction).**
- C. Development Application DA11/0607 for a dwelling house at Lot 1 DP 1059093 Gray Street, Tweed Heads West be approved subject to the following conditions:**

**GENERAL**

- 1. The development shall be completed in accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by conditions of this consent.**  
[GEN0015]
- 2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.**  
[GEN0115]
- 3. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.**  
[GEN0135]
- 4. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on the road reserve or footpath. Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.**  
[GEN0245]
- 5. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.**  
[GEN0300]
- 6. The dwelling house is to be constructed to Bushfire Attack Level (BAL) 12.5 in accordance with Australian Standard AS 3959-2009.**  
[GENNS01]
- 7. The development shall be carried out in accordance with the provisions of the Aircraft Noise Report for Lot 1 DP 1059093 No 1 Gray Street Tweed Heads prepared by Craig Hill Acoustics Reference No: igreyst111011/1 and dated Tuesday 11October 2011.**  
[GENNS02]

8. If window systems to be used are not openable or are required to remain closed in order to satisfy the requirements of the Aircraft Noise Report for Lot 1 DP 1059093 No 1 Gray Street Tweed Heads prepared by Craig Hill Acoustics Reference No: igreyst111011/1 and dated Tuesday 11 October 2011, then a system of mechanical ventilation complying with the relevant provisions of the Building Code of Australia shall be installed to service all habitable areas of the dwelling.

[GENNS03]

9. The ceiling of the proposed dwelling is to be constructed with 2x13mm Soundchek™ in accordance with the manufacturer's specifications.

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

10. Prior to the issue of a Construction Certificate details for the footings and floor slab designed by a practising Structural Engineer after consideration of a soil report from a NATA accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0945]

11. A construction certificate application for works that involve any of the following:-

- connection of a private stormwater drain to a public stormwater drain
- erosion and sediment control works

will not be approved until prior separate approval to do so have been granted by Council under S68 of the Local Government Act.

- a) Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

[PCC1145]

12. Prior to the issue of a Construction Certificate bracing and tie-down details designed by a structural engineer are to be submitted to and approved by the Principal Certifying Authority.

[PCCNS01]

13. Prior to the issue of a Construction Certificate roof stormwater drainage details are to be submitted to and approved by the Principal Certifying Authority.

[PCCNS03]

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

14. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

15. 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]

16. 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]

17. 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]

18. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (15) persons employed at the site. Each toilet provided must be:
  - (a) a standard flushing toilet connected to a public sewer, or
  - (b) if that is not practicable, an accredited sewage management facility approved by the council

[PCW0245]

19. 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]

20. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

This sign is to remain in position for the duration of the project.

[PCW0985]

21. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW1065]

22. Prior to the commencement of works, the applicant is to indicate their compliance with the provisions of the Aircraft Noise Report for Lot 1 DP 1059093 No 1 Gray Street Tweed Heads prepared by Craig Hill Acoustics Reference No: igreyst111011/1 and dated Tuesday 11 October 2011 by providing to the Principal Certifying Authority appropriate details on the building components and systems intended to be used in the construction of the dwelling house with the corresponding RW ratings. Such details shall also reference the window and door systems to be installed with the corresponding RW ratings.

[PCWNS01]

23. Prior to the commencement of sewer drainage works an Application to Alter Councils Water or Sewer Infrastructure is to be submitted to Council.

For further information please contact Mr Peter Pennycuik Strategic & Asset Engineer on (02) 6670 2638

[PCWNS03]

#### **DURING CONSTRUCTION**

24. All proposed works are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications.

[DUR0005]

25. Construction and/or demolition site work including the entering and leaving of 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]

26. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

**A. Short Term Period - 4 weeks.**

**L<sub>Aeq, 15 min</sub> noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.**

**B. Long term period - the duration.**

**L<sub>Aeq, 15 min</sub> noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.**

[DUR0215]

27. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of buildings with direct line of sight to the proposed building.  
[DUR0245]
28. 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]
29. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.  
[DUR0395]
30. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.  
[DUR0405]
31. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Occupational Health and Safety Regulation 2001.  
[DUR0415]
32. The finished floor level of the building should finish not less than 225mm above finished ground level.  
[DUR0445]
33. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications, Development Control Plan Part A1 to the satisfaction of the Principal Certifying Authority.  
Please note timber retaining walls are not permitted.  
[DUR0835]
34. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.  
[DUR0905]
35. 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]

36. A certificate is to be submitted by a Registered Surveyor certifying that all habitable floor areas are constructed above 3.1 metres AHD. Certification of those levels by a registered surveyor must be submitted to the Principal Certifying Authority prior to proceedings past floor level to ensure that the floor is above flood level.

[DUR1365]

37. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.

[DUR1945]

38. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

- (a) internal drainage, prior to slab preparation;
- (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
- (c) external drainage prior to backfilling.
- (d) completion of work and prior to occupation of the building.

[DUR2485]

39. Plumbing

- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.

[DUR2495]

40. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.

[DUR2515]

41. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.

[DUR2545]

42. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-

- \* 43.5°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- \* 50°C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR2555]

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

43. 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 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

44. Prior to the issue of an occupation certificate,
- (a) Certification of termite protection methods performed by the person carrying out the works is to be submitted to the PCA; and
  - (b) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
    - (i) the method of protection; and
    - (ii) the date of installation of the system; and
    - (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
    - (iv) the need to maintain and inspect the system on a regular basis.

[POC0235]

45. Prior to the issue of a final occupation certificate adequate proof and/or documentation is to be submitted to the Principal Certifying Authority to identify that all commitment on the BASIX "Schedule of Commitments" have been complied with.

[POC0435]

46. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC1045]

## **USE**

47. 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]

48. 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]

49. The building is to be used for single dwelling purposes only.

[USE0505]

- D. A notation be placed on any Section 149(5) for the lot advising that an Aircraft Noise report has been prepared by Craig Hill Acoustics Reference No. igreyst111011/1 dated Tuesday 1 October 2011 recommending insulation requirements for the construction of the dwelling house on the lot.

**REPORT:**

**Applicant:** Integrity New Homes  
**Owner:** Mr Harold Croston & Mrs Carole Croston  
**Location:** Lot 1 DP 1059093; No. 1 Gray Street, Tweed Heads West  
**Zoning:** 2(a) Low Density Residential  
**Cost:** \$245,000

**BACKGROUND:**

An application has been lodged with Council for the construction of a new single storey dwelling house within the 30-35 ANEF contour for Gold Coast Airport.

The proposal does not meet the requirements of Clause 32(4) of the Tweed Local Environmental Plan (TLEP) 2000, in terms of aircraft noise attenuation.

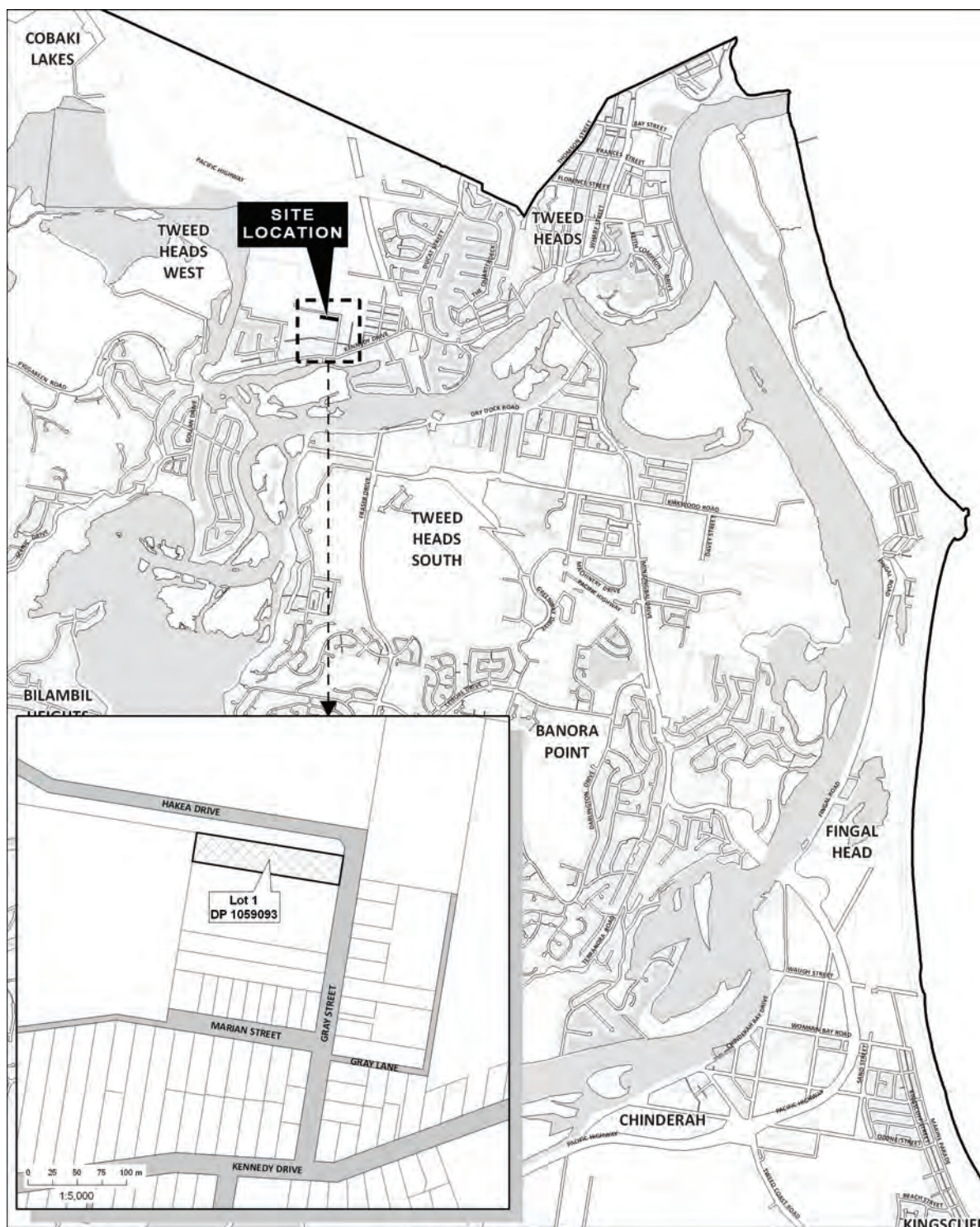
The applicant has submitted a written objection pursuant to Clause 6 of State Environmental Planning Policy No 1 – Development Standards, that compliance with the abovementioned Clause 32 (4) of the Tweed Local Environmental Plan (TLEP) 2000 of the requirement is unreasonable.

The objectives of Clause 32 of the LEP are to prevent certain noise sensitive developments from locating in proximity to Gold Coast Airport and related flight paths and to minimise noise impact from the operation of Coolangatta Airport on development in its vicinity.

Within the immediate area there are already an existing number of noise sensitive developments (residential dwelling houses and residential units) that are in the immediate vicinity of the site which are unlikely to have the same level of noise attenuation provided in their construction as is to be provided in the proposed dwelling house.

With this in mind it is considered that the approval of the proposed dwelling would not create an undesirable precedent given that the proposal will incorporate acoustic attenuation as recommended in the Aircraft Noise Report submitted as part of the application.

## SITE DIAGRAM:



### Locality Plan

Lot 1 DP 1059093  
No. 1 Gray Street, Tweed Heads West

Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representation or warranty, expressed or implied, as to the accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general guidance and is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any excavation a 'Call before you dig' enquiry must be made by calling 1100. The information contained on this document remains valid for 10 days only from the date of supply.

Cadastre: 01 February, 2012  
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Boundaries shown should be considered approximate only.

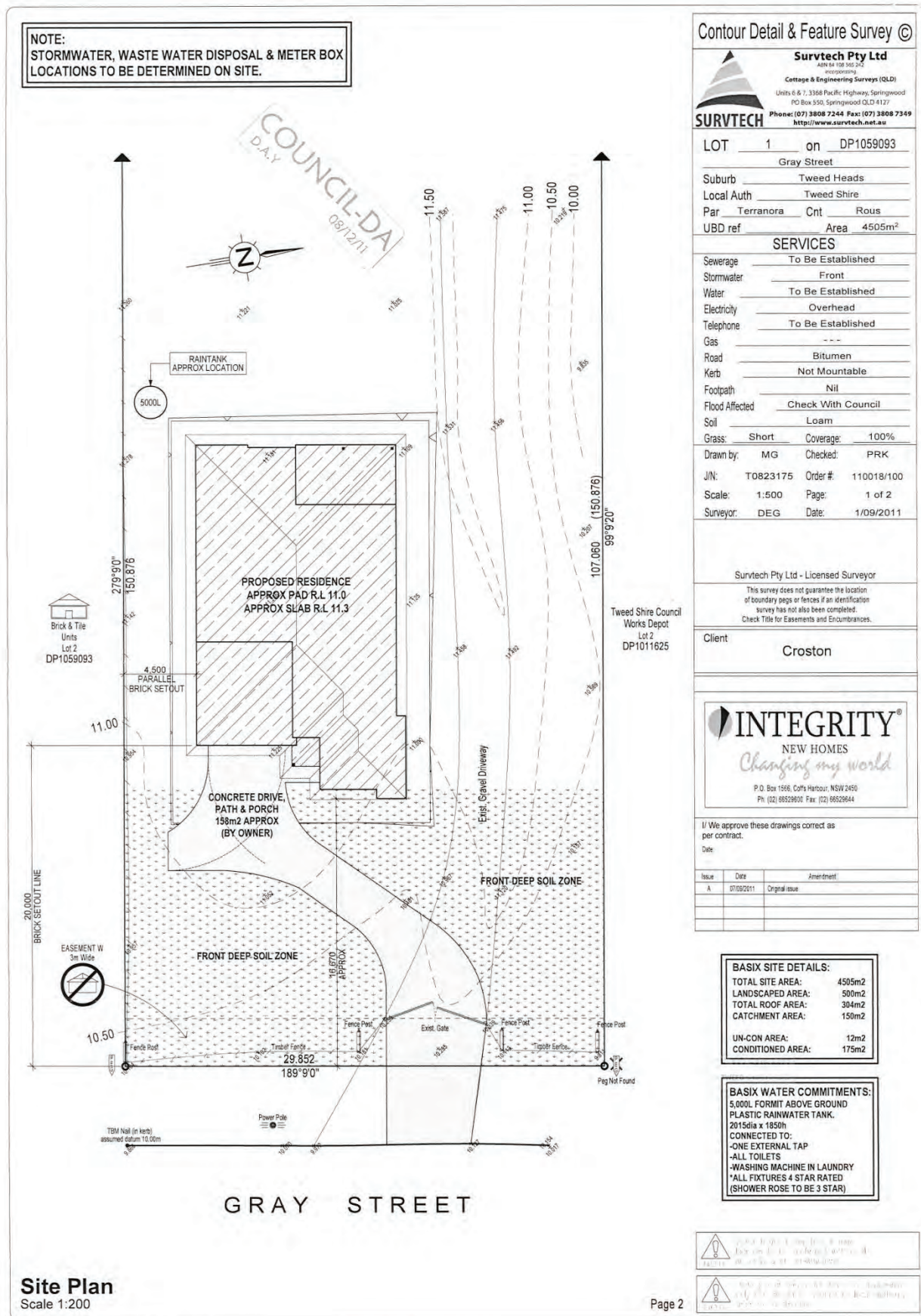
0 0.5 1 Km  
1:40,000 @ A4 Portrait  
PRINT SCALE  
COPY ONLY - NOT CERTIFIED  
Map Projection: Universal Transverse Mercator  
Map datum: Geocentric Datum of Australia 2000  
Grid: Map Grid of Australia, Zone 56

Civic and Cultural Centre  
3 Tambourine Road  
Murwillumbah NSW 2484  
PO Box 816  
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T (02) 6670 2400 | 1300 292 872  
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E [planning@tweed.nsw.gov.au](mailto:planning@tweed.nsw.gov.au)





## DEVELOPMENT PLANS:



<p><b>INTEGRITY</b> NEW HOMES <i>Changing my world</i></p> <p>HEAD OFFICE PO BOX 1566, COFFS HARBOUR NSW 2450 PHONE NO. (02) 66 529 600 FAX NO. (02) 66 529 644</p>	<p>CLIENT SIGNATURES CONFIRM THESE PLANS ARE APPROVED AS A REPRESENTATION OF WHAT IS TO BE BUILT. ITEMS NOT INCLUDED IN THESE PLANS &amp; ATTACHED SPECIFICATIONS ARE DEEMED NOT TO BE INCLUDED IN CONTRACT.</p> <p>WE APPROVE THESE PLANS</p> <p>SIGNATURE _____ DATE _____</p> <p>SIGNATURE _____ DATE _____</p>	<p><b>Job Address:</b></p> <p>Lot 1 Gray Street, Tweed Heads West, NSW 2486</p>	<p><b>Client:</b></p> <p>Croston</p>	<p><b>Drawn:</b> RJB</p> <p><b>Date:</b> 8/12/2011</p> <p><b>Job Number:</b> 110018</p> <p><b>Type:</b> Custom</p> <p><b>Scale:</b> 1:100</p> <p><b>Page:</b> 4 / 6</p> <p><b>Amendment:</b> n/a</p>	<p>REGISTERED BUILDING DESIGNERS AUSTRALIA</p> <p>NOTE: THESE PLANS ARE COPYRIGHT TO INTEGRITY IP PTY LTD AND MAY NOT BE USED WITHOUT PERMISSION</p>
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**GLAZING COMMITMENTS:**  
IMPROVED ALUMINIUM, SINGLE CLEAR

**THERMAL COMFORT COMMITMENTS:**  
-R 1.0 SARKING TO ROOF  
-R 2.5 BATTS TO CEILING  
-R 1.0 SISALATION TO EXT. WALLS  
-R 1.5 BATTS TO EXT. WALLS

**Front Elevation - East**  
Scale 1:100

**Right Elevation - North**  
Scale 1:100

**COUNCIL-DA**  
D.A.Y. 08/12/11



<p><b>INTEGRITY</b> NEW HOMES <i>Changing my world</i></p>	HEAD OFFICE PO BOX 1556, COFFS HARBOUR NSW, 2450 PHONE NO. (02) 66 529 000 FAX NO. (02) 66 529 644	CLIENT SIGNATURES CONFIRM THESE PLANS ARE APPROVED AS A REPRESENTATION OF WHAT IS TO BE BUILT. ITEMS NOT INCLUDED IN THESE PLANS & ATTACHED SPECIFICATIONS ARE DEEMED NOT TO BE INCLUDED IN CONTRACT.  I/we APPROVE THESE PLANS SIGNATURE _____ DATE _____ SIGNATURE _____ DATE _____	<b>Job Address:</b>  Lot 1 Gray Street, Tweed Heads West, NSW 2486	<b>Client:</b>  Croston	<b>Drawn:</b> RJB <b>Date:</b> 8/12/2011 <b>Vol Number:</b> 110018 <b>Type:</b> Custom <b>Scale:</b> 1:100 <b>Page:</b> 5 / 6 <b>Amendment:</b>	BUILDING DESIGNERS AUSTRALIA <i>Integrity</i> NOTE - THESE PLANS ARE COPYRIGHT TO INTEGRITY P PTY LTD AND MAY NOT BE USED WITHOUT PERMISSION
						n/a

**GLAZING COMMITMENTS:**  
IMPROVED ALUMINIUM, SINGLE CLEAR

**THERMAL COMFORT COMMITMENTS:**  
-R 1.0 SARKING TO ROOF  
-R 2.5 BATTS TO CEILING  
-R 1.0 SSALATION TO EXT. WALLS  
-R 1.3 BATTS TO EXT. WALLS

## Rear Elevation - West

Scale 1:100

COUNCIL-DA D.A.Y 08/12/11

(AJ) = ARTICULATION JOINT

## Left Elevation - South

Scale 1:100

**NOTE:**  
THESE DRAWINGS ARE A PICTORIAL INDICATION ONLY,  
SOME VARIATION MAY OCCUR ON SITE.

**CONSIDERATIONS UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:**

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

**Tweed Local Environmental Plan 2000**

Clause 4 - Aims of the Plan

The proposed development is considered to be consistent with the aims of the Tweed Local Environmental Plan.

Clause 5 - Ecologically Sustainable Development

The proposed development is considered to be generally compliant with the principles of ecological sustainable development. The proposed development is considered to have minimal impact on the environment and in keeping with the precautionary principle, inter generational equity and the conservation of biological diversity and ecological integrity.

Clause 8 - Zone objectives

The development is consistent with the zone objectives.

Clause 15 - Essential Services

The site has access to all essential services.

Clause 16 - Height of Building

The proposed dwelling house is single storey in height and is within an area having a three storey height provision.

Clause 17 - Social Impact Assessment

The proposed development is not considered likely to generate any adverse social or economic impacts. Given the residential character and minor nature of the proposed development a Social Impact Assessment is not considered necessary.

Clause 35 - Acid Sulfate Soils

The site is in a Class 2 ASS area. The site has been filled and therefore it is unlikely that the proposed development will disturb any acid sulfate materials.

Other Specific Clauses

Clause 39A-Bushfire Protection - The site is identified as being in a bushfire prone area. The proposed dwelling house was assessed in accordance with the Planning for Bushfire Protection document 2006 and Australian Standard AS 3959-2009 and appropriate conditions were accordingly added to the consent.

Clause 34 Flooding- The site is affected by the PMF however Council's mapping contours indicate that the site is above the minimum design floor level of RL 3.1m AHD.

### **State Environmental Planning Policies**

#### **SEPP (North Coast Regional Environmental Plan) 1988**

##### Clause 12: Impact on agricultural activities

The proposed development will not impact on agricultural activities.

##### Clause 15: Wetlands or Fishery Habitats

The proposed development will not impact on wetlands or fishery habitats.

#### **SEPP No. 1 - Development Standards**

Council has received an application for the construction of a single storey dwelling house within the 30-35 ANEF contour for Coolangatta Airport.

The proposal does not meet the requirements of Clause 32(4) of the Tweed Local Environmental Plan (TLEP) 2000.

##### Clause 32(4): Aircraft Noise

- (4) The consent authority must not grant consent to the erection of a dwelling house within the 25 or higher ANEF contour unless it imposes a condition on the consent that the building is to meet the building construction requirements of Australian Standard AS 2021-1994 (*Acoustics—Aircraft noise intrusion—Building siting and construction*).

The applicant has submitted a written objection pursuant to Clause 6 of State Environmental Planning Policy No 1 – Development Standards, that compliance with the abovementioned Clause 32 (4) of the Tweed Local Environmental Plan (TLEP) 2000 of the requirement is unreasonable.

Furthermore Council is in receipt of a legal opinion from its Solicitors which substantiates that the abovementioned clause is a development standard.

The applicant's objection is as follows:

*"We the applicant lodge an objection to Tweed Local Environmental Plan 2000 Clause **32 Aircraft noise** subclause (4) "The consent authority must not grant consent to the erection of a dwelling house within the 25 or higher ANEF contour unless it imposes a condition on the consent that the building is to meet the building construction requirements of Australian Standard AS 2021-1994 (*Acoustics—Aircraft noise intrusion—Building siting and construction*)" under the provisions of State Environmental Planning Policy No.1 (SEPP 1) due to the following;*

*I refer to the Acoustic Report generated by Craig Hill Acoustics and in particular page 4 point 1.0 Executive Summary. It has stated initial requirements "Required to Comply under AS 2021-2000";*

*Roof/Ceiling: 53-63 RW (in selected areas)*

*Windows: 45-53 RW (in selected areas)*

*Walls: 49-64Rw (in selected areas)*

*Door: 45 RW (in selected areas)*

*which is followed by the statement that "As compliance is **not possible** using normal construction methods the following is recommended as a **practical** upper level of acoustic insulation:*

*Roof/Ceiling: 54 RW (2/10mm soundcheck on resilient mounts/battens/insulation) CSR 852*

*Windows: Bedrooms 42 RW (secondary/double glazed)  
Living Areas 38 RW 10.38 laminated glass in test frames  
Wet Areas 30 RW 6.38 laminated glass in test frames*

*Walls: Brick Veneer construction 60 RW (CSR 924)*

*Door: 33 RW (42mm solid core seals all sides)*

*We respectfully request that Council allow Integrity New Homes to build this home according to the practical suggestions of this report.*

*The area surrounding this proposed development has several precedence's both existing and currently under construction that seem to be using minimal if at all insulation. May I direct your attention to the council depot next door in which staff members work 11 hour days from a site shed with no insulation. Also currently under construction is a school hall at Lakeside Christian College where school children are in attendance 6 hours a day with minimal insulation. There is also a caravan park with mobile homes which would have minimal insulation allowed to operate in this flight path.*

*The acoustic Engineer that carried out the report has stated that under Workplace Health & Safety Regulations you are allowed to be exposed to decibel levels similar to the ones experienced when a plane is landing, for 8 hours in any 24 hour period. With only 30-40 flights per day landing at Gold Coast, and each flights acoustic noise value only affecting my land for 30 seconds at a time, that equates to approx. 20 minutes of exposure in a 24 hour period, far below the 8 hours deemed acceptable.*

*Under AS 2021-2000 it seems it is not possible to meet the noise criteria if enforcing the highest levels for residences, therefore, we are requesting to be able to build according to recommendations proposed by the acoustic professional to meet the practical upper level of acoustic insulation. This land is shown as low density residential on Council records which must mean council are supporting the construction of residences and therefore, may need to be flexible to make that construction level practical in order to ensure it is possible.*

*Given the above information we hope we come to a mutually beneficial agreement to allow this development to be built in a manner that can practically address the acoustic needs."*

This objection has been assessed by Councils Senior Environmental Health Officer who has supported the objection and has provided the following response:

*"It is evident from the Aircraft Noise Report that the level of noise attenuation that is required in order to satisfy the provisions of AS 2021 and therefore the provisions of Clause 32 (4) of council's LEP is such that it may prohibit the construction of the proposed dwelling house and hence the applicants lodgement of the SEPP1 objection.*

*The acoustic consultant has detailed construction components for the proposed dwelling house that do not meet the maximum required sound attenuation (RW) requirements as required for the site under the provisions of AS2021 advising instead that as compliance is not possible using normal construction methods practical upper level acoustic insulation for the construction components of the dwelling house have been recommended.*

*If council accepts the construction component recommendations as contained within the Aircraft Noise Report it will not be in a position to impose a condition on any consent issued for the construction of the dwelling house in accordance with the requirements of Clause 32 (4) of the LEP.*

*A site inspection carried out of the location together with consideration of aerial photography of the site and surrounding development has revealed that there are a large number of existing residential dwelling houses and residential units within the 30-35 ANEF contour in the vicinity.*

*Under the circumstances it is not unreasonable that the applicant has requested that council allow the construction of the proposed dwelling house in accordance with the practical recommendations of the Aircraft Noise Report given that there are already a number of existing residential dwelling houses and residential units that would be equally affected by aircraft noise that are within the 30-35 ANEF contour in the immediate vicinity of the site. A number of these residential dwelling houses appear on historical aerial photography taken for the area indicating that they were in existence prior to the introduction of the LEP and therefore are unlikely to have been constructed with adequate aircraft noise attenuation.*

*The objectives of Clause 32 of the LEP are to prevent certain noise sensitive developments from locating in proximity to Coolangatta Airport and its flight paths and to minimise the noise impact from the operation of Coolangatta Airport on development in its vicinity.*

*In this situation there are already an existing number of noise sensitive developments (residential dwelling houses and residential units) that are in the immediate vicinity of the site which are unlikely to have the same level of noise attenuation provided in their construction as is to be provided in the proposed dwelling house and it may therefore be argued that the construction of the proposed dwelling house will not result in a further noise sensitive development being located in proximity to the airport nor will it lead to any increase in noise impact from the airport on development in the vicinity of the airport.*

*In addition as there are already a number of existing dwelling houses in the immediate vicinity of the site which are unlikely to have adequate aircraft noise attenuating construction, there is no apparent precedent to be set by allowing the proposed dwelling house to be constructed on the site if it is to incorporate the proposed practical upper level of acoustic insulation as is recommended in the Aircraft Noise Report."*

To further substantiate this objection the builder/applicant has submitted comparative costings for this project. For the standard dwelling with no acoustic upgrades, the cost is \$226,934 and \$271,518 for compliance with Craig Hill Acoustics Report dated 11 October 2011.

Therefore this represents an additional \$44,584 above the standard costing which equates to almost 20% additional cost to the owner which is considered to be quite an economic burden.

Additionally the builder/applicant has been unable to obtain from a window manufacturer costings for windows which would satisfy the requirements of Australian Standard AS2021-2000 (Acoustics - Aircraft Noise Intrusion - Building Siting and Construction).

Furthermore the acoustic report by Craig Hill Acoustics dated 11 October 2011 was referred to and critically reviewed by the Gold Coast Airport (GCAPL's) independent acoustic engineers. The response received is as follows:

- *"Windows - the report specifies secondary double glazing, but does not provide details of the requirements for this glazing. A window having Rw 42 is poor secondary double glazing. Given that the house is new, and thus some flexibility exists in the design of windows, it is considered that Rw closer to 47/48 should be achieved (realistically meaning a few dB quieter inside).*



*This would be achieved with 6.38mm laminated/100mm air gap/10.38mm laminated. The general rule is that the mass of double glazing panes should be separated by 30% or more to reduce the likelihood of coincident frequencies - using two 6.38mm panes is not advisable. A price conscious alternative would be 8mm float/100mm air gap/6.38mm laminated. VLam HUSH by Virdian might give slightly better results in lieu of ordinary laminated glass.*

- *Ceiling - 2x13mm Soundchek could be substituted for 2x10mm Soundchek for little additional cost.*
- *Eaves will need to be treated with at least the same mass/area as the ceiling."*

In view of the above it is recommended that a condition of development consent be included to require the ceiling be upgraded to 2x13mm of Soundchek which would add minimal cost to the building project.

#### SEPP No 71 – Coastal Protection

The subject site falls within the coastal protection zone as identified under SEPP 71 and referral to the Department of Natural Resources is not considered necessary as the proposal generally satisfies the aims of the policy.

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

##### Tweed Development Control Plan

The proposed development generally satisfies the objectives and controls of Tweed Development Control Plan Section A1 - Part A.

##### A2-Site Access and Parking Code

The subject development allows for vehicular parking of 2 cars in a double garage under the same roof line as the proposed residence as well as additional spaces within the existing driveway in a stacked arrangement for visitor parking. Given the nature of the development and the size of the subject parcel the proposal is considered to satisfy the provisions of DCP.

##### A3-Development of Flood Liable Land

The site is affected by the PMF however Council's mapping contours indicate that the site is above the minimum design floor level of RL 3.1m AHD.

##### A11-Public Notification of Development Proposals

The proposal did not require notification.

##### A13-Socio-Economic Impact Assessment

The proposed development is not considered likely to generate any adverse social or economic impacts. Given the residential character and minor nature of the proposed development a Social Impact Assessment is not considered necessary.

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

Clause 92 (a) Government Coastal Policy

The site is in a coastal zone and is considered unlikely that the nature and scale of the development will have any detrimental effects in this location.

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

This policy does not apply to the subject site.

**Tweed Shire Coastline Management Plan 2005**

This policy does not apply to the subject site.

**Tweed Coast Estuaries Management Plan 2004**

This policy does not apply to the subject site.

**Coastal Zone Management Plan for Cobaki and Terranora Broadwater (adopted by Council at the 15 February 2011 meeting)**

This policy does not apply to the subject site.

**(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**

Context and Setting

The site is encompassed by both residential dwelling houses and residential units and is considered to be suitable for the site.

Access, Transport and Traffic

Proposed access to the site will be via Gray Street.

Flora and Fauna

It is envisaged that there will be no significant impacts to flora and fauna.

**(c) Suitability of the site for the development**

Surrounding Landuses/Development

The proposal will not significantly impact on the existing surrounding development and land use.

Flora and Fauna

It is envisaged that there will be no significant impacts to flora and fauna.

Topography

The site is generally level and is considered suitable for the proposed development.

Site Orientation

The dwelling house has been orientated to maximise north-east solar access to the alfresco and living areas. Furthermore the development proposes large side boundary setbacks with no privacy issues being envisaged.

**(d) Any submissions made in accordance with the Act or Regulations**

There have been no submissions made in relation to this application.

**(e) Public interest**

There are no adverse public interest issues anticipated should this application be approved.

**OPTIONS:**

1. Approve the application with conditions; or
2. Refuse the application.

**CONCLUSION:**

Based on a detailed assessment of relevant environmental impact issues, it is recommended that Council supports the applicant's SEPP 1 objection and permits the construction of the proposed dwelling house on Lot 1 DP 1059093 No. 1 Gray Street, Tweed Heads subject to conditions.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

Approval of this application is considered to be unlikely to undermine the enforcement of Council's policies in this matter.

Each application is considered on its merits and the variations from Tweed LEP 2000 have been considered and are regarded as being worthy of approval due to the particular circumstances of the site.

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

Not Applicable.

**c. Legal:**

Refusal of the application may expose Council to challenge in the Land and Environment Court.

**d. Communication/Engagement:**

Not Applicable.

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

- 1 Civic Leadership
- 1.1 Ensure actions taken and decisions reached are based on the principles of sustainability
- 1.1.1 Establish sustainability as a basis of shire planning and Council's own business operations
- 1.1.1.3 Assessment of new developments (Development Assessment unit)

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

- 1. **Confidential Attachment-** Letter from Council's Solicitors dated 30 March 2012 (ECM No. 49888851).
  - 2. Craig Hill Acoustics report - Lot 1 Gray Street, Tweed Heads - 11 October 2011 (ECM No. 49888863).
-

**9 [PR-CM] Development Application DA10/0737 for Alterations to Existing Highway Service Centre Comprising Two (2) New Diesel Refueling Points, Expansion of Truck Refueling Canopy, New Truck Parking Area (36 New Bays) and the Replacement of Existing Truck**

SUBMITTED BY: Development Assessment

FILE NUMBER: DA10/0737 Pt1



**Caring for the Environment**

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**SUMMARY OF REPORT:**

Council received a combined development application and LEP amendment for an extension to the existing highway service centre at Chinderah, which is prohibited on the subject site on 12 November 2010. Council requested further information on issues such as; flooding, stormwater, access, parking, noise and ecology on 18 February 2011. To-date (442 days has elapsed) Council has not received any information which addresses any of Council's identified issues. As such, due to insufficient information and the time elapsed and the competing demand on resources, Council's Planning Reforms Unit has deferred this project from the works program. The proposal is prohibited and therefore recommended for refusal.

The following is a timeline of correspondence between Council and the applicant.

1. 18 February 2011, Council requests further information.
2. 15 March 2011, the applicant wrote to Council acknowledging receipt of Council letter dated 18 February 2011, stating that a detailed response would be provided as soon as possible.
3. 3 June 2011, Council wrote to the applicant advising that the information requested on the 18 February 2011 had not been received and that information be submitted for assessment within 21 days of the date of the letter or the application will be assessed on the information currently provided.
4. 8 June 2011, the applicant wrote to Council in relation to Council's letter dated 3 June 2011, requesting that Council defer from making a decision until such time as the necessary studies are completed and lodged.
5. 21 March 2012, Council wrote to the applicant advising that due to insufficient information and given the time elapsed Council's Planning Reforms Unit had deferred the project from the works program. Council also advised that in light of the deferral, the proposal is prohibited and Council requested the applicant to withdraw the application and make further future arrangements with the Planning Reforms Unit for the processing of the LEP amendment. Council also advised the applicant should a

withdrawal of the application not be made within 14 days from 21 March 2012, the application would be recommended for refusal.

**RECOMMENDATION:**

**That:**

- 1. Council not proceed with the Local Environmental Plan amendment and advise the applicant of Council's decision.**
- 2. Development Application DA10/0737 for alterations to existing highway service centre comprising of two (2) new diesel refuelling points, expansion of truck refuelling canopy, new truck parking area (36 new bays) and the replacement of existing truck parking area with additional car parking spaces and dedicated bus drop-off area (application includes LEP Amendment) at Lot 1 DP 1127741 and Lot 2 DP 1010771; No. 1 Ozone Street, Chinderah be refused for the following reason:**
  - 1. The proposed development is defined as a Service Station and is prohibited on the subject site.**



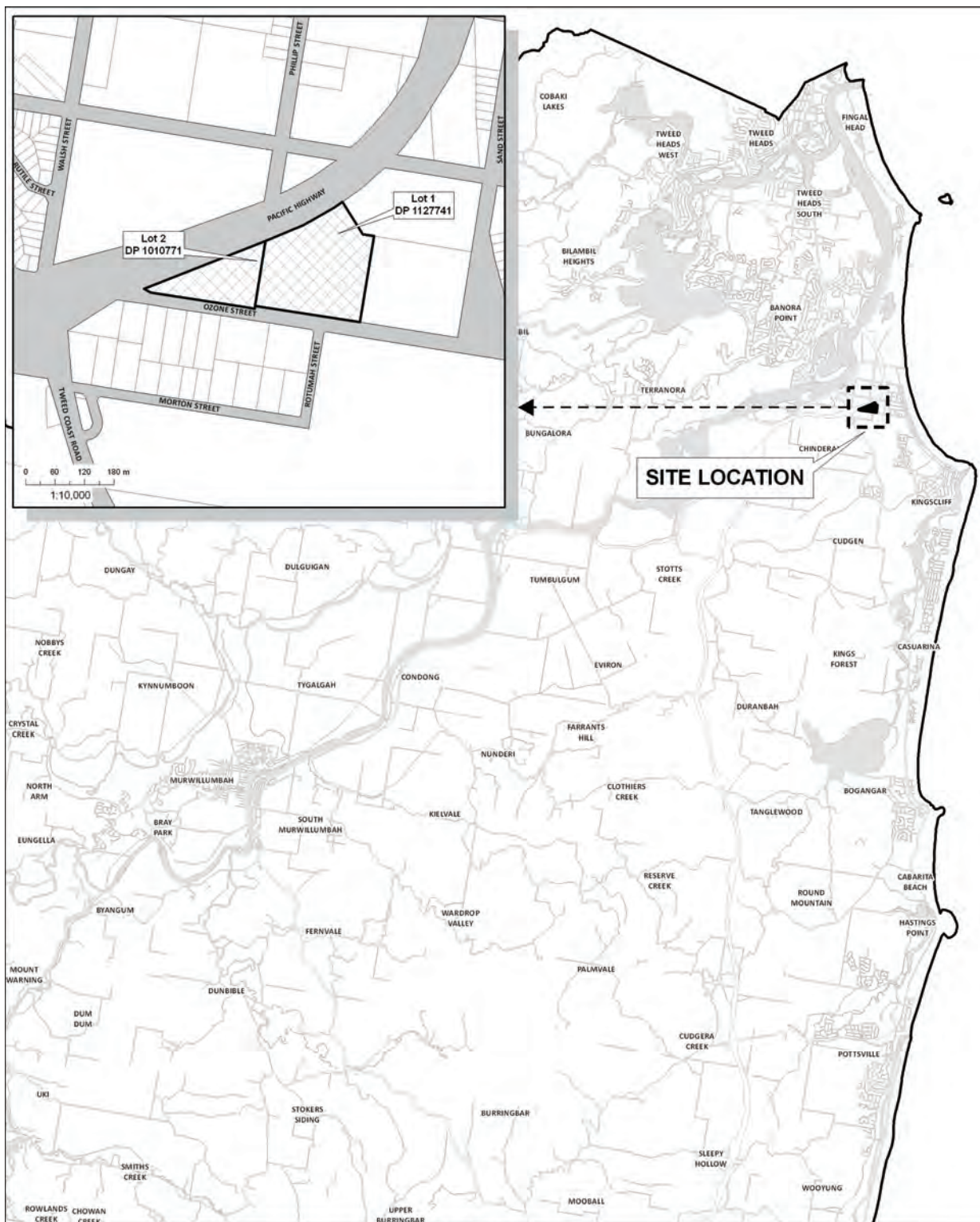
REPORT:

**Applicant:** BP Australia Pty Ltd  
**Owner:** BP Australia Limited  
**Location:** Lot 1 DP 1127741 & Lot 2 DP 1010771; No. 1 Ozone Street, Chinderah  
**Zoning:** 1(a) Rural, 7(a) Environmental Protection (Wetlands & Littoral Rainforests), Uncoloured Land,  
**Cost:** \$4,500,000

BACKGROUND:

Council received the subject development application on 12 November 2010. Council requested further information on issues such as; flooding, stormwater, access, parking, noise and ecology on 18 February 2011. Council wrote to the applicant on 3 June 2011 asking for the information requested to be provided within 21 days from the date of the subject letter as the application will be determined on the information currently provided. The applicant responded on 8 June 2011, stating that they were undertaking relevant actions to respond to Council's request for further information. Council wrote to the applicant on 21 March 2012, advising that the information provided to-date is not sufficient for a proper assessment of the proposed LEP amendment and given the time that elapsed the Planning Reforms Unit has deferred the proposal from the works program. The development is prohibited and Council requested the withdrawal of the application. Council advised the applicant that should the application not be withdrawn within 14 days of the date of the letter dated 21 March 2012, the application will be recommended for refusal. The applicant wrote to Council on 29 March 2012, requesting that Council reconsider its position with respect to deferring the LEP amendment and determination of the development application.

## SITE DIAGRAM:



### Locality Plan

Lot 1 DP 1127741 and Lot 2 DP 1010771;  
No. 1 Ozone Street, Chinderah

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CONSIDERATIONS UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:

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

**Tweed Local Environmental Plan 2000**

The proposed development has insufficient information to adequately assess the proposed LEP amendment and development application. The proposed development is prohibited in accordance with the Tweed Local Environmental Plan 2000.

**State Environmental Planning Policies**

The proposed development has insufficient information to adequately assess the proposed LEP amendment and development application. The proposed development is prohibited in accordance with the Tweed Local Environmental Plan 2000.

**(a) (ii) The Provisions of any Draft Environmental Planning Instruments**

The subject site has multiple zones being: Zone E2 Environmental Conservation and Zone RU2 Rural Landscape. The proposed development (Highway Service Centre) is prohibited within both zones.

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

**Tweed Development Control Plan**

The proposed development has insufficient information to adequately assess the proposed LEP amendment and development application. The proposed development is prohibited in accordance with the Tweed Local Environmental Plan 2000.

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

**Clause 92(a) Government Coastal Policy**

The site is located within the Government Coastal Policy area; however, the proposed development has insufficient information to adequately assess the proposed LEP amendment and development application. The proposed development is prohibited in accordance with the Tweed Local Environmental Plan 2000.

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

**Tweed Shire Coastline Management Plan 2005**

The site is not covered by the policy.



**Tweed Coast Estuaries Management Plan 2004**

The site is not covered by the policy.

**Coastal Zone Management Plan for Cobaki and Terranora Broadwater  
(adopted by Council at the 15 February 2011 meeting)**

The site is not covered by the policy.

**(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**

The proposed development has insufficient information to adequately assess the proposed LEP amendment and development application. The proposed development is prohibited in accordance with the Tweed Local Environmental Plan 2000.

Council has identified issues in relation to; flooding, stormwater, access, parking, noise and ecology. To-date the applicant has not provided a response to Council's requests for further information relating to these issues.

**(c) Suitability of the site for the development**

The proposed development has insufficient information to adequately assess the proposed LEP amendment and development application. The proposed development is prohibited in accordance with the Tweed Local Environmental Plan 2000.

Council has identified issues in relation to; flooding, stormwater, access, parking, noise and ecology. To date the applicant has not provided a response to Council's requests for further information relating to these issues.

**(d) Any submissions made in accordance with the Act or Regulations**

Nil.

**(e) Public interest**

The proposed development has insufficient information to adequately assess the proposed LEP amendment and development application. The proposed development is prohibited in accordance with the Tweed Local Environmental Plan 2000.

As insufficient information has been provided by the applicant, Council is unable to determine the likely impacts on the natural or built environments and the social and economical impact to the locality. As such, Council is unable to determine the impacts the proposal may have on the public's interest.

**OPTIONS:**

1. Refuse the development application and LEP amendment.

2. Proceed with the development application and LEP amendment and wait for additional information relating to the issues identified.

**CONCLUSION:**

Council requested further information on 18 February 2011 (442 days has elapsed) on issues in relation to; flooding, stormwater, access, parking, noise and ecology. To-date the applicant has not provided a response to Council's requests for further information relating to these issues. As sufficient information has not been provided by the applicant, Council is unable to determine the likely impacts on the natural or built environments and the social and economical impact to the locality. Council's Planning Reforms Unit has deferred the project from the works program. The development is prohibited and Council requested the withdrawal of the application. The proposed development is prohibited in accordance with the Tweed Local Environmental Plan 2000 and the development is recommended for refusal.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

Not Applicable.

**c. Legal:**

There is not a right of Appeal available in the NSW Land and Environment Court, as the LEP determinations are not appealable on merit grounds and the proposal is prohibited.

**d. Communication/Engagement:**

Not Applicable.

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

- 1 Civic Leadership
- 1.1 Ensure actions taken and decisions reached are based on the principles of sustainability
- 1.1.1 Establish sustainability as a basis of shire planning and Council's own business operations
- 1.1.1.3 Assessment of new developments (Development Assessment unit)

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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- 10      **[PR-CM] Planning Proposal PP10/0003 for Lot 332 DP 1158142, Part Lot 326 and 315 DP 1158142 Silkpod Avenue, West Murwillumbah (known as Riva Vue)**

**SUBMITTED BY:**    Planning Reforms

**FILE REFERENCE:** PP10/0003 Pt 4



**Civic Leadership**

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### **SUMMARY OF REPORT:**

At the Council meeting of 13 December 2011 Council resolved to publicly exhibit the Planning Proposal PP10/0003 for Lot 332 DP1158142, and Part Lots 315 and 326 DP 1158142, Silkpod Avenue, Murwillumbah, known as Riva Vue Estate.

The Planning Proposal seeks the rezoning of the site from the current majority 1(b2) Agricultural Protection and part 2(c) Urban Expansion to a low density residential land use, 2(a) Low Density Residential under the Tweed LEP 2000.

This report provides an overview of the public exhibition process, an assessment of submissions received and seeks the resolution of Council to refer the Planning Proposal to the Department of Planning and Infrastructure (DP&I) to have the LEP amendment made to facilitate low density residential use of the land.

### **RECOMMENDATION:**

**That the proposed rezoning of site, Lot 332 DP 1158142 and part Lots 315 and 326 DP 1158142, Silkpod Avenue, Murwillumbah, known as Riva Vue, proceed as exhibited and as outlined in the Planning Proposal PP10/0003 Version 3 - Final, in Attachment 1 to this report and that the Planning Proposal be referred to the Department of Planning and Infrastructure to be made through amendment to the Tweed LEP 2000.**

## REPORT:

### Purpose of the report

To report on the public exhibition of the Planning Proposal ("the Proposal") and seek Council's resolution to refer the Proposal to the Department of Planning and Infrastructure (DP&I) to have the LEP amendment made.

### Background

The request for the Proposal in respect of the subject site, as shown in the location map following, was received in May 2010. Council considered a report on the Proposal on 20 July 2010, at which time it was resolved that the Proposal for a low density residential use be supported in principle and that it be reported to the DP&I for a Gateway Determination.

The Gateway Determination was granted on 25 August 2010 and the time frame for completion extended for a further nine months (to 1 June 2012) on 4 August 2011.

At the Council meeting of 13 December 2011 Council resolved:

1. *The Planning Proposal be publicly exhibited in accordance with the Ministerial Direction under the Gateway Determination Following receipt of all outstanding final studies, and*
2. *Following completion of the public exhibition, a report on the exhibition process, assessment of submissions, final planning proposal documentation and all supporting reports be reported back to Council for a decision on whether to endorse the planning proposal and to have the LEP amendment made.*

### Overview of the Planning Proposal

The proposal seeks to rezone the site through amendment to the Tweed LEP 2000, from the current majority 1(b2) Agricultural Protection and part 2(c) Urban Expansion to a low density residential land use, 2(a) Low Density Residential enabling an extension of the Riva Vue Estate, which proposes to provide approximately 80-90 new dwellings.

It is also noted that Council has formally exhibited the draft LEP 2010, consistent with the requirements and format of the Standard LEP Template. Under this draft LEP, this proposal would translate to the comparative draft R2 Low Density Residential zone.

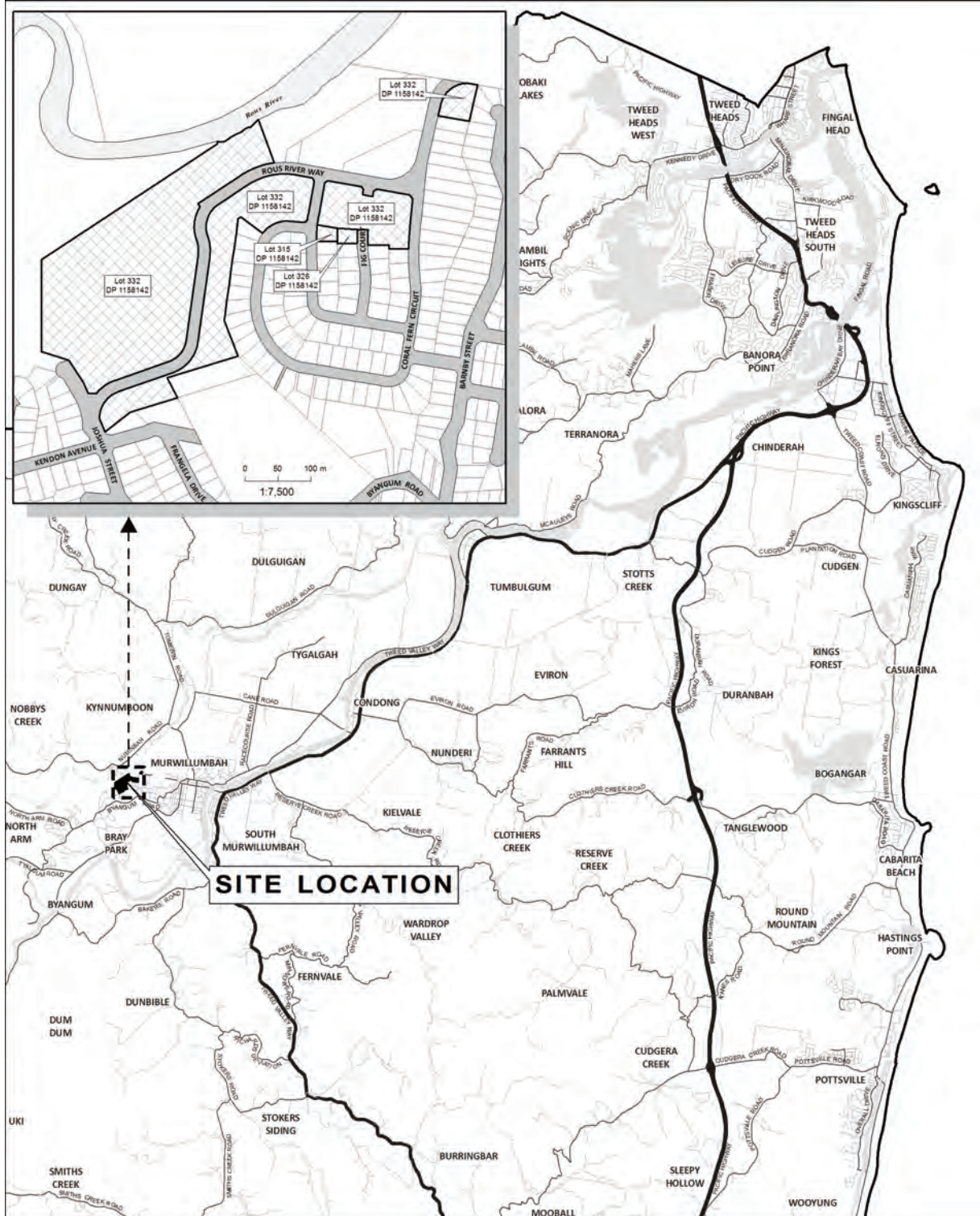
The proposal also acknowledges the characteristics and constraints on the site and seeks to provide concept guidance for:

- A buffer to the prime agricultural cane production land to the north of the Rous River to ensure the continued viability of this agricultural use and to minimise any potential impacts of the agricultural activities on the future residential development;
- A buffer to the prime agricultural cane production land to the west of the site to minimise any potential impacts of the agricultural activities on the future residential development;
- A riparian buffer to the Rous River to ensure protection and enhancement of this riparian zone;

- Appropriate drainage reserves; and,
- Enhanced pedestrian and cycleway access to the Rous River foreshore integrated with the above buffer and drainage reserves.

The requirements for these areas are captured, and the locations appropriately defined, during the detailed subdivision development application stage through the requirements of the Tweed Development Control Plan (DCP) Part A5 – Subdivision Manual and therefore it is not necessary at this stage to specifically zone those areas. A future housekeeping LEP amendment is seen to be the better practice for imposing an environmental or infrastructure zoning once the precise location and use is determined by the grant of an approval. In the meantime it is proposed to zone the entire site 2(a) low density residential.

## SITE DIAGRAM



### Locality Plan

Planning Proposal PP10/0003 -- Lot 315, Lot 326 and Lot 332 DP 1158142  
Rous River Way, Murwillumbah

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## Consultation

Subject to the resolution of Council and the Ministerial Directions under the Gateway Determination the Proposal was publicly exhibited along with the required statutory information (all relevant Council reports, the Gateway Determination and exhibition details) and all relevant supporting studies, which included:

- Flood impact assessment
- Geotechnical assessment
- Preliminary contaminated land assessment
- Rural land assessment
- Flora and fauna assessment
- Odour assessment
- Aboriginal cultural heritage due diligence assessment
- Conceptual site stormwater management plan

Copies of the studies and exhibition material are provided on CD under separate cover to this report.

The public exhibition was held between Wednesday 21 March 2012 and 27 April 2012 for 37 days, allowing for the Easter public holiday period and the exhibition material was made available at the Tweed Heads and Murwillumbah Administration Offices and on Council's website.

Direct notification of the public exhibition was sent out to 79 adjoining and surrounding residents as well as the Murwillumbah Residents and Ratepayers Association.

Council staff attended the Murwillumbah Residents and Ratepayers Association meeting, at their request, on 16 April 2012. A brief overview of the Proposal was provided and attendees were given the opportunity to ask questions and seek clarification on any concerns.

## Submissions

Four submissions were received in response to the public exhibition. Three submissions were received from State agencies and one from the community.

A submission was received from the Murwillumbah Residents and Ratepayers Association, summarised as follows:

### *Submission summary:*

*The submission notes that the lower section of the site was recently inundated in the minor flooding. Building houses in this area raises issues with flooding and hazard control. Concerned for altering the flood plain through filling of the site and the impacts this may have on surrounding residents and cane land. Consider the flood plain is not a suitable area for residential zoning.*

*The road system will need to be enhanced if increased traffic is to be generated. The submission questions what is happening with the road connections to the estate and when more traffic builds up on the bridge in town.*

*Landscaping of the riverbank will add value to the area, as demonstrated in the previous stage. The submission compliments the developers on the excellent parkland provided in the previous stage, which is enjoyed by the community.*

Comment:

The Flood Impact Assessment, prepared by Yeats (February 2012) modelled four separate scenarios for the site both in isolation and combined with the filling of the adjacent Lot 22 DP 1080322 (remaining parcel of rural land) as a cumulative scenario. Scenarios included:

1. Existing conditions as modelled in the Tweed Valley Flood Study 2009
2. Earthworks associated with the development of Riva Vue stages 1-3
3. Earthworks, including filling approximately 2.4ha, associated with the development of Riva Vue stages 1-4
4. Earthworks associated with the extension of Rous River Way to the intersection of Cane/Queensland Road, incorporating approximately 3.3 ha of the currently agriculture protection zoned land, Lot 22 on DP1080322, above the Q100 flood level to simulate future development over this adjoining lot, though this is not part of this proposal
5. Cumulative scenario incorporating 2, 3 and 4 above.

The flood study has been reviewed by Council's engineering staff and their advice was that "the modelling scenarios confirm that when assessed on an individual basis, and on the basis of its incremental contribution to the potential cumulative development scenario in the area, the proposed fill development will have negligible adverse impacts on flood behaviour in the locality. As such no objections are raised regarding the planning proposal to rezone the subject land from agricultural to residential."

Initial inter departmental review of the Proposal determined that no traffic study was required as the proposal is for a modest expansion of the surrounding residential uses and there is adequate capacity within the surrounding road system to meet the additional predicted traffic demand.

As part of the earlier stage of the Rive Vue Estate development the Rous River Way was constructed, linking Joshua Street with Coral Fern Circuit.

The Tweed Road Contributions Plan (TRCP) identifies a road link to West End Street from the Rous River Way and a road link from Coral Fern Circuit through to Cane Road, which is intended to take the traffic pressure off the Tweed River bridge at Wollumbin Street, Murwillumbah. Whilst contributions are being collected under this contributions plan, the works are not likely to be programmed within the short or medium timeframe given the required funds to be accrued to undertake this work. Development under this proposal will be required to make TRCP contributions towards these roadways.

## State Agency submissions

The Proposal was referred to the Rural Fire Service (RFS), the Department of Primary Industries (DPI) and the Office of Environment and Heritage (OEH) for their review and submission.

### Department of Primary Industries

Submission was received from DPI covering the divisions of Fisheries and Agriculture, summarised as follows.

#### *Submission summary:*

*With regard to Fisheries, the DPI supports the 50 metre riparian buffer to the Rous River and suggests Council should ensure the buffer is maintained as an ecological buffer in perpetuity. The buffer should also be subject to an approved management plan which should include, but not be limited to, revegetation strategies and maintenance strategies.*

#### Comment:

The 50 metre riparian buffer is to be provided through the requirements of the Development Control Plan (DCP) Part A5 – Subdivision Manual at the development application (DA) stage. It is anticipated that this land will then be dedicated to Council following establishment of the revegetated buffer, consistent with subdivision conditions of consent. Ongoing maintenance of the buffer will then be the responsibility of Council.

#### *Submission summary:*

*With regard to Agriculture, the DPI acknowledges the site acts as a buffer to the sugar cane properties to the north and west. DPI notes that the Living and Working in Rural Areas Handbook provides guidance that the minimum buffer to cane land is 300 metres. DPI suggests that rezoning of this land should be part of a strategic plan.*

#### Comment:

The Living and Working in Rural Areas Handbook provides a guideline for appropriate buffers. The 50 metre buffer, which includes a minimum 30 metre biological buffer, together with the Rous River, results in a minimum distance of 125m between the cane farmland and future residential development. This is broadly consistent with the requirements of the Council's Development Control Plan (DCP) Part A5 – Subdivision Manual Attachment E – Recommended Buffers, which requires a minimum of 150m and a 30 metre biological buffer where there is likely to be spraying, and is the prevailing buffer requirement. The buffer is already established through the completion of the Rous River Way.

The subject site is an isolated area of approximately 10 hectares of rural land surrounded by the river to the north, a small isolated parcel of rural land to the west, urban development to the east, south and more widely to the west.

The site is not included within the Far North Coast Regional Strategy (FNCRS) town and village growth area. However, the site does adjoin the identified town and village growth area. The site is not included in the Tweed Urban and Employment Land Release Strategy (TUELRS) 2009 as it was seen to be a logical and coordinated extension of the adjoining Riva Vue residential development currently under construction (Development Consent No. 05/0308). This combined with the relatively small land area and the ability to rely on the State Government's Site Suitability Criteria (for land west of the Pacific Highway) warranted its exclusion from the TUELRS 2009.

#### Rural Fire Service

Submission was received from the RFS, summarised as follows:

*Submission summary:*

*The RFS has no objection to the PP proceeding, however, provides advice in relation to the future development on the site. Recommendations are made regarding compliance with Planning for Bushfire Protection 2006 and the provision of contiguous and single form asset protections zones.*

Comment:

Comments of the RFS are noted for consideration at the DA stage.

#### Office of Environment and Heritage

Submission was received from OEH covering the divisions of Fisheries and Agriculture, summarised as follows.

*Submission summary:*

*OEH is generally supportive of the proposal. OEH raised a number of matters for further consideration prior to finalising the proposal, including:*

- 1. The riparian buffer be zoned for environmental protection rather than residential*
- 2. The impact on local flooding from the proposal on adjacent rural land appears to be minimal; however, there is the potential for this to be exacerbated by the connection of Rous River Way and filling of the adjoining lot. Recommends this aspect be adequately addressed.*
- 3. Whilst limits for odour appear to be within guidelines OEH recommends the inclusion of a vegetated buffer between the plant and future residential. Notice of the proximity of the plant should also be included on s149 certificates.*
- 4. Land to be rehabilitated as an offset for clearing of native vegetation should be identified.*
- 5. Measures to link remnant vegetation in the park adjacent Byangum Road with the riparian buffer should be considered.*
- 6. Council should ensure the appropriate Aboriginal cultural heritage consultation is undertaken prior to the proposal being finalised.*

7. *OEH notes that acids sulphate soils, water quality issues appear to be adequately addressed at subdivision stage and that there is no obvious soil contamination.*

Comment:

The exact location and extent of the riparian buffer is to be further defined at DA stage and it is considered that Council's Development Control Plan (DCP) Part A5 – Subdivision Manual Part 4.7 and the Tweed LEP 2000 Clause 31 provide the appropriate controls to ensure this buffer is provided at subdivision stage.

The Flood Impact Assessment by Yeats and Council engineering assessment of the potential impacts of flooding are discussed above.

Similarly the Odour Assessment by Pae Holmes finds that the plant is likely to comply with the relevant odour criteria to the northern boundary of the subject site. It also notes that there are existing houses in closer proximity to the proposed residential. The findings of the assessment are considered adequate and that odour is not a constraint on the proposal proceeding.

Vegetation offsets and linkages are appropriately addressed through a Riparian Vegetation Management Plan prepared at the DA stage.

An Aboriginal Cultural Heritage Due Diligence Assessment was prepared and exhibited with this Proposal. This report finds no further Aboriginal cultural heritage assessment is required at this time, however, makes appropriate recommendation to proceed with caution and comply with legal requirements should material be revealed during the future development of the site.

### **State Member submissions**

The State electorate is Lismore and the current Member of Parliament is Mr Thomas George, MP. No representation has been received from Mr George.

Following assessment of submissions, it is considered that no amendment to the proposal or the exhibited zoning of the site is required.

### **Council owned land**

The Proposal does not include any Council owned land.

### **Consistency with any regional strategy, instrument or direction**

The Proposal has been assessed against:

- the Far North Coast Regional Strategy (FNCRS) required Sustainability Criteria, as provided in Table 3 of the attached Planning Proposal version 3 – Final;
- the aims and actions of the FNCRS, as provided in Table 4 of the attached Planning Proposal version 3 – Final;
- relevant State Environmental Planning Policies (SEPPs), as provided in Table 5 of the attached Planning Proposal version 3 – Final; and

- the Ministerial s117 Directions as provided in Table 6 of the attached Planning Proposal version 3 – Final;

The Proposal is found to be broadly consistent with the above strategies, policies and directions. Where there is inconsistency, this is discussed in the assessment and in all instances has been found to be a minor inconsistency or variation which does not pose a constraint to the rezoning of the land proceeding.

## **CONCLUSION:**

The Planning Proposal, PP10/0003, seeks rezoning of the site from the rural land zoning to a low density residential zone. The site is a rural parcel bounded by the Rous River to the north and predominantly by urban land uses to the east, south and west.

The subject site is isolated and fragmented from the wider, more contiguous rural land and its long term viability for rural uses is limited. The site adjoins the established Murwillumbah residential area and the FNCRS urban footprint boundary. Rezoning of the site to urban land uses represents a logical infill expansion of the West Murwillumbah residential area.

A number of supporting studies have been undertaken to assess the potential impacts of the proposed development. All studies have confirmed that the impacts of the proposed development as assessed pose no significant constraints and may be managed to enable future development of the site as proposed.

Submissions received in response to the public exhibition do not raise any significant issues additional to those that have been assessed.

The Proposal, whilst not identified within the Tweed Urban and Employment Land Release Strategy (TUELRs) 2009 or the FNCRS as a growth area, has been assessed against the FNCRS required Sustainability Criteria and found broadly consistent. In addition, the Proposal has been assessed against the applicable SEPPs and 117 Ministerial Directions and also found broadly consistent.

The proposal is not found to place undue pressure on State or local infrastructure and services.

Rezoning of the subject site will result in low density residential development of a similar character to the established Riva Vue Estate and is consistent with the low scale character of the West Murwillumbah locality.

As part of the future development, the proposal will provide: a buffer to the prime agricultural cane production land to the north of the Rous River (to ensure the continued viability of this agricultural use and to minimise any potential impacts of the agricultural activities on the future residential development); a buffer to the prime agricultural cane production land to the west of the site; a riparian buffer to the Rous River to ensure protection and enhancement of this riparian zone; appropriate drainage reserves; and, enhanced pedestrian and cycleway access to the Rous River foreshore integrated with the above buffer and drainage reserves.

Therefore, it is recommended that the proposed rezoning of site proceed as exhibited and as outlined in the Planning Proposal PP10/0003 for Lot 332 DP 1158142 and part Lots 315 and 326 DP 1158142, Silkpod Avenue, Murwillumbah, known as Riva Vue - V3 Final, in Attachment 1 to this report and that the Proposal be referred to the DP&I to be made through amendment to the Tweed LEP 2000.

Given the relatively small scale of the development and the conventional low density residential housing typology sought a site specific development control plan and or area specific controls are not warranted; the Tweed Development Control Plan 2008, in particular Section A1 – Residential and Tourist Development Code, is more than adequate for managing the future development of the site.

#### **COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy not applicable.

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

There are no impacts on Council's forward budget estimates.

**c. Legal:**

Not applicable.

**d. Communication/Engagement:**

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

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

- 1 Civic Leadership
- 1.5 Manage and plan for a balance between population growth, urban development and environmental protection and the retention of economical viable agriculture land
- 1.5.3 The Tweed Local Environmental Plan will be reviewed and updated as required to ensure it provides an effective statutory framework to meet the needs of the Tweed community

#### **UNDER SEPARATE COVER/FURTHER INFORMATION:**

- 1. A CD containing the Planning Proposal PP10/0003 for Lot 332 DP 1158142 and part Lots 315 and 326 DP 1158142, Silkpod Avenue, Murwillumbah, known as Riva Vue - V3 including:
  - \* Stormwater Conceptual Management Plan November 2011 (ECM No. 49806256)
  - \* Flood Study February 2012 (ECM No. 49806259)
  - \* ACH Due Diligence March 2011 (ECM No. 49806257)
  - \* Geotechnical Assessment Cover Letter July 2011 (ECM No. 49806261)
  - \* Flora Fauna Assessment May 2011 (ECM No. 49806260)



- \* Geotechnical Assessment July 2011 (ECM No. 49806262)
  - \* Contamination Report June 2011 (ECM No. 49806258)
  - \* Indicative Layout for Rezoning Purposes only March 2012 (ECM No. 49806263)
  - \* Odour Assessment September 2011 (ECM No. 49806264)
  - \* Riva Vue V3 Final Planning Proposal May2012 (ECM No. 49806265)
  - \* Rural Land Study November 2011 V2 Superseded Concept Plan (ECM No. 49806266)
-

**11 [PR-CM] Planning Reform Work Program**

**SUBMITTED BY: Planning Reforms**



**SUMMARY OF REPORT:**

This report seeks Council's endorsement of the Planning Reforms work program 2012/2015.

This report was preceded by a Councillor Workshop relating to the revision of the works program held on 10 April 2012.

The report acknowledges the competing resource commitments and limitations that were raised at the April workshop and arising from Council's commitment to improving strategic land-use planning for the Tweed as well as the need to allocate resourcing for shorter-term development through planning proposals originating from the private sector.

The works program is an essential project management tool. It assists staff in providing more accurate estimates of the Council's planning resource capability in their advice to the development industry, who require greater certainty and confidence on which their preparation of commercial scheduling and planning for future projects and forecasts can be based.

It also provides an insight into the current direction in the Shire's strategic land-use planning and the key projects on which it is comprised, in a format that can be readily understood by the broader community.

The report concludes that it is essential to maintain a balanced work program to assist with the ongoing resource allocation to key strategic projects and for providing greater certainty in the timing and allocation of resources for accepting private planning proposals and delivering important strategic projects.

**RECOMMENDATION:**

**That Council endorses the Planning Reforms - Work Program 2012/2015 identified as Tables 2-4 in this report.**

## REPORT:

As part of the on-going project management of Council's strategic land-use planning resources the Planning Reforms Unit works program is reviewed annually and where appropriate revised to reflect and 'match' resource-to-commitment. The work program was first adopted by Council on 16 June 2009, readopted on 20 July 2010, with a mid-term status update reported in October 2009, and last adopted on 19 April 2011.

Preceding this report a Councillor's workshop was held on 10 April 2012 to enable Council officers to provide an up-date on the work program and how project commitment targets were being met as well as providing an overview of current funding allocations and shortfalls for existing and future projects.

Councillors' highlighted among others the need to maintain the currency of the existing body of land-use planning policies; to direct further attention to the employment and business needs of the Shire; to follow through with current planning proposals and their associated strategic (DCP) policies, and to ensure that projects commenced but deferred (e.g. South Murwillumbah DCP) are finalised when circumstances first permit.

The need to encourage and assist the effective participation of local communities in strategic projects and to have regard to the principles of ecologically sustainable development, in pursuance of s 7 (Purpose) of the *Local Government Act 1993*, were also raised in discussion.

In preparing the 2012-2015 works program the direction provided by Councillors at the workshop in conjunction with the Tweed Shire Council Delivery Program 2011/2015 and Operational Plan 2011/2012 were taken into account.

The salient limitations for acting on a range of projects and or acting on those within certain timeframes are guided by three key elements:

1. The direction the Council seeks to take with any given project or subject matter;
2. The availability of financial resourcing; and,
3. The availability of human resources to either undertake a project or project control external consultancies.

There are several projects identified within this report that have previously been identified as important strategic projects and which the Council has indicated should be pursued. There are however one or more of the limitations mentioned above operating to impact on the progression of all projects simultaneously or within the same time horizon and consequently the works schedules have been developed using available knowledge and indicators to determine the base project priorities from where further refinement or reprioritisation of projects can be made by Council.

The works program is premised on a presumption that any additional projects introduced by the Council will result in the deferral of another project of the same kind off the work schedule to a later date (reprioritisation) rather than displacing the allocated resources to current projects. The exception to that presumption being the allocation of additional resources commensurate with those required to accommodate the new project.

These projects are individually identified and discussed in the report, below.

Further, this report recommends as part of the works prioritisation the allocation and redistribution of funds available within the Planning Reform Unit budget to maximise opportunities for completing the identified key projects.

### **State Government Funding - Up-date**

As discussed in the report to the 19 April 2011 Council Meeting, an application under the NSW Government's Planning Reform (Round 7) Projects Funding was made for several proposed projects. This funding opportunity was part of the State's \$2.9 million funding package aimed at assisting the delivery of new comprehensive LEPs to deliver planning policy to help create well-designed and vibrant communities around public transport, and to review and update Greenfield land release sequencing and policy, over a 2-year period.

At about the same time an application under the State Government's Planning Acceleration Fund was also made and it was under this application that Council received conditional funding for two projects totalling \$153,000, consisting of:

1. Draft LEP 2010 – Extension Officer, referred to as “Planner” in the amount of \$28,000; and,
2. A “Rural Land Strategy & Agricultural Land Protection Guidelines” (deferred) in the amount of \$125,000.

The earlier report also highlighted the purpose of the acceleration fund as targeting key areas for expediting the completion of standard instrument LEPs across the State and consequently the funding criteria was very narrow. The report went on to say about the agreement that:

*"The terms of grant funding under the Acceleration Fund are quite restrictive and access to the recoupment of funds ceases in June 2012. Based on the current Agreement provided by the Department the timeframes allowed for completion for both projects is unreasonable."*

Whilst Council staff attempted to negotiate with the Department for more favourable terms none were accepted. This means that the conditional funding for the Rural Land Strategy, which was only ever to become accessible on the completion of the Shire-wide LEP, will not arise.

At the Councillor workshop of 8 December 2011 the following comments were provided as part of a power point presentation:

1. *Despite the DDG's acknowledgement of a 12-18 month timeframe for completing the Strategy the project particulars in the Agreement allocate about 9½ months.*
  - *This commences in November 2011 – about 5 months prior to time when access to the funding is likely to occur, i.e. it assumes an unrealistic commencement in the past and condenses the timeframe for completion to about 4 months.*
  - *The Agreement is not responsive to the time lag in the negotiation and execution of the project and of the advices provided by Council staff generally.*

- *The amended Agreement has not been executed at this time.*

#### *Summary*

- *Based on the resourcing capability of the Planning Reform Unit and the current work program commitments the completion of the Draft LEP for an exhibition prior to April is very unlikely.*
- *The Acceleration Funding should not be relied on for funding a Rural Land Strategy.*
- *A rural strategy may require reprioritisation.*

Progressing the Rural Land Strategy will therefore require Council to make a funding commitment for the entire project. This is discussed further below in relation to the "Rural Lands Strategy."

In addition to the earlier applications for funding discussed above a more recent application was made under the Australian Government's, Nation Building, Liveable Cities Program. The application was premised on a "Tweed Liveable Cities Strategy" aimed, among other things, at improving the productivity of the Tweed through the identification of industry and workforce opportunities, spatially based population planning for improving access to jobs and social services, and sought a 50% contribution from Government in the amount of \$75,000.

Notice was received on 13 April 2012 that the application was unsuccessful. A copy of the application is attached to this report for reference.

There are no other funding opportunities available at the time of writing.

### **The Work Program Generally**

The revised works program has taken into account four key project constraining and opportunity factors:

- i. Total PRU staff resources;
- ii. Committed resource allocation;
- iii. Existing funding & commitments; and,
- iv. Potential future funding.

Based on those four elements and the feedback from the 10 April Councillors' workshop the Tables below provide a proposed work program for the period 2012-2015.

It should be noted that as with all works programs it is in a constant state of change as projects both come in and go out and it needs to be sufficiently flexible to allow for projects that are not completed within the projected timeframe and rollover into successive program schedules.

Nonetheless, the work program has proven to be a useful resource guide for managing the body of work capable of production by the Planning Reform Unit. It is open to being amended by Council resolution at any time and is not designed or used for deflecting important strategic projects away from consideration as they arise. The practice to-date is that any new important strategic project is reported to Council for consideration and is supported with an estimate of the resource capabilities at that point in time and where appropriate new projects are assimilated into the work program.

The program is based on the same format previously used and utilises a traffic light system to indicate the proposed human resourcing status of projects and operational functions.

Referring to Table 1 below the indicators may be summarised as:

**Green light:** a project requiring a significant resource allocation. These are projects typically prepared in-house or where the project is outsourced but the complexity and size of the project requires a significant contribution to both project control and preparation/assessment of related studies and the like.

**Yellow light:** a project that requires a moderate allocation of resources. This could be a comparatively simple project or one that has a long lead in or lead out time that is predominately administrative. It is also used to indicate the level of resourcing ordinarily required to project control projects that are outsourced to consultancies.

**Red light:** a project that is yet to start or is nearing completion where the major work component is yet to start or is completed. It generally relates to projects that are completed but for certain administrative process requirements or that otherwise have a relatively low resource impact.

**Black light:** projects that have been brought to attention through various media, e.g. proponents of development, Council's delivery and operational plans, community advocacy for key projects and or topics, and the Council, but that are not proposed to be commenced within the specific work program period. These projects are listed to firstly maintain an awareness of them and also because it provides a more seamless and transparent transition of the proposed work stream between the work program schedules (years).





Rating Schedule		
Current Projects (Resourced)		1
Current Projects (moderate resources)		0.25
Project Pending / finalising (minor resources)		0.1
Not proceeding at this stage / Future Project		0

Table 1 - Work Program Project Resources Rating

Certain projects names are followed by an abbreviated comment, they are:

- (STF) Subject to Funding Allocation.
- (STR) Subject to Council Resolution.

## **Work Program Schedules 2012/2015**

The following schedules have been prepared taking into account the considerations and factors discussed above. Several projects are identified as requiring a funding allocation before they can be commenced.

Following presentation of the Schedules a table is provided showing the estimated cost of certain projects and how they can be accommodated with a reallocation and distribution of current funding within the Planning Reform budget.



Planning Proposals (PPs)	CSP Code	Strategic Plans	CSP Code	General Tasks	CSP Code	Total	CSP Code
PP10-0003 Riva Vue	15.3.1	Housing Adaptability DCP	2.2.1	Briefing notes, workshops & presentations or similar	2.1.2.2	4.9	2.1.2.2
DLEP 35 - 106 Dry Dock	15.3.1	LGMS (STF)	3.3.1.1	Public / Industry / Govt Consultation	2.1.2.2		2.1.2.2
PP10-0005 Hundred Hills	15.3.1	Seabreeze DCP	1.5.2.2	General Corro, GIS & s149 support			
DLEP 85 Pottsville Employment	15.3.1	CBHS	2.1.2.3	Student / University Programs assistance			
PP10- 0002 Marana Street	15.3.1	DCP A1	2.2.1.1	Strategic Responses (internal & external) (NOMs)			
PP10-0001 Boyds Bay	15.3.1	FNCRS Review	3.4.1.1	Part 3A Review / comments			
CBHS LEP	2.1.2.3	Rural Lands Strategy (STF)	3.2.1.2	Grant & Funding Applications			
DLEP 2010	1.1.1.2	Urban Design Charter	2.6.1.1	NSW Housing Monitor / SEPP Compliance GIS	3.4.1.1		3.4.1.1
DLEP 2009	1.1.1.2	Scenic Landscape Review (STF)	4.4.2.1	Interdivisional assistance			
PP10-0007 Mooball	15.3.1	ACHMP	2.1.2.3	Meetings / Committees / workshops / Seminars	2.1.2.2		2.1.2.2
Tweed City Shopping Centre	15.3.1	Tyalgum Locality Plan	2.3.7.1				
Twin Towns Services Club	15.3.1	Rural Villages Locality Plan	2.3.7.1				
Parked - stalled		Work Program Items					
DA10/0737 s721 BP Chinderah	15.3.1	Policy Maintenance	1.5.2.2				
		Rural Tourism DCP	1.5.2.2				
		Kingscliff Locality Plan (STF)	2.3.7.1				
		Heritage DCP (STF)	1.5.2.2				
		Chinderah Locality Plan	2.3.7.1				
Facilitating Planning Proposal		Facilitating DCP (From PPs)					
Hastings Point LDCP	2.3.7.1	Pottsville Employment Land	1.5.2.2				
Pottsville LDCP	2.3.7.1	Marana Street	1.5.2.2				
Cabarita LDCP	2.3.7.1	Seabreeze (Stage 2)	1.5.2.2				
Review Caba Village Controls	2.3.7.1	Industry & Business Park	1.5.2.2				
Planning Proposal / Project (notified)							
Fingal Mariculture (STR)	15.3.1	Mooball	1.5.2.2				
		Scenic Protection (STF)	4.4.2.1				
		Other					
		Urban Settlement Principles	1.5.2.2				
		Murwillumbah DCP (South)	2.3.7.1				

Total Resource Allocation 2012/2013  
**98.7%**

### Resource Commitment by Project Area



Table 2 - 2012/2013 Works Schedule

Planning Proposals	CSP Code	Strategic Plans	CSP Code	General Tasks	CSP Code	Total
PP10-0005 Hundred Hills	1.5.3.1	Housing Adaptability DCP	2.2.2.1	Briefing notes, workshops & presentations or similar	2.1.2.2	4.9
DLEP 85 Pottsville Employment	1.5.3.1	LGMS (STF)	3.3.1.1	Public / Industry/ Govt Consultation	2.1.2.2	
PP10- 0002 Marana Street	1.5.3.1	Rural Lands Strategy	3.2.1.2	General Corro, GIS & s149 support		
CBHS LEP	2.1.2.3	Urban Design Charter	2.6.1.1	Student / University Programs assistance		
DLEP 2010	1.1.1.2	Tweed Economic Profile (STF)	3.4.4.1	Strategic Responses (internal & external) (NOMs)		
PP10-0007 Mooball	1.5.3.1	Scenic Landscape Review (STF)	4.4.2.1	Part 3A Review / comments		
Twin Towns Services Club	1.5.3.1	ACHMP	2.1.2.3	Grant & Funding Applications		
		Tyalgum Locality Plan	2.3.7.1	NSW Housing Monitor / SEPP Compliance GIS	3.4.1.1	
		Rural Villages Locality Plan	2.3.7.1	Interdivisional assistance		
				Meetings / Committees / workshops / Seminars	2.1.2.2	
Total ALL Task						
25.1						
Parked - stalled						
		Work Program Items				
		Policy Maintenance	1.5.2.2			
		Rural Tourism DCP	1.5.2.2			
		Kingscliff Locality Plan (STF)	2.3.7.1			
		Industry & Business Park	1.5.2.2			
		Chinderah Locality Plan	2.3.7.1			
		Facilitating DCP (From PPs)				
Facilitating Planning Proposal						
Hastings Point LDCP	2.3.7.1	Pottsville Employment Land	1.5.2.2			
Pottsville LDCP	2.3.7.1	Marana Street	1.5.2.2			
Cabarita LDCP	2.3.7.1	Scenic Protection (STF)	4.4.2.1			
Review Caba Village controls	2.3.7.1					
Planning Proposal / Project (notified)						
Fingal Mariculture (STR)	1.5.3.1					
		Other				
		Heritage DCP (STF)	1.5.2.2			
		Murwillumbah DCP (South)	1.5.2.2			
		Urban Settlement Principles	2.6.1.1			

Total Resource Allocation 2013/2014

94.6%

(Estimated Maximum)

Resource Commitment by Project Area



Table 3 - 2013/2014 Works Schedule



[illegible]

Table 4 - 2014/2015 Works Schedule

## Funding: Allocation & Redistribution

There are several key projects in each of the work program schedules that require a funding allocation prior to their commencement. This is seen to be unavoidable despite a concerted effort over the last 3 years to undertake more of the strategic projects in-house. In some cases it is necessary or desirable to outsource projects because of the technical areas of discipline requiring specialist input or the nature of the project otherwise dictates.

For the most part, particularly with respect to locality based plans, DCPs and housing codes, the main work component is prepared in-house with lesser reliance being placed on specialist consultancies as required. This reduces the overall budget cost and is reflected in the estimated cost of several projects appearing in Figures below.

The following tables are provided to show how a redistribution of the Planning Reform current budget can fund several key projects. It is also aimed at assisting Councillors with their consideration of any funding allocation requests in respect of the Council's Financial Management Plan for the period 2013/14 and later.

Figure 2 below identifies the budgetary items within the current Planning Reform Unit budget from where a reallocation of funds can be redirected to fund several new projects.

Project	Cost Estimate	Funding Period
Rural Lands Study	\$125,000	2012/2013
Local Growth Mngt Strategy	\$85,000	2012/2013
<b>Total</b>	<b>\$210,000</b>	
Kingscliff Locality Plan	\$25,000	2013/2014
Heritage DCP	\$20,000	2013/2014
Scenic Protection DCP	\$60,000	2013/2014
Scenic Landscape Review		
Tweed Economic Profile	\$50,000	2013/2014
<b>Total</b>	<b>\$155,000</b>	
Affordable Housing Strategy	\$70,000+	2014/2015
<b>Total</b>	<b>\$70,000</b>	

Figure 1 - Estimate of Project Funding Requirements

Funding Source	Existing Funding	Redistribution Amount
LGMS	\$21,304	\$21,304
Tweed City Centre LEP	\$16,011	\$16,011
LEP Review	\$172,812	\$172,812
Rural Villages Locality Plan	\$50,000	\$25,000
Locality Plans; Mooball	\$50,000	\$25,000
	<b>Total</b>	<b>\$260,127</b>

Figure 2 - Current Planning Reform Budget Items

Works Program Project		Funding Allocation
Rural Lands Study		\$125,000
Local Growth Mngt Strategy		\$85,000
Kingscliff Locality Plan		\$25,000
Heritage DCP		\$20,000
<b>Total</b>		<b>\$255,000</b>
<b>Remainder</b>		<b>\$5,127</b>

Figure 3 - Projects Funded Through Budget Redistribution

In summary, what these figures show is one way in which the current budget funding could be redistributed to fund 4 new projects, including the larger two Shire-wide strategies.

A reallocation of funds will not impact on the delivery of other projects. The amount allocated (see Figure 2) to the locality plans was based on the previous practice of outsourcing that body of work, whereas they are now substantially, if not totally, prepared in-house. This may result in a further surplus in the 2013/14 period, which would be sufficient to fund a Tweed Economic Profile. Likewise there is no impact on the Tweed City Centres LEP as it is fundamentally complete with procedural administrative functions largely remaining. The LEP review and LGMS funding, also shown in Figure 2, were allocated for the kind of projects now sought.

The remaining 3 projects (see Figure 1 and 3) not funded under the above redistribution will require an estimated funding allocation of \$170,000 between 2013/15.

### Key Projects Proposed

#### Local Growth Management Strategy (LGMS) 2012/2013

As part of the State Government's planning reforms steps were taken to provide greater guidance to local councils on the projected future demand for services, housing and conservation within each of the local government areas. This was achieved through the implementation of the Far North Coast Regional Strategy (2006) for this region. This was followed in April 2007 with Department's *Settlement Planning Guidelines* which were developed to assist councils in preparing local growth management strategies to achieve the planning outcomes and actions of the Strategy.

In summary, the Regional Strategy requires Council to prepare a LGMS prior to preparing a local environmental plan to zone land for residential, rural residential, commercial and industrial uses. To-date Council has been able to progress several rezoning amendments on the basis of its current strategic land-use policy viz the *Tweed Urban and Employment Land Strategy* 2009 with the Department's approval under the transitional arrangement. This is not likely to be sustained in the long-term.

The LGMS is greater than the sum of its parts and will provide a holistic approach to managing, forecasting and guiding both the growth and conservation of the Tweed. It brings together the myriad of strategic policies; corporate, planning, infrastructure, social, economic, environmental, into a single legible strategy. The Department's Guidelines state the content of an LGMS as including:

- A vision which considers the regional context and influence and the role of the local government area in the region.
- A commitment to achieving the principles of sustainable development<sup>1</sup> and a statement of how the strategy addresses this.
- A summary of any community consultation and any significant changes made to the strategy as a result of the consultation.
- Information addressing the principles in section 3, including:
  - the application of the regional environmental constraints mapping and the suitability of the land identified in the local strategy;
  - the desired local character, design and form of settlements covered in the strategy; and
  - the existing services and infrastructure network and future needs.
- A land supply and demand audit for land uses covered by the strategy and a demographic profile and population projections summary to support future land requirements.
- A land release program documenting the following information:
  - location – map(s) and documentation identifying all land covered in the strategy and its proposed land uses. It is expected that councils will submit both electronic and hard copy maps with the local growth management strategy when seeking approval. Electronic format should be consistent with the digital requirements for the standard instrument for LEPs;
  - yield – the amount of land to be released for each type of land use (residential, rural residential, commercial, industrial or tourism) and the justification for the amount identified in the strategy. In the case of residential land, the expected lot yields and proposed densities, how they have been derived and an indication of how the strategy aims to achieve the dwelling targets and housing mix identified in the regional strategies; and
  - timing – expected staging and timing of land releases both across the local government area and within precincts where appropriate, over the life of the strategy.
- A servicing and infrastructure program summary for the supply of utilities and social facilities needed over the life of the strategy. If the provision of any of the facilities or services is the responsibility of another agency council should consult with the relevant service provider(s) to determine expected timing of the necessary infrastructure.
- A commitment to a nominated review period.

This may be graphically represented as:



### Rural Land Study 2012/2013

The Rural Land Strategy (RLS) has been on the Council's and communities radar for many years with earlier attempts to implement an RLS not gaining the approval of the Department of Planning and Infrastructure in 2005.

The purpose of an RLS is to establish principles for the land-use management of rural lands according to its capability to support agricultural and rural industries, conservation, tourism and rural housing. This kind of study is also seen by landowners as means to achieving variations in the minimum subdivisional lot sizes for additional housing entitlement, which is frequently cited as being the sole means of income for retiring farmers.

Whether an RLS is required in the short term is questionable. Clearly, from the level of community representation at the rural lands workshop held with the Councillors in April 2010 the preparation of an RLS is expected however, in light of the other strategic policies being developed the question is more apt to be one of when rather than if.

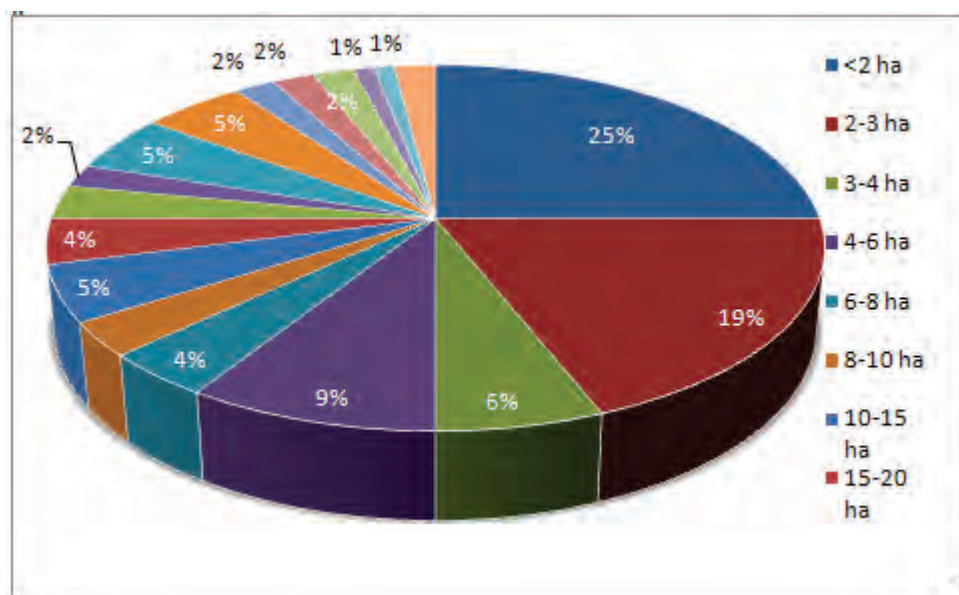


As part of the broader Tweed planning locality plans are being prepared for the rural villages and a draft sustainable agriculture policy is in preparation. The locality plans are likely to identify the main areas suitable for additional urban / housing owing to their proximity and relationship to the existing urban villages and the physical infrastructure required to sustainably support housing and urban industry. The sustainable agriculture strategy is likely to identify those areas suitable for agriculture and rural industries and may recommend alternative farming and land use practices that are seen to be more contemporary and able to deliver greater economic and environmental benefit.

In addition, the general perception that Tweed's rural lands are predominantly very large lots with no housing opportunities seems to be misplaced. In preparing the current Draft Tweed LEP (standard instrument) an analysis of the rural zoned land (RU2) showed that:

- Approximately 71% of all lots in rural areas have dwellings houses.
- 25% of all rural allotments are smaller than 2 hectares. Aerial image analysis indicated that these allotments are not being farmed.
- The average area of a lot zoned RU2 Rural Landscape is 12 hectares, however 50% of all lots are smaller than 4 hectares.
- Only 15% of all allotments meet the current minimum lot size standard (40 hectares for land zoned RU2 Rural Landscape).
- The average area of an undersized lot (smaller than 40 hectares) is 7.3 ha.

This is represented in the following graph:



The table below summarizes the land use pattern for rural lands grouped by area in hectares.

size	dwelling	farms	vacant
<2 ha	55%	less than 1%	44%
2-3 ha	88%	6%	12%
3-4 ha	84%	9%	15%
4-6 ha	82%	11%	16%
6-8 ha	76%	14%	21%
8-10 ha	70%	9%	26%
10-15 ha	70%	24%	24%
15-20 ha	61%	22%	31%
20-25 ha	62%	27%	37%
25-30 ha	65%	26%	34%
30-40 ha	66%	22%	28%
40-50 ha	67%	25%	23%
50-60 ha	71%	28%	20%
60-70 ha	73%	25%	27%
70-80 ha	76%	21%	18%
80-90 ha	67%	23%	23%
90-100 ha	65%	27%	25%
<100 ha	67%	26%	26%
<b>average</b>	<b>71%</b>	<b>12%</b>	<b>26%</b>

Key characteristics of rural land in the Tweed seem to indicate:

- Apart from traditional farming, there are two apparent directions in the occupied use of rural lands: rural amenity occupancy and small farm occupancy.
- The 'small farm landscape' is more prevalent than generally recognised.
- Land is highly fragmented into a wide range of lot sizes.
- Due to short commuting distance to major urban/employment areas, farming becomes no longer viable as a sole enterprise; land value is higher than agriculture can pay.
- Location and landscape create opportunities for niche products and strong local markets.
- Decline of population on traditional commercial farms and, as a consequence, loss of young people from farming and rural areas.

In summary, despite the high number of comparatively small lots (compared with the minimum lot size requirement) and the comparative high number of dwellings an RLS remains to be an important strategic policy for the Tweed and the timing of it relative to other policies will always be one where it will align with some related strategies and not others. In that context the question of timing might relate to the point in time where the RLS can be properly informed or underpinned by one related strategy and implemented to support another.

Referring to the locality plans and draft sustainable agriculture strategy mentioned above the current timing is seen to be right, striking a balance between incorporating the work and community knowledge presently collected in the agricultural strategy and being in a position to be informed by and to feed into the village locality plans.

#### *Kingscliff Locality Plan 2013/2014*

Tweed Council committed to preparing locality based plans for the Tweed's villages in the Tweed 2000+ Strategic Plan, Tweed 4/24 Strategic Plan and more recently through the Community Strategic Plan; Delivery Program 2011/2015 and Operational Plan 2011/2012.

Coastal locality based plans have been prepared for Pottsville, Hastings Point, Cabarita and Tweed Heads/Tweed Heads South, with master-planning leading the development of Casuarina, Salt and Kings Forest.

Kingscliff is the largest of the Tweed's coastal villages and has likewise be the subject of intense development pressure and change particularly during the period 2001-2009. The area is a significant tourist destination both for day-trippers, short and long stay tourists. The areas is characterised by medium density living, educational and retail premises and many areas of environmentally and ecologically sensitive areas.

During the busy periods of development the local community has been very active in highlighting its concerns about the impact on the environment and large uncharacteristic scale of development and Council has had to manage a proportionally high number of litigious development issues arising in the Kingscliff area.

With the demand for greater housing and commercial premises in the light of the issues previously raised by the community a locality plan for Kingscliff is seen to be the priority on the coast.

#### *Scenic Landscape Review & Scenic Protection DCP 2013/2014*

A discussion on the importance and status of the Tweed Shire Scenic Landscape Evaluation 1995 was provided in the Council report of 15 February 2011. In summary, the report highlighted the value of the document and the need for its currency to be updated and the recommendations implemented, which would include the preparation of a related development control plan. At present, the document is only implemented formally through the subdivision section of the Tweed Development Control Plan 2008 (TDCP), although it was used to great effect in preparing Section B24 Area E Urban Release Development Code of the TDCP.

These two projects are interrelated and will largely overlap in their preparation. It is highly likely that they will be prepared by the one consultancy and consequently the funding allocation is shown combined.

#### *Fingal Mariculture Planning Proposal*

It is understood that Council has been approached and a workshop held in relation to a concept proposal for a mariculture development at Fingal Head.

The works program has allocated resources within the 2012/2013 schedule to undertake the preparation of a planning proposal, subject to a resolution in support of the proposal.

The landowner / proponent will be required to submit a planning proposal request in accordance with the Council's and the Department of Planning and Infrastructure's guidelines, pay the appropriate fee and enter into a cost and expenses agreement in advance of a resolution being sought.

### Heritage DCP

Council is presently undertaking a significant body of work in the area of European and Aboriginal heritage planning. These current Plans will require implementation both through the Tweed LEP, supporting DCPs and user guides. It is essential for the effective implementation of the Plans so as to not burden home owners, developers and Council staff that clear policies are developed.

The proposed works program and budget allocations allow for these important policies.

### **Balancing Public - Private Interests**

The work program is limited by several factors as mentioned above. Ultimately there will always be a limit on capacity and correspondingly on the body of work commitments.

Tweed Council is currently performing very well and making good progress with its new strategic planning within the confines of its current strategic planning resources. The current and previous works programs sought to strike a balance between planning proposals originating on demand from the private sector and broader community driven strategic planning policy. This works program continues that balance.

What is noticeably different and should be read cautiously is that earlier work program schedules indicated a pie graph displaying higher proportions of resource allocation to planning proposals, many of which originated from the development industry. This resource distribution is still evident however as many of the planning proposals are coming to an end the resources are being progressively reallocated to the facilitating "strategic plans", e.g. DCPs, which have arisen as consequence of those proposals.

### **Benefits v Impacts with the Proposed Work Program**

The benefit of this works program over earlier ones is a shift in emphasis toward greater maintenance of the Council's current strategic planning policies, an area that has been lagging other areas of policy development, and which has previously been documented. Combined with the inclusion of several significant areas of new policy; LGMS, Rural Lands Strategy and European and Aboriginal Heritage planning, Tweed's planning is transitioning from a reactive and outdated one to one that is proactive and current and that will enable a better understanding of the strengths, weaknesses and opportunities presenting the future growth and conservation management of the Tweed.

A robust and informed planning policy framework has positive impacts not only the ability to provide certainty to the development industry but it should also initiate and drive more economically sustainable outcomes for the Tweed. This can occur through achievement of the best use of land in key delivery areas including; supply of lower cost and diverse housing, employment generating development, and a reduction on development pressure and release of further large Greenfield development, as well as, protection of agricultural and environmentally sensitive land and species populations.

As stated in the April 2011 report, and to assist in minimising those impacts discussed above and consistent with the work program strategy first presented to Council in 2009, the number of privately proposed planning proposals on the work program was progressively increased in the short term tapering off by 2013/2014 to enable a greater percentage of the Council's resources to be allocated on strategic policy maintenance and preparation.

#### **OPTIONS:**

1. That the works program presented in Tables 2-4 within this report be adopted and that the proposed budget allocation and redistribution for funding of projects be approved, or
2. That any amendments to the works program and or budget allocation be identified and the report deferred to allow amendments to be made and reported on.

#### **CONCLUSION:**

As discussed in this report there are limitations on the capacity of Council's strategic planning resources with a corresponding need to ensure that the work program is reflective of, not necessarily constrained, by its ability to undertake key priority projects.

By 'priority' this reports relies on the underlying premise that all of the strategic policies identified are to varying degrees a priority of the Council, but acknowledging that when the projects are juxtaposed there will typically be those that have some sort of 'edge' or 'advantage' over another, which places them ahead, generating in effect a queue headed by the those projects better representing or referred to as the 'priority' projects.

The proposed work program 2012/2015 has been designed in the light of the need to match the resources with the projects that are likely to yield the most benefit. These projects comprise two distinctive types; those generated by the Council and those generated externally. Both have their place and are equally relevant to the management and growth of the Tweed. The work program aims to balance the resource allocation to accommodate the priority elements arising from both areas. This has resulted with fairly balanced number of commercially driven planning proposals and strategic land-use policies.

This resource allocation is seen to be justified on the basis that without greater stimulus and investment in the private sector through housing and employment generating development any number of adverse impacts will potentially materialise. They may include upward pressure on the cost of housing, missed opportunities for employment, and a furthering of the social economic divide, which for many Tweed families will mean that they will need to relocate elsewhere or their children will have limited opportunity to work and live in the Tweed and within established family and community networks.

At the same time, the strategic planning projects selected for inclusion in the work program are those seen to provide the most benefit in assisting and playing their role in ensuring a better and more secure future for the present and future residents of the Tweed and the protection of its environment.

Although some Council projects are subject to funding, as shown in Figures 1-3 above, the proposed work program is reflective of the Planning Reforms Unit resource capacity, the need for a balanced approach to managing public/private projects, and the views expressed at the Councillor workshop of April 2012.

The proposed work program is suitable for adoption.

### **COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Vision, Mission and Values Statements Version 1.3.

This report seeks a clear direction and prioritisation of Council's strategic planning program.

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

Forward budget estimates may arise from Council's endorsement of the Planning Reforms work program as key strategic projects are taken up.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

Not Applicable.

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

- 1 Civic Leadership
- 1.5 Manage and plan for a balance between population growth, urban development and environmental protection and the retention of economical viable agriculture land
  - 1.5.2 Land use plans and development controls will be applied and regulated rigorously and consistently and consider the requirements of development proponents, the natural environment and those in the community affected by the proposed development
    - 1.5.2.2 Planning Controls updated regularly
- 2 Supporting Community Life
  - 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
    - 2.1.2 Preserve Indigenous and Non-Indigenous cultural places and values
      - 2.1.2.1 Pro-active awareness and advice to the community and Councillors on impacts of new developments on Indigenous cultural places and values
      - 2.1.2.2 Pro-active awareness and advice to the community and Councillors on impacts of any new strategic plans or policies on Indigenous cultural places and values
      - 2.1.2.3 Conserve non-Indigenous heritage and values



- 2 Supporting Community Life
  - 2.3 Provide well serviced neighbourhoods
    - 2.3.7 Preserve the character and heritage and enhance the amenity of existing towns and villages
      - 2.3.7.1 Prepare Locality Plans for all Tweed Villages
- 3 Strengthening the Economy
  - 3.2 Retain prime agricultural land, farm viability, manage rural subdivision and associated landscape impacts
    - 3.2.1 Foster a viable farming community
      - 3.2.1.2 Preparation and implementation of a Rural Lands Strategy
- 3 Strengthening the Economy
  - 3.3 Maintain and enhance the Tweed lifestyle and environmental qualities as an attraction to business and tourism
    - 3.3.1 Establish planning controls that balance the need for urban growth against the protection of agriculture, village character and the environment
      - 3.3.1.1 Local Growth Management Plan
- 3 Strengthening the Economy
  - 3.4 Provide land and infrastructure to underpin economic development and employment
    - 3.4.4.1 Retail Centres Policy
- 4 Caring for the Environment
  - 4.4 Manage the Tweed coastline to ensure a balance between utilisation and conservation
    - 4.4.2 Protect and enhance the aesthetic qualities of the coastal zone
      - 4.4.2.1 Development of zoning and planning controls which protect and enhance the aesthetic qualities of the coastal zone

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

1. Copy of funding application to Australian Government; Liveable Cities Program (Nation Building) and Department response (ECM 49936842).
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**12 [PR-CM] NSW Department of Planning and Infrastructure - Draft Policy Statement - Plan Making and Delegations - Call for Submissions**

**SUBMITTED BY:** Planning Reforms

**FILE REFERENCE:** GT1/LEP/2012



**Civic Leadership**

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**SUMMARY OF REPORT:**

The Department of Planning and Infrastructure (DP&I) has called for submissions on the public exhibition of the “Draft policy statement – Plan-making and Delegations”. This report presents a response to this draft policy and seeks Council endorsement of the issues raised within this report and as forwarded to the Department as a draft submission.

The changes proposed, under Part 3 of the *Environmental Planning and Assessment Act, 1979* and the kind of proposals likely to be included are identified in the report.

At the same time as these changes are being proposed, the NSW Government is undertaking a review of the planning system in NSW which will set out the framework for making plans and taking decisions about development, as well as defining the roles for everyone in the planning system, from the Minister to individual council officers. The relationship of this draft Policy Statement to the broader review currently under way is not addressed in the Draft Policy Statement.

Given the 4 May 2012 deadline for submissions, which predates the 15 May Council Meeting, the Department of Planning and Infrastructure agreed to accept an 'indicative submission' on the Draft Policy on the proviso that a Council resolution in respect of it will follow. The issues raised in the submission are discussed in this report, which concludes that they are suitable for endorsement.

**RECOMMENDATION:**

**That the issues highlighted in this report which form the basis of the submission forwarded to the Department of Planning and Infrastructure in response to the Draft policy statement – Plan-making and Delegations - be endorsed as Tweed Shire Council's response.**

## **REPORT:**

### ***Request for submissions***

The DP&I has invited public comment on a draft policy statement that proposes to give local councils more plan-making powers and improve delivery of local environment plans (LEPs).

### ***Deadline for submissions***

The deadline for submissions was 4 May 2012, with documents viewable on the Department's website under "On exhibition", at: <http://www.planning.nsw.gov.au/Development/Onexhibition/tabid/205/ctl/View/mid/1081/ID/76/language/en-AU/Default.aspx>

### ***Indicative submission to DP&I***

Due to the deadline for submissions closing prior to the Council meeting of 15 May 2012, the DP&I agreed to receiving an 'indicative submission' by the deadline on the proviso that a Council resolution in respect of the submission would follow.

## **ISSUES RAISED BY THE SUBMISSION RESPONSE**

This report details the matters addressed in the submission.

### ***Type of LEPs to be delegated to local government***

The type of LEPs proposed to be routinely delegated to councils to prepare and make following a Gateway determination include:

- Spot rezonings consistent with an endorsed strategy or surrounding zones or in accordance with broader Government policy;
- Reclassifications of land supported by an open space study;
- Heritage LEPs supported by an endorsed study;
- Section 73A matters (amending references to documents/agencies, minor errors and anomalies), and
- Mapping alterations/corrections that do not alter strategy endorsed development standards.

### ***Intent of proposed changes***

The proposed changes, under Part 3 of the *Environmental Planning and Assessment Act, 1979* (the Act), outlined in the Draft Policy Statement are intended to improve delivery of LEPs through:

- Delegation of certain powers to councils to increase local government involvement in the plan making process,

- Allowing for independent reviews of some decisions at key stages of the plan making process, and
- Bringing greater transparency and accountability to the planning system.

### **Issue 1: Likely changes in plan making procedures**

The potential impact of delegations as proposed will impact a range of Council's Divisional work areas.

#### Application

With delegation of certain plan-making powers to Council the following summary of changes to procedures could be expected:

1. The Department would generally play no further role in the LEP following the issuing of a Gateway Determination.
2. Council would liaise directly with the Parliamentary Counsel's Office to finalise drafting of the plan.
3. The Department would continue to monitor the progress of an LEP to ensure it is prepared in a timely manner, and would assist Council if requested.
4. Council would be issued with a *Written Authorisation to Exercise Delegation* for individual plans under the Gateway process.
5. Council will be required to submit quarterly reports on progress using a template to be provided by the DP&I.
6. The Gateway may also delegate other minor plans to Council to make if considered appropriate as part of its review.
7. A pre-Gateway review could be requested by a proponent, before a planning proposal is forwarded for a Gateway Determination, by the relevant Joint Regional Planning Panel (JRPP), if Council were to decide not to send a planning proposal to the Department, or where Council failed to make a decision on the proponent's request within 60 days.
8. Proposed reviews of Council decisions would need to first pass a strict eligibility assessment by the Department of Planning and Infrastructure.
9. In some cases the Minister may request the Planning Assessment Commission (PAC) to conduct such a review rather than a regional panel.
10. Post Gateway reviews may be requested by Council or the proponent after a Gateway Determination, but must be received by the Department for the review within 40 days of the Determination being issued, and before public exhibition has commenced.
11. An independent review would need appropriate information before it can commence.

12. Additional information may also be sought later by the Department, the JRPP or the PAC to complete the review.
13. A fee would be required to cover administrative assessment costs.

A response to the key issues is provided in a format that addresses:

1. The issue, comprising the proposed change;
2. Application of the issue, in an operational sense; and
3. Response, whether it is seen to be positive, negative or needing clarification.

### Response

While the policy statement and associated exhibition material is extremely brief, the potential impact of changes proposed in the draft Policy has been addressed below, with flowcharts illustrating the proposed revised processes for making a local environmental plan, Pre-Gateway Review and Post-Gateway Review presented in Attachments 1, 2 and 3 respectively below.

### **Issue 2: Enhanced role of local government**

Enhanced role of local government by returning planning powers back to local communities.

### Application

A range of plan making responsibilities and delegations previously administered by the Department of Planning and Infrastructure (DP&I) will be transferred to councils consistent with the types of LEPs to be delegated.

An enhanced role for Council in the preparing and making of plans will bring with it additional demands for resourcing to implement additional responsibilities and accountabilities.

Implementation of this draft Policy will assist in reversing diminished landuse decision-making powers experienced by Council who has sought to meet the ever increasing demands of its local community.

The ability of Council to reinforce its role and responsibilities to its local communities through an enhanced ability to make landuse planning decisions is seen as a strong foundation for supporting a policy of this kind.

An enhanced role for Council in the preparation and making of plans is reinforced throughout its Community Strategic Plan 2011/2021 and Mission Statement which says:

*“Working with community and partners, provide leadership in facilitating and delivering services that manage growth sustainably, create opportunity and enhance the value of our civic and natural assets for this and future generations.”*

### Response

Transfer of these delegations is seen as a positive initiative although it is noted that there may be a short-term resourcing impact during a transitioning to the new process.

### **Issue 3: Diminished role of the Department**

A substantially diminished role of the Department post-Gateway, on those proposals warranting a delegation of functions in the opinion of the Director-General.

### Application

It is proposed that the DP&I will play no further role once the LEP Plan making functions are delegated to Council.

The submission acknowledges the support of the Regional Office up to this point, and point out that a diminished role of the Department will imply a transfer of operations to Council, which could be expected to produce an equivalent increase in the servicing requirements of Council. This would generally arise within the Planning Reform Unit in their administration of planning proposals.

A function that councils will acquire through delegation is the requirement to consult with and provide legal drafting instructions to Parliamentary Counsel; a process that ordinarily occurs through the Department of Planning and Infrastructures legal branch. There is no apparent advantage in shifting the drafting of instructions from the Department's specialist legal officers to local councils. This is pertinent under the current procedure, as distinct to the pre 2009 amendments, which requires that the 'LEP' be drafted once the planning proposal is finalized. The Department's *guide to preparing local environmental plans* (July 2009) states at [4.11]:

#### **4.11 Legal drafting of the LEP**

The LEP is the legal instrument which gives effect to the planning proposal. The drafting of the LEP is undertaken by Parliamentary Counsel upon receipt of instructions from the Department. The Department will issue instructions to Parliamentary Counsel after receiving the finalized planning proposal from the RPA.

The Department of Planning will consult the RPA on the terms of the LEP to ensure it is consistent with the objectives and outcomes and the explanation of provisions set out in parts 1 (the statement of objectives or intended outcomes) and 2 (the explanation of provisions) of the planning proposal. As mentioned earlier, it is important that these 2 elements of the planning proposal are clearly expressed from the outset. Communications between the Parliamentary Counsel and the Department of Planning and the RPA are subject to legal professional privilege and must be maintained in the strictest confidence.

Parliamentary Counsel will produce a draft instrument (the LEP) and an opinion that the draft instrument can be legally made. By this stage, any maps required to accompany the LEP must be prepared strictly in accordance with the *Standard technical requirements for LEP maps* (Department of Planning 2009).



In addition the on-going role of the Department in managing and administering the application of regional plans and strategies and s 177 Ministerial Directions is considered important and would be better retained and managed at a regional level.

Response

The full extent to which the Department will withdraw from the process remains uncertain and it is questionable whether the overall process would benefit if they were to remove themselves from it. The better practice would seemingly be for greater autonomy within the Regional Office to maintain a role in assessing matters relevant to State and regional planning policy without the need for referral and secondary assessments occurring in their main Sydney Office. This would arguably strengthen and streamline the current process, which has been working effectively since the Part 3 amendments took effect in June 2009. The Regional Office staff is very aware of the planning issues facing the north coast councils and are well placed to coordinate regional issues with consistency through the local councils.

Councils are better placed in working collaboratively with their regional offices and the planning processes would no doubt benefit from a strengthening of that relationship within the plan making reforms.

Transfer of delegations contingent on the Regional Offices retaining a role is seen as a positive initiative.

**Issue 4: Timing and transitional arrangements**

There is minimal advice on support for implementation and transitional arrangements.

Application

An assessment of the full impact of this policy on transitional arrangements cannot be completed at this time as no advice has been presented addressing how the transitional period will be supported by the Department, both financially and procedurally.

Council will need to have arrangements in place prior to the transfer of delegations. The ability of Council to reprioritise its commitments to ensure that all necessary procedures are ready and a smooth transition occurs will depend upon the availability of supporting documentation from the Department and Council staff.

While no direct mention is made to the relationship of this policy to the broader NSW planning system review currently under way, it is assumed that changes proposed in this policy have been derived from interim findings of the Review, as such it is expected that this policy will not cause duplication of effort by the Department or Council; however there is no discussion of this matter in the policy or supporting documentation placed on exhibition.

Response

Integration with other initiatives of the Department and Government to ensure minimal disruption to service delivery by Council should be considered when deciding if the changes proposed in this policy should be implemented now or as part of the new planning system review also underway at this time.

### **Issue 5: Where no adopted study or strategy exists**

There is minimal advice on how assessments will proceed where a strategy or study has not been completed by a council, and there is the risk of confusion in distinguishing between what constitutes an “endorsed” study, “adopted” study, and “strategy”.

#### Application

While the draft policy suggests that power to make plans will be routinely delegated to Council in relation to reclassification of land, heritage LEPs and spot rezonings, where certain adopted/endorsed studies/strategies exists, no advice is provided on how plans will be made where such adopted/endorsed studies/strategies have not been prepared by a council, or where there is a draft study in progress.

It is assumed that once a Gateway determination has been made that a planning proposal can proceed as made and that councils will be notified and advised that plan making powers are to be delegated. However, there is no mention of how the process will proceed where the plans and strategies listed above have not been completed by a council.

#### Response

Clarification on the meaning and distinction of “endorsed” study, “adopted” study, and “strategy” is required.

### **Issue 6: Delegations - Mapping alterations/corrections that do not alter strategy endorsed development standards**

Potential impact of delegating powers to make plans associated with mapping alterations/corrections that do not alter strategy endorsed development standards.

#### Application

The draft Policy proposes to delegate to Council power to make plans associated with mapping alterations/corrections that do not alter strategy endorsed development standards.

Housekeeping of the Tweed LEP 2000 is undertaken through the Planning Reform Unit and it is often a protracted process. While the amendments themselves may be small and their impact sometimes negligible, the resources required will typically be the same regardless of their complexity. Ordinarily, minor corrections and anomalies are undertaken as part of a housekeeping amendment rather than managing them individually. To do otherwise places an unwarranted demand on Council resources.

Mapping issues such as minor road realignments or boundary adjustments which typically take 6-8 months to process could be completed quicker with a delegation of functions.

#### Response

Transfer of delegations is seen as a positive initiative which will remove what has at times been seen as an additional step in the plan making process, especially for those less complex small-scale, low-impact proposals. It is unlikely to result in a move away from the more traditional housekeeping approach, except in more pressing circumstances.

The Tweed LEP has had four 'housekeeping' amendments in the twelve years since it came into force, with other minor amendments also being made during this time. The majority of amendments to the LEP have been spot rezoning for development purposes.

**Issue 7: Delegations - Section 73A matters (amending references to documents/agencies, minor errors and anomalies)**

Potential impact of delegating powers to make plans associated with Section 73A of the *Environmental Planning and Assessment Act 1979* "Expedited amendments of environmental planning instruments".

Application

Section 73A of the Act refers generally to matters such as correction of obvious errors such as a misdescription, inconsistent numbering, wrong cross-referencing, missing words, or removal of unnecessary words in the LEP, matters of a generally minor nature, or that the Minister considers do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment of adjoining land.

Council has undertaken very few corrections to its LEP under this section. The potential impact of referring delegations to Council will be minimal for such plans.

Response

Transfer of these delegations is seen as a positive initiative.

**Issue 8: Delegations - Reclassifications of land consistent with a strategy/supported by an adopted open space study**

Potential impact of delegating powers to make plans associated with reclassification of land that is consistent with a strategy/supported by an Open Space study.

Application

The *Local Government Act 1993* allows for the reclassification of land that has been dedicated under Section 94 of the *Environmental Planning and Assessment Act 1979*, where the Council is satisfied that the land is unsuitable for the provision, extension or augmentation of public amenities and public services.

Land that cannot be reclassified in this way, but is still considered surplus to the Council's needs, can be reclassified through the making of an LEP.

Demand for reclassification of land, while not a regular occurrence, does and will continue to occur.

At this time Council does not have an 'Open Space study' upon which to facilitate delegations regarding the reclassification of land requiring the making of an LEP. Under these circumstances the procedure for making plans arising from a need to reclassify land is not clearly spelt out in the draft policy.

Response

Advice is sought on how or if delegation of powers relating to the reclassification of land will occur where a council does not have an adopted Open Space study.

**Issue 9: Delegations - Heritage LEPs supported by an endorsed study**

Potential impact of delegating powers to make plans associated with requests to make heritage LEPs.

Application

The draft policy proposes to delegate to councils power to make plans associated with heritage items or places where the proposed LEP is supported by an Office of Environment and Heritage endorsed study.

Council has recently completed public exhibition of its "*Draft Community Based Heritage Study and Management Plan 2011*". Following review of submissions a report will be presented to Council seeking endorsement of the Plan.

It is expected that in accordance with the requirements of this delegation, that endorsement by the Office of Environment and Heritage will also be sought.

While Council has not received many requests for protection of heritage items or places under provisions of the LEP or an amendment to it, since the recent exhibition of the draft heritage study, enquiries relating to heritage have escalated and potential for requests for amendment to the LEP to address heritage matters could likewise be expected to escalate.

Response

The ability of Council to manage requests to make plans associated with heritage matters will be substantially improved once the *Draft Community Based Heritage Study and Management Plan 2011* is endorsed by Council and the Office of Environment and Heritage.

Transfer of these delegations is seen as a positive initiative.

**Issue 10: Delegations - Spot rezonings consistent with an endorsed strategy or surrounding zones or in accordance with broader Government policy**

Potential impact of delegating powers to make plans associated with Spot rezonings consistent with an endorsed strategy or surrounding zones or in accordance with broader Government policy.

Application

The draft policy proposes to delegate to councils power to make plans associated with spot rezonings consistent with an endorsed strategy or surrounding zones or in accordance with broader Government policy.

Of the range of delegations to be routinely devolved to Council under this draft policy, this delegation is expected to have the most significant immediate and ongoing impact.

The preparation of planning proposals for spot rezoning of land is managed by Council's Planning Reform Unit who is currently working on thirteen planning proposals, some of which have been outsourced in an attempt to service the significant demand for LEP zoning amendments.

Delegation of certain Plan making functions would have the potential for a more streamlined and expedient process in most cases. This may reduce the impact on Council resources over time, however as discussed above there is an important role for the Department's Regional Office in the assessment of the broader State and regional planning policy and in assisting councils with legal drafting instructions.

### Response

A transfer of delegations is generally seen as a positive initiative.

### **Issue 11: Ability to review without consideration of local strategies**

There is minimal clarity on the role, weight or status of local plans and strategies in relation to requests seeking a review of a decision or in relation to the assessment of proposals.

### Application

The policy uses the conjunctive term “or” in defining the documents against which a proposal can be assessed and determined, without any explanation of the desirability of, or need for local strategic planning support of such rezoning requests. To state that a proposal needs to be “consistent with an endorsed strategy or surrounding zones or in accordance with broader Government policy” suggests the possibility that local or even regional considerations could be circumvented in the process, that is, a form of forum or 'policy' shopping.

Likewise, the default position of “consistent with surrounding zones” fails to take into account the potential complexities of a particular proposal and the ability of site specific considerations to override the more rudimentary consideration of surrounding zones. The consideration of surrounding zones in a vacuum or upon selective policy is likely to lead to protracted argument about the suitability of otherwise marginal proposals that will ultimately lead to loss of resource expenditure and in worst case scenario the actual pursuance of marginal proposals.

By way of example, where a proposal may be consistent with a surrounding zone, but not an “endorsed study”, or consistent with broader Government policy but not a local strategy, no explanation has been provided as to how such inconsistencies will be managed.

Should a council refuse to accept a request to make a planning proposal based on inconsistency with an endorsed local strategy, it would appear possible for a review to be sought based solely on consistency with “broader Government policy” thereby circumventing consideration of any local strategy or policy.

Regional plans and strategies such as the Far North Coast Regional Strategy are seen as critical guiding documents upon which Council has relied to support local plan-making decisions, and is concerned about the potential for requests for reviews to be approved based solely upon consistency with any broader Government policy, and without consideration of local strategies.

Given the broad overarching often 'one-size-fits-all' nature of State plans and policies, and the inability of such broad scale documents to fully acknowledge local community needs and expectations, it represents a dubious ability of councils to genuinely and wholly accept the delegations as proposed, knowing that at any time a review could be requested, and accepted, based solely upon consistency with another but poorly-related high level plan or policy.

If this is correct, safeguards should be provided to prevent a proponent being able to circumvent a local strategy by reliance on a regional plan, or circumvent the latter by relying on a State plan, or bypassing any plan based solely on an existing zoning pattern. This approach would seem to be placing too much reliance on the consistency within the current higher order policy framework to deliver the right outcome at a local level.

### Response

Clarification is required of how any inconsistency with an endorsed strategy or surrounding zones or broader Government policy will be assessed and the relative weighting of each in the determination of the proposal or the ability to request a review where Council refuses to accept a request to make a plan.

Clarification of the review rights of proponents and/or councils and triggers that would initiate a review of a proposal also needs to be sought.

Greater certainty should be provided to ensure that where a local strategy is consistent with either a regional or state plan it prevails, and where no local strategy exists the regional plan applies.

Advice is requested defining exactly what safeguards will be provided to prevent a proponent from circumventing a local strategy by reliance on a regional plan, or circumventing the latter by relying on a State plan.

### **Issue 12: Independent review triggers – refusal to accept a request**

Minimal clarity on whether a review can be called where a council refuses to 'accept' a request to make a planning proposal.

### Application

The second component of the policy involves the formalisation of the existing practice of seeking independent reviews for some zoning proposals.

While the provision for independent reviews as a means of enforcing efficiencies and facilitating greater transparency and accountability to the planning system is an understandable requirement, the triggers by which such reviews are activated requires further enunciation.

Council is in receipt of a significant number of requests to prepare planning proposals at various stages of preparation and ranging in complexity from small scale residential subdivisions to large employment generating sites with significant site constraints; however, not all requests can be accepted, some being refused due to lack of compliance with Council and/or regional plans and strategies, or have not been included in Council's endorsed strategic planning works program due to resources constraints.

The draft policy does not seemingly appear to recognise the diverse range of reasons why a council may decide to not proceed with preparing a planning proposal at a given point in time and therefore to not send it for a Gateway determination.

The draft Policy appears to imply that Council has accepted the proposal, undertaken a preliminary assessment and decided on technical grounds that the proposal should not proceed, and would not be sent to the Gateway for a determination. The proponent would seemingly then be in a position to request a review by the Department after meeting certain 'eligibility requirements'; however, the draft Policy is silent on whether refusal to accept a planning proposal would constitute grounds for a review.

The draft Policy appears to fail to recognise that due to its pre-existing commitments and priorities Council is not in a position to accept every request to prepare a planning proposal and/or proceed at a time convenient only to the proponent.

Should this interpretation be correct, that a review could be commenced due to refusal by a council to accept a request irrespective of the reasons for doing so, this would raise issues relating to how a council, who had refused to accept a proposal would then be required to commence the preparation and possible making of such plans, that is, if a council declined to make a plan owing to lack of resources what point would there be in the JRPP, PAC or Director-General directing that the council make the plan.

### Response

Council is not in a position to receipt or make a decision on all requests within the random timeframes which may result from the unpredictability of when requests may be made. Notice is not always given in advance. Sometimes notice is given and pre-evaluation advice is provided by Council about the unlikelihood of a proposal being progressed at that time and for specific justified reason, which is often ignored.

Therefore, should an objective of the policy be to impose the preparation of additional planning proposals on councils who would otherwise not be in a position to accept them, or have considered them otherwise inappropriate or unacceptable, than a countervailing resource offset strategy should be implemented by the Department to assist councils affected.

It also raises the question whether the amendments to the Act would bring about more litigious matters and avenues for the proponent to seek forms or redress through the Courts. If this were the case it would follow that a potential financial impact may arise for councils under the proposed amendment.

### **Issue 13: Response deadlines**

Proposed assessment response deadlines are not reflective of the varying complexity and diversity of planning proposals.



### Application

The ability of the proponent to be able to ask for a regional panel review where Council has not made a decision after 60 days of receiving the proponent's request is considered unrealistic and in many cases unachievable.

On large and complex proposals the need for interdisciplinary assessment prior to council resolving to prepare a planning proposal is essential, this is particularly relevant where there is likely to be a very real impediment to a development occurring. Failing to properly assess the potential impact and implications for a development frequently leads duplication of effort and reduced capacity to service other important strategic projects.

Apart from those planning proposals which are not accepted by Council, to suggest that a council should be able to complete preliminary investigations, which may require circulation within the organisation and sometimes externally, and report on them within a fixed 60 day time limitation fails to acknowledge the diversity and potential impact of many proposals, and the resource and reporting limitations of local government generally.

While additional time might be perceived as being too long and delaying projects that might otherwise bring much needed jobs or housing to an area there is a very real likelihood that where an inadequate amount of time has been provided for the pre-assessment of complex proposals there will be a higher rate of requests being deferred or denied. This will invariably bring about far greater delay and disincentive for proponents of larger proposals in bringing them forward, that is, in some cases the additional time spent up-front will bring about important strategic outcomes within a shorter time horizon.

### Response

Further advice on alternatives to a mandatory 60 day time limitation is sought, and it is suggested that like those for the advertising of LEPs it should be based on the perceived complexity of the proposal.

## **Issue 14: Resourcing implications**

De-evolution of delegations as proposed will increase resourcing demands upon Council and reduce ability to service other important projects.

### Application

The delegation of plan making functions will not necessarily increase the process and assessment of preparing the LEP amendment (planning proposal) itself, this is a detailed and thorough procedure. It will however increase the administrative impact resulting from the Department's intention to counter balance the delegation with complex reporting processes. The time saved in not making referrals to the Department under the current system may for the most part be lost with the time taken in the new reporting process.

### Response

While several of the delegations proposed are relatively minor in their impact upon a council's resources, the cumulative impact of these delegations, in particular the reporting processes, is likely to be quite significant.

## **Issue 15: Other related government initiatives**

There is no demonstrated or apparent linkage of this draft Policy with the broader NSW planning system review currently underway.

### Application

The current review of the planning system in NSW being carried out by the Government through joint chairs Tim Moore and Ron Dyer aimed at creating a new planning system that meets today's needs and priorities is widely accepted as being over due and needed.

Apart from setting out the framework for making plans and taking decisions about development, it is understood that the roles for everyone in the planning system, from the Minister to individual council officers will also be defined.

With a Green Paper with recommendations for this new planning system due for release in early May 2012, representing a comprehensive system-wide, State-wide review, which in part will define the roles for those in the planning system, it is not clear how the changes proposed under the Draft Policy Statement Plan-making and delegations, will be impacted by this more holistic review being undertaken concurrently by Moore and Dyer; and raises concerns about possible duplication of effort by Council and the Department and the ability to relate the draft policy to the a more holistic outcomes anticipated in the Green Paper.

### Response

Clarification of the specific intent of this draft policy as it relates to, and is integrated with, the more far-reaching changes expected to emanate from the Green Paper is being sought.

## **OPTIONS:**

1. Endorse the issues raised in this report; or
2. Defer a resolution on this report to allow time for issues raised by the Councillors to be assessed and further reported on.

## **CONCLUSION:**

The amendments to Part 3 (Plan Making) of the Act in June 2009 provided an improvement on the previous system and brought with it greater clarity in the roles of participants and certainty in the process and procedures.

The proposal to delegate plan making functions for certain LEP amendments seemingly provides as many advantages as it does challenges. In light of the current review of the NSW planning system and the generally effective plan making provisions currently in force it is likely that the better practice would be to retain the current system with the addition that the Regional, rather than Head Office, of the Department provide the supervisory role and determinations in respect of the Gateway process.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

The acceptance and/or mandatory devolution of delegations as proposed under this draft Policy has the potential to increase the demand on council resources.

**c. Legal:**

There is a risk that the proposed amendments may increase the litigious nature of LEP amendments.

**d. Communication/Engagement:**

Not applicable.

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

- 1 Civic Leadership
- 1.5 Manage and plan for a balance between population growth, urban development and environmental protection and the retention of economical viable agriculture land
- 1.5.3 The Tweed Local Environmental Plan will be reviewed and updated as required to ensure it provides an effective statutory framework to meet the needs of the Tweed community
- 1.5.3.1 Effective updating of Tweed LEP

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

- 1. Proposed process to make a delegated LEP (ECM No. 49944202).
  - 2. Process for making a Pre-Gateway Review (ECM 49944202).
  - 3. Process for making a Post-Gateway Review (ECM 49944202).
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## REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

### 13 [CNR-CM] Feasibility of Murwillumbah Landfill for Use as Motorcycle (Dirt) Track

**SUBMITTED BY:** Waste Management



**Supporting Community Life**

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#### **SUMMARY OF REPORT:**

Council at its meeting on 17 April 2012 carried a notice of motion to determine the feasibility of using the closed Murwillumbah landfill as a motorcycle (dirt) track. The closed landfill on Lundberg Drive covers Lot 1 DP 232745 in entirety and a portion of Lot 2 DP 1139059. Council surrendered the landfill licence in November 2009, and a comprehensive closure and capping plan was completed in July 2010. The site has had no use since closure besides routine environmental monitoring consistent with a closed landfill site. At the time of closure flood free storage was cited as a possible end use activity.

A preliminary review of land-use permissibility on this land has deemed that the proposed activity would be suitable with consent if compatible with adjacent uses and uses allowed in adjacent zones.

#### **RECOMMENDATION:**

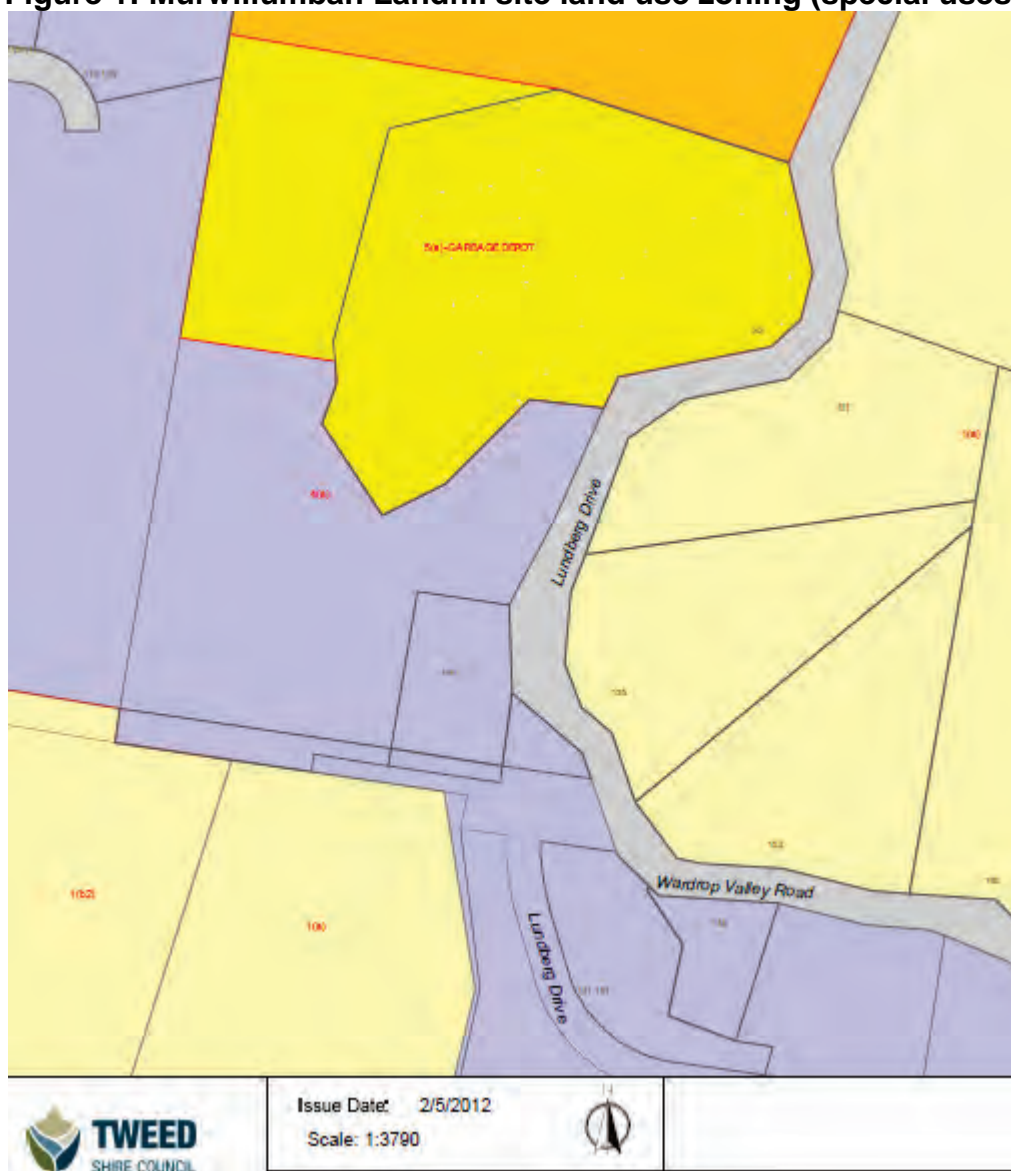
**That Council:**

1. **Supports the establishment of a motorcycle (dirt) track at the Murwillumbah landfill but notes the constraints associated with this site.**
2. **Advises the Tweed Valley Junior Development Motorcycle Club of its support for the establishment of a motorcycle (dirt) track at the Murwillumbah landfill.**
3. **Advises the Tweed Valley Junior Development Motorcycle Club of the requirement for it to prepare and lodge a Development Application.**
4. **Endorses Council Officers to commence negotiations with Tweed Valley Junior Development Motorcycle Club to prepare a long term agreement setting out the land use and financial arrangements.**

## REPORT:

Council at its meeting on 17 April 2012 carried a notice of motion to determine the feasibility of using the closed Murwillumbah landfill as a motorcycle (dirt) track. Since that motion passed, Council has received correspondence from the Tweed Valley Junior Development Motorcycle Club expressing interest in utilising the Murwillumbah landfill as a permanent motorcycle facility. The closed landfill on Council owned land covers Lot 1 DP 232745 in entirety and a portion of Lot 2 DP 1139059. The total combined land parcel is 6.3hectares.

**Figure 1: Murwillumbah Landfill site land use zoning (special uses 5(a))**



**Figure 2: Murwillumbah Landfill Aerial Photograph**

Council surrendered the landfill licence in November 2009, and a comprehensive closure and capping plan was completed in July 2010. The closure works established an 800mm clay capping layer, 300mm drainage layer, and a 200mm hardstand layer graded at 5% over the waste fill area. Works were also conducted to formalise surface water drainage. In addition to the graded and capped waste fill pad, the site hosts a small office hut, a caretaker's office with toilet facilities, two stormwater ponds, a sealed roadway, and a series of earthen benches that once housed the tip shop facilities. The facilities at this site are in various states of repair.

The site has had no active use since closure. Council has ongoing commitments such as groundwater/surface water monitoring and weed control at the site. Annual expenditure is approximately \$15,000 for these obligations. A motorcycle (dirt) track would provide an opportunity to generate income over this currently unused site. Any income could be used to amortise current monitoring and maintenance costs.

At the time of closure, flood free storage of Works Unit or Water Unit plant and materials was cited as a possible end use activity.

No environmental or planning constraints assessment has been conducted to determine if a motorcycle (dirt) track would be feasible at this site. No investigations have been undertaken to determine if this proposed use would damage the integrity of the landfill capping. No discussions have been entered into with the regulator (Environmental Protection Authority) regarding the use of a closed landfill for this purpose. Should Council resolve to authorise the General Manager to provide owners consent, any applicant would need to satisfy all planning and environmental regards for the proposed activity. All costs associated with any application would be borne by the applicant.



**Development Assessment Unit comments:**

*Current LEP:*

The site is currently zones 5(a) Special Uses Garbage Depot. A preliminary review of land-use permissibility on this land has deemed that the proposed activity would be suitable with consent if compatible with adjacent uses and uses allowed in adjacent zones.

*Draft LEP2010:*

A motor cross track would be defined as a recreation area under the Tweed LEP 2000.

The subject site is zoned 5(a) Garbage Depot. The primary objective of the zone is -

*To identify land which is developed or is proposed to be developed, generally by public bodies, for community facilities and services, roads, railways, utilities and similar things.*

Given that the special use has been exhausted the objective of the zone does not pose a permissibility barrier.

The uses that are permissible with consent in the zone include any uses which are compatible with adjacent uses and with uses allowed (with or without consent) in adjacent zones.

The adjacent zones are 4(a) Industrial, 7(l) Environmental Protection (Habitat) and 1(a) Rural.

Adjacent uses include dwelling houses.

To be permissible on the subject site two threshold questions needs to be answered. Is the motor cross track compatible with adjacent uses? Is the motor cross track compatible with uses allowed in adjacent zones?

Draft LEP 2010 proposes the site to be zoned IN1 General Industrial. Motor cross tracks are not permissible in the IN1 zone. If an application was currently before Council for determination the Draft LEP would not have determining weight as the draft LEP is not certain or imminent to be made.

A copy of the letter from Tweed Valley Junior Development Motorcycle Club Is reproduced below for Council's information:

**Tweed Valley Junior Development**

**Motorcycle Club**

6 Brushbox Crt Bogangar 2488  
0409761209

GARBAGE - DIRT MIBAH

SN: 1402  
PN: 18284

TWEED SHIRE COUNCIL

FILE No: SPORTS REC - GENERAL

DOC. No:

RECD: 13 APR 2012

DESIGNED TO: RAYNER M

HARD COPY ☐ IMAGE ☒

12/04/12

Att Mr Mike Rayner,

We Tweed Valley Motorcycle Club have the opportunity to merge with the Gold Coast Motorcycle Club. If this is to happen we would then have up to \$400 000 in the bank at our disposal. The decision was made by the Gold Coast Club to amalgamate with us as 60% of their members come from the Tweed region. We then would be self sufficient in funding & building our own facility if a suitable location could be found.

After walking over the old Murwillumbah tip site with Councillor Skinner we would like to request the use of this site for a permanent motorcycle facility.

The Current Gold Coast m/c has been running for 35 years and has paid there own way with no help needed from GCCC. If given the opportunity to create a similar facility in our own area, there is no reason we too could not stand alone financially. The opportunity would also be there to create Jobs for contractors in our area as regular maintenance would be required.

Our aim is to create a family orientated facility that makes it easy for our members to come along and ride in a safe & regulated area, which in turn will hopefully stop people from riding in and damaging our local protected areas.

With the club running profitably the opportunity would also be there to put funds back into our community to help create or maintain other projects for our youth.

We would appreciate a quick response as we have to make a decision on our future as a club.

Yours Faithfully  
Grant Casey  
President TVJDMC



**OPTIONS:**

1. Council could resolve not to support the motorcycle (dirt) track at Murwillumbah landfill. Any prospective applicant would need to find alternative suitable land for this activity; or
2. Council could resolve to support a motorcycle (dirt) track at Murwillumbah landfill. The applicant would need to satisfy all environmental and planning regards and bare all costs.

**CONCLUSION:**

The Murwillumbah landfill site is currently unused. Council currently has expenditure obligations at this site of approximately \$15,000 each year. The site is zoned 5(a) Special Uses which allows the proposed activity with consent. The zoning of the adjoining land is a constraint to this proposed development. It is recommended that Council as landowner support the proposed development of a motorcycle track.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

Potential income stream.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

Should the Motorcycle Club proceed with a Development Application, it is recommended that Community Consultation occur prior to lodgement. This could include liaising with adjoining neighbours or a Community Meeting detailing the proposal.

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

- 2 Supporting Community Life
- 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
- 2.1.3 Provide opportunities for residents to enjoy access to the arts, festivals, sporting activities, recreation, community and cultural facilities
- 2.1.3.2 Provide accessible recreational spaces for young people

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**14 [CNR-CM] River Health Grants**

**SUBMITTED BY: Natural Resource Management**



**Caring for the Environment**

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**SUMMARY OF REPORT:**

This report provides Council with details of proposed investments in river and riparian management, through implementation of the River Health Grants Program. The goal of this project is to improve the quality of Tweed Waterways by subsidising works on private properties, for example by revegetation, weed control and provision of off stream water for cattle. In the case of one of the grants proposed in this report, works will improve effluent management on a dairy farm at Burringbar. The source of funding for this program is the Water Unit mandatory dividend for water and sewerage.

**RECOMMENDATION:**

**That Council approves the proposed River Health Grants to assist private landholders to undertake the projects listed in the table contained within the report.**

## **REPORT:**

Since June 2006 Council has worked with riparian landowners to initiate projects which protect and improve water quality and stream bank condition. The goal of this program is to enhance the environmental condition of Tweed waterways, improve the water quality of raw water extracted for treatment at Bray Park.

The River Health Grants Program has been successful in attracting a diverse range of landholders, from traditional farmers to rural lifestyle property owners. Projects included for endorsement through this report will provide positive outcomes in the restoration of tributaries to the Oxley and Tweed Rivers and Burringbar Creek.

In each case of funding, an agreement with land holders will be signed that details Council's contribution to the project and the commitments and responsibilities of the land holder. Each grant is based on the agreement that the landholder will contribute significantly to the project, in most cases by undertaking agreed works, with materials supplied by Council.

A noteworthy project in this round of proposed funding is the upgrade of a dairy effluent management system at Burringbar. Council has worked with several dairy farmers in the Shire to assist with measures that will reduce the impact of cattle and manure management on waterways. In this case materials will be provided to more efficiently capture dairy washout effluent so that both water and nutrients can be recycled through irrigation to pasture.

The River Health Grants program has been very well received by the community and has made an immediate improvement in the riparian conditions of treated areas.

It is proposed to support landholders with additional River Health Grants as detailed below.

Property Owner	Locality	Length of stream frontage	Council contribution	Objective of works
Munz and Mayer	Limpinwood	1000m	\$1000	Site Action Plan preparation and weed control for Hopping Dick Creek riparian zone
Masters	Limpinwood	7200m	\$7200	Weed control to protect HCV vegetation on Hopping Dicks Creek in a vegetation corridor connection to Limpinwood Nature Reserve.
Tager	Chowan Creek	3600m	\$3600	Weed control in the upper reaches of Chowans Creek draining from Mt Jerusalem NP
Harnett	Burringbar	NA	\$12,460	Provision of materials to improve dairy effluent management and reduce potential for nutrient runoff to waterways.

**CONCLUSION:**

The projects nominated for approval in this round of river health grant agreements all include significant in-kind contributions from the property owners, particularly in the case of the dairy effluent management system where cash, construction and trade qualified labour (eg. electrician) is being contributed. Projects will achieve the aims of the River Health Grants Scheme, and are in accord with the Water Supply Catchment Stream Bank Protection Policy.

**COUNCIL IMPLICATIONS:****a. Policy:**

Water Supply Catchment Stream Bank Protection Version 1.2.

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

Funded through river health grants scheme.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

Not Applicable.

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

- 4 Caring for the Environment
- 4.1 Protect the environment and natural beauty of the Tweed
- 4.1.2 Protect, regulate and maintain natural assets (the coastline, coastal and inland waterways, biodiversity, bushland and scenic landscapes) for current and future generations
- 4.1.2.5 Revegetate riparian zones
- 4.1.2.5.1 River health grants on private land

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**15 [CNR-CM] Biodiversity Grant Program Implementation**

**SUBMITTED BY:** Natural Resource Management



**Caring for the Environment**

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**SUMMARY OF REPORT:**

On 27 January 2009 Council unanimously approved the implementation of a Biodiversity Grant Program to assist private landowners, community groups and researchers to undertake projects that contribute to maintaining and improving biodiversity values within Tweed Shire.

The purpose of this report is to seek Council's approval to fund seven private landowners, as listed below, in accordance with the provisions of the Biodiversity Grant Program.

**RECOMMENDATION:**

**That Council approves the proposed Biodiversity Grants to assist private landowners to undertake the projects listed in the table contained within the report.**

## REPORT:

On 27 January 2009 Council approved the implementation of a Biodiversity Grant Program to assist private landowners, community groups and researchers to undertake projects that contribute to maintaining and improving biodiversity values within Tweed Shire. This initiative represents an important component of Council's Biodiversity Program.

The Biodiversity Grant Program supports projects that contribute to the following ecological priorities within Tweed Shire:

- Rehabilitation of degraded habitats
- Restoration of previously cleared areas
- Threatened species recovery
- Management of threatening processes
- Monitoring and research

Applications under the program can be made throughout the year and are assessed using the following criteria:

- Ecological benefits (eg. ecological status, multiple ecological priorities, contribution to State and regional biodiversity targets etc);
- Value for money (including in kind contributions, external funding);
- Technical capability and applicant track record;
- Site security (preference will be given secure sites eg. conservation covenants, Environmental Protection zones etc);
- Ongoing maintenance requirements;
- Spread of projects across ecological priorities and the Shire (including projects funded from other sources).

The purpose of this report is to seek Council's approval to fund the seven private landowners visited since the January 2012 Council meeting as listed below, in accordance with the provisions of the Biodiversity Grant Program.

The proposed grants involve the provision of services by professional bushland regenerators to assist landholders to more effectively manage environmental weeds, protect native vegetation and improve wildlife habitat.

Surname	Address	Total cost est.	Assessment
Church	Nobbys Creek	\$3040	Site Action Plan preparation and follow-up weed control a diverse vegetation corridor.
Zammit & Menz	Kynnumboon	\$5410	Site Action Plan preparation and weed control in a diverse vegetation corridor with koala habitat and rainforest gullies. This property had a Biodiversity Grant agreement not yet implemented with the previous owner.
Fitzgerald/Connor	Numinbah	\$400	Contribution to NRCMA Management Plan grant
Corke	Numinbah	\$400	Contribution to NRCMA Management Plan grant
Harper	Nunderi	\$1440	Rehabilitation of a small wetland and weed control to enhance small woodland patch with koala food tree planting
Watsford/Tyman	Uki	\$5600	Site Action Plan and weed control for vegetation in a corridor in good condition and with committed landholders.
Tager	Chowan Creek	\$3000	Site Action Plan for HCV woodland and rainforest adjacent to Mt Jerusalem NP.

**OPTIONS:**

1. That Council approves the proposed Biodiversity Grants to assist private landowners to undertake the projects listed in the table contained within the report; or
2. That Council does not approve the proposed Biodiversity Grants to assist private landowners to undertake the projects listed in the table contained within the report.

**CONCLUSION:**

This program is consistent with the adopted Tweed Vegetation Management Strategy 2004 and the Council resolution of 27 January 2009 which established the Biodiversity Grant Program

**COUNCIL IMPLICATIONS:****a. Policy:**

Corporate Policy Not Applicable.

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

\$19,290 from the existing Biodiversity Program budget.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

Not Applicable.

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

- 4 Caring for the Environment
- 4.2 Conserve native flora and fauna and their habitats
- 4.2.2 Encourage and promote rehabilitation and management of native vegetation and wildlife habitat in Tweed Shire
- 4.2.2.3 Protect and enhance wildlife corridors and control environmental weeds
- 4.2.2.3.1 Implementation of Biodiversity Grant Program

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**16 [CNR-CM] Northern Rivers Catchment Management Authority - Integrated Sustainable Floodplain Farming Tweed - Year 1**

**SUBMITTED BY: Natural Resource Management**



**Caring for the Environment**

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**SUMMARY OF REPORT:**

The Northern Rivers Catchment Management Authority project "Integrated Sustainable Floodplain Farming Tweed - Year 1 - NR-IS-11-12-AT2a" is implemented by Council to undertake Floodplain and Acid Sulfate Soils management works. Most on-ground works and extension outcomes, take place on flood-gated drains and floodplains extending through private land.

The purpose of this report is to seek Council's approval to fund on-ground work on seven private properties, as listed in the report, and in accordance with the provision of the NRCMA grant NR-IS-11-12-AT2a.

**RECOMMENDATION:**

**That Council approves the proposed on-ground works to remediate Acid Sulfate Soils impacts and improve soil health and soil conservation on floodplain farms listed within the report.**

## REPORT:

This project aims to integrate all Best Management Practices for floodplain farming (acid sulfate soils, back swamp, floodgate and drain management with sustainable grazing, and enhanced remnant biodiversity and riparian zones. It will be delivered by the partners of the existing floodplain network initially utilising existing capacity and becoming more strategically targeted towards increased biodiversity outcomes as prioritisation products improve (eg. lidar and Biodiversity Management strategies).

The project relies upon the relationships that the individuals within the floodplain network have with landholders and key stakeholders. The fundamental component is for landholders to be encouraged to understand and implement best management practice on their own properties. This will require farmers attending, or to have attended in the past, floodplain grazing courses, field days or other educational events or extension activities. Landholders would then be required to enter into funding agreements for actions to improve soil and wetland health and overall biodiversity.

Best Management Practices for ASS and soil health may include:

- Rehabilitation of ASS scalds, utilising seasonally ponded freshwater and the re-establishment of native wetland pasture species
- Rehabilitation of drains through drain shallowing, revegetation and exclusion of stock from waterways
- Land management practices which improve soil carbon, soil macro fauna and reduce soil acidification

Best management practices for improving and maintaining on-farm biodiversity include:

- Stock exclusion and stock management,
- Pest plant and animal control
- Revegetation and rehabilitation of remnants, corridors

The purpose of this report is to seek Council's approval to fund on ground work on seven private properties, as listed below and in accordance with the provision of the NRCMA grant NR-IS-11-12-AT2a.

Landholder	Location	Cost	Project
Crosthwaite	Eungella	\$5000	Soil carbon - soil amendment (microbiology) for dairy farm
Brown	Tyngalga	\$7670	Biodiversity on farm – tree planting in grazing paddocks
Bartlett	Condong	\$3784	Green Banks – cane drain rehabilitation
Greenall	Condong	\$3784	Green Banks – cane drain rehabilitation
Roche	Condong	\$4221	Biodiversity on farm – tree planting in grazing paddocks
Quirk	Stotts	\$2500	Soil carbon - soil amendment (animal manure) for sugarcane farm
McDonald	Tyngalga	\$3000	Dairy effluent management upgrade report

**OPTIONS:**

1. That Council approves on ground work on seven private properties, as listed below and in accordance with the provision of the NRCMA grant NR-IS-11-12-AT2a; or
2. That Council does not approve on ground work on seven private properties, as listed below and in accordance with the provision of the NRCMA grant NR-IS-11-12-AT2a.

**CONCLUSION:**

The projects nominated for approval will achieve the aims of NRCMA Grant in line with Catchment Action Plan and industry Best Management Practices.

**COUNCIL IMPLICATIONS:****a. Policy:**

Corporate Policy Not Applicable.

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

\$29,959 sourced from existing NRCMA grant number NR-IS-11-12-AT2a.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

Not Applicable.

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

- 4 Caring for the Environment
- 4.5 Improve the environmental capacity of the Tweed agriculture lands
- 4.5.2 Promote and encourage partnerships between farming communities, governments and research institutions through consultation and participation
- 4.5.2.3 Grant funded acid sulfate soil floodplain management projects
- 4.5.2.3.2 Pursue and finalise delivery of state funded floodplain management projects: Catchment Management Authority 'Soil Health' on Coastal floodplain



**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**17 [CNR-CM] NSW Environmental Trust Grant 2011/SL/0073 – Cross-tenure Invasive Animal Control to Protect Native Fauna**

**SUBMITTED BY: Natural Resource Management**



**Caring for the Environment**

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**SUMMARY OF REPORT:**

Council has been awarded a \$100,000 grant from the NSW Environmental Trust for the project entitled 'Cross-tenure Invasive Animal Control to Protect Native Fauna'. In accordance with the application, a further \$40,000 over the two years of the project will be contributed from Council's Biodiversity Program.

This project will support the Tweed community with undertaking on-ground control works targeting five of the non-indigenous vertebrate species that pose a significant threat to native fauna species.

**RECOMMENDATION:**

**That Council:**

- 1. Accepts the grant offer of \$100,000 from the NSW Environmental Trust 2011/2012 Restoration and Rehabilitation Program (State and Local Government) for the 'Cross-tenure Invasive Animal Control to Protect Native Fauna' and votes the expenditure.**
- 2. Allocates \$40,000 from the Biodiversity Program as matching funding.**

## **REPORT:**

Council has been awarded a \$100,000 grant from the NSW Environmental Trust for the project entitled 'Cross-tenure Invasive Animal Control to Protect Native Fauna'. In accordance with the application, a further \$40,000 over the two years of the project will be contributed from Council's Biodiversity Program.

This project will support the Tweed community with undertaking on-ground control works targeting five of the non-indigenous vertebrate species that pose a significant threat to native fauna species. This project consists of three discrete programs.

The first program will exclude cane toads from a breeding site at Koala Beach to protect adjacent coastal conservation areas and will revegetate the banks of stormwater ponds to improve the habitat values for native fauna.

The second program will expand the current Tweed Indian Myna control program by recruiting more community trappers; and promoting land management practices that disadvantage invasive species and favour native fauna.

The third program will coordinate a collaborative, cross-tenure, feral dog, fox and feral cat control program that will reduce predation on multiple threatened fauna species, particularly Tweed coastal koala populations.



**The Hon. Robyn Parker MP**

Minister for the Environment

Minister for Heritage

DOC/12/12734 and 2011/SL/0073

Dr Mark Kingston  
Biodiversity Program Leader  
Tweed Shire Council  
PO Box 816  
MURWILLUMBAH NSW 2484

ENVIRO MANAGEMENT  
FAUNA PROTECTION  
BIODIVERSITY PROGRAM  
TWEED SHIRE COUNCIL  
FILE No: ENVIRO TRUST GRANTS 3 APR 2012  
DOC No: .....  
REC'D: 12 APR 2012  
ASSIGNED TO: KINGSTON M  
HARD COPY ☐ IMAGE ☒

Dear Dr Kingston

I am pleased to advise that the NSW Environmental Trust has approved a grant of \$100,000 for your project entitled *Cross-tenure invasive animal control to protect native fauna* under the Restoration and Rehabilitation (State and Local Government) program, subject to certain conditions.

This program aims to facilitate projects of significant environmental benefit to NSW and build capacity of communities and organisations to protect, restore and enhance the natural environment. Your dedication to this effort is commendable.

As in previous years, there was strong competition for funds, with a diverse range of projects proposed. The Trust approved a total of 25 projects totalling \$2.01 million. Lists of successful grants will be placed on its website at [www.environmentaltrust.nsw.gov.au](http://www.environmentaltrust.nsw.gov.au).

A Trust representative will be in contact with you shortly to make arrangements for the uptake of your grant. Alternatively, the Trust can be contacted on 9837 6093.

I congratulate you on your successful application and wish you well with your project.

Yours sincerely

**Robyn Parker MP**  
**Minister for the Environment**

Level 32, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000  
Phone: (61 2) 9226 5253 Fax: (61 2) 9228 5763 Email: [office@parker.minister.nsw.gov.au](mailto:office@parker.minister.nsw.gov.au)

DataWorks Document Number: 48914637

**OPTIONS:**

1. That Council accepts the grant offer of \$100,000 from the NSW Environmental Trust 2011/2012 Restoration and Rehabilitation Program (State and Local Government) for the 'Cross-tenure Invasive Animal Control to Protect Native Fauna' and votes the expenditure; or
2. That Council declines to accept the grant offer of \$100,000 from the NSW Environmental Trust 2011/2012 Restoration and Rehabilitation Program (State and Local Government) for the 'Cross-tenure Invasive Animal Control to Protect Native Fauna'.

**CONCLUSION:**

Tweed Shire Council has been awarded a \$100,000 grant from the NSW Environmental Trust for the project entitled 'Cross-tenure Invasive Animal Control to Protect Native Fauna'. In accordance with the application, a further \$40,000 over the two years of the project will be contributed from Council's Biodiversity Program.

In conclusion, it is the recommendation of this report that Council accepts the grant offer of \$100,000 from the NSW Environmental Trust 2011/2012 Restoration and Rehabilitation Program (State and Local Government) for the 'Cross-tenure Invasive Animal Control to Protect Native Fauna' and votes the expenditure.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

\$40,000.00 over two years from Biodiversity Program.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

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

- 4 Caring for the Environment
- 4.2 Conserve native flora and fauna and their habitats
- 4.2.1 Promote the protection of native vegetation and wildlife habitat of high conservation value, social or cultural significance in Tweed Shire
- 4.2.1.6 Control program for Indian Myna birds
- 4.2.1.6.1 Control, research and community support for Indian Myna control
- and
- 4.2.1.6.2 Control program for vertebrate pest species

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**18 [CNR-CM] Endangered Population Nomination for Tweed/Brunswick Coast population of the Koala (*Phascolarctos cinereus*)**

**SUBMITTED BY: Natural Resource Management**



**Caring for the Environment**

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**SUMMARY OF REPORT:**

The Tweed Coast Koala Habitat Study was undertaken in January 2011. The study found that the situation for Koalas was more dire than previously thought and that Koalas were contracting in overall range and were unlikely to have a secure future without determined management. A population estimated at approximately 144 koalas was thought to infer that the population size of the Tweed Coast Study Area koalas may already be below the minimum viable population size required to sustain long-term population survival. As stated within the study conclusion "There is a need to consider the localised extinction of koalas to be a foreseeable event within the next 2 - 3 decades, sooner if those factors currently impacting upon the population such as fire and unsustainable levels of incidental mortality are not addressed."

Recommendations intended to guide Council towards preparation of a Comprehensive Koala Plan of Management for the Tweed Coast Study Area were provided in the report, along with a recommendation to:

- submit an Endangered Population nomination to the Scientific Committee for determination under the NSW *Threatened Species Conservation Act 1995*.

The Committee overseeing the formulation of a Comprehensive Koala Plan of Management (CKPoM) for the study area is the Tweed Coast Koala Advisory Group (TCKAG). At the TCKAG meeting held in September 2011, a resolution was passed to progress the Endangered Population nomination. At that time, further Koala study was being undertaken within Byron Shire, the results of which found that Koalas were largely absent from the southern extent of Tweed Shire to the Brunswick River. Upon consideration of the new information, the Committee voted to extend the boundary of the nomination area to include this northern portion of Byron Shire and to change the name of the nomination to the Tweed/Brunswick Coast population of the Koala.

The nomination to the Scientific Committee has now been completed and reviewed by Council staff and the Tweed Coast Koala Advisory Group. The Group have unanimously recommended that the nomination be progressed to the Scientific Committee. The Nomination is attached.

**RECOMMENDATION:**

That the Endangered population nomination for the *Tweed-Brunswick Coast population of the Koala* be forwarded to the Scientific Committee for determination.



## REPORT:

### Background

The Koala (*Phascolarctos cinereus*) is listed as a *Vulnerable* species in NSW under the *Threatened Species Conservation Act 1995* (TSC Act). It has also very recently been listed as *Vulnerable* within NSW, ACT and Qld under the Federal *Environment Protection and Biodiversity Act 1999* (EPBC Act).

The Tweed Coast Koala Habitat Study was undertaken in January 2011. The study found that both the Koala's Extent of Occurrence and Area of Occupancy were declining and that Koalas were unlikely to have a secure future without determined management. A population estimated at approximately 144 koalas was thought to infer that the population size of the Tweed Coast Study Area koalas may already be below the minimum viable population size required to sustain long-term population survival. As stated within the study conclusion "There is a need to consider the localised extinction of koalas to be a foreseeable event within the next 2 – 3 decades, sooner if those factors currently impacting upon the population such as fire and unsustainable levels of incidental mortality are not addressed."

Recommendations intended to guide Council towards preparation of a Comprehensive Koala Plan of Management for the Tweed Coast Study Area were provided in the report, along with a recommendation to:

- submit an Endangered Population nomination to the Scientific Committee for determination under the *Threatened Species Conservation Act 1995*.

The Committee overseeing the formulation of a Comprehensive Koala Plan of Management (CKPoM) for the study area is the Tweed Coast Koala Advisory Group (TCKAG). At the TCKAG meeting held in September 2011, a resolution was passed to progress the Endangered Population nomination. At that time, further Koala study was being undertaken within Byron Shire, the results of which found that Koalas were largely absent from the southern extent of Tweed Shire to the Brunswick River. Upon consideration of the new information, the Committee voted to extend the boundary of the nomination area to include this northern portion of Byron Shire and to change the name of the nomination to the Tweed/Brunswick Coast population of the Koala.

The nomination to the Scientific Committee has now been completed and reviewed by Council staff and the Tweed Coast Koala Advisory Group. The Group have unanimously recommended that the nomination be progressed to the Scientific Committee. The Nomination is attached.

### Geographic Area

The Tweed-Brunswick Coast population of the Koala occupies coastal lowlands of the Tweed and Byron Local Government Areas (LGAs). The coastal portion of the Tweed LGA, hereafter referred to as the Tweed Coast Study Area (TCSA), covers an area of approximately 21,200ha, extending southwards from the NSW – Queensland State border.

For the purpose of the nomination the population is that which occurs on the coastal lowlands extending southwards from the NSW – Queensland State border to encompass lands surrounding the Terranora and Cobaki Broadwaters and thereafter extending along the coast generally east of the Pacific Highway for approximately 37km to the Tweed LGA boundary. Recent work in the adjoining Byron LGA by Hopkins and Phillips (2011) has established that the extent of the decline reported extends a further 6.5km south along the coastline to all remaining habitat areas east of the Pacific Highway but otherwise north of the Brunswick River. This latter area in the Byron LGA is approximately 2,020ha in size.

#### What is a Vulnerable Species?

A threatened species is one that is listed under the schedules of the TSC Act. Individual threatened species may be listed as:

- Presumed extinct (not recorded in its known or expected habitat within its lifecycle); or
- Critically endangered (facing an extremely high risk of extinction in NSW in the immediate future); or
- Endangered (facing a very high risk of extinction in the near future); or
- Vulnerable (facing a high risk of extinction in the medium-term future)

#### What is an Endangered Population?

Individual populations, or pockets, of species may be listed as an “endangered population”. A population may be listed if it is facing a very high risk of extinction in New South Wales in the near future. The population cannot be listed if the species is already listed as "Endangered", "Critically endangered" or "Presumed" extinct. Individual populations cannot be listed under the EPBC Act.

Examples of currently listed endangered populations include:

- the Long Nosed Potoroo at Cobaki Lakes;
- the Emu population in the NSW North Coast bioregion and the Port Stephens area,
- the Gang-gang Cockatoo population in the Hornsby and Ku-ring-gai areas,
- the Little Penguin in the Manly Point Area,
- the Long-nosed Bandicoot at North Head,
- Koalas at Hawks Nest and Tea Gardens, and
- Koalas at Pittwater Local Government Area.

A population is eligible to be included in the endangered category if it is facing a high risk of becoming extinct in nature in New South Wales, as determined in accordance with prescribed criteria, and it is of conservation value at the State or regional level for one or more of the following reasons:

- (a) it is disjunct or near the limit of its geographic range,
- (b) it is or is likely to be genetically, morphologically or ecologically distinct,
- (c) it is otherwise of significant conservation value.

#### Listing Process

The NSW Scientific Committee is established under the [Threatened Species Conservation Act 1995](#) (TSC Act). It is an independent committee of scientists appointed by the Minister for the Environment.

The Scientific Committee is responsible for determining whether a particular species, population or ecological community is to be included on or omitted from the list of threatened species.

Any person may nominate a species, population or ecological community for listing or omission under the TSC Act. The nomination must follow the process set out in the TSC Act. The Scientific Committee may also list a species, population or ecological community on its own initiative. Nominations require detailed evidence in support of the nomination.

Criteria for listing of endangered populations are contained within Division 3 of the *Threatened Species Conservation Regulation 2010*, Clauses 11 to 15 and must be met for a Population to be eligible for listing as an Endangered Population. The relevant section of the Regulations is shown below.

#### 11) Criteria for listing determinations by Scientific Committee

*For the purposes of section 11 (1) of the Act, a population is facing a very high risk of extinction in New South Wales in the near future if, in the opinion of the Scientific Committee, it satisfies any one or more of the following paragraphs and also meets the criteria specified in one or more of the other clauses in this Division:*

- (a) it is disjunct or near the limit of its geographic range,*
- (b) it is or is likely to be genetically, morphologically or ecologically distinct,*
- (c) it is otherwise of significant conservation value.*

#### 12 Large reduction in population size

*The size of the population has undergone, is observed, estimated, inferred or reasonably suspected to have undergone or is likely to undergo, within a time frame appropriate to the life cycle and habitat characteristics of the taxon, a large reduction based on either of the key indicators.*

#### 13 Highly restricted geographic distribution of population and other conditions

*The geographic distribution of the population is estimated or inferred to be highly restricted and either:*

- (a) a projected or continuing decline is observed, estimated or inferred in either of the key indicators, or*
- (b) at least 2 of the following 3 conditions apply:*
  - (i) the population or habitat is observed or inferred to be severely fragmented,*
  - (ii) all or nearly all mature individuals are observed or inferred to occur within a small number of locations,*
  - (iii) extreme fluctuations are observed or inferred to occur in either of the key indicators.*

14 Low numbers of mature individuals in population and other conditions

*The estimated total number of mature individuals in the population is low and either:*

*(a) a projected or continuing decline is observed, estimated or inferred in either of the key indicators, or*

*(b) at least 2 of the following 3 conditions apply:*

*(i) the population or habitat is observed or inferred to be severely fragmented,*

*(ii) all or nearly all mature individuals are observed or inferred to occur within a small number of locations,*

*(iii) extreme fluctuations are observed or inferred to occur in either of the key indicators.*

15 Very low numbers of mature individuals in population

*The estimated total number of mature individuals of the population is observed, estimated or inferred to be very low.*

As previously stated, a comprehensive and systematic assessment of koala distribution and abundance within the coastal portion of the Tweed Local Government Area (TLGA) was undertaken on behalf of Tweed Shire Council by Phillips et al. (2011), while a similar assessment for the coastal portion of the adjoining Byron LGA (BLGA) to the south was also completed (Hopkins and Phillips, 2011). Based on the information contained in these two reports, it is proposed that the Tweed-Brunswick Coast population of the Koala (*Phascolarctos cinereus*) meets the following criteria for listing as an endangered population in accordance with Division 3 of the Threatened Species Conservation Regulation 2010:

- the population is now considered to be disjunct (Clause 11(a)) and is also of significant conservation value (Clause 11 (c));
- the population is estimated to have undergone a large reduction in population size within the last three koala generations (Clause 12); and
- the estimated total number of mature individuals remaining in the population is low (Clause 14) to very low (Clause 15), and a continuing decline is predicted.

The process of listing is as follows:

- After the Committee has considered a proposal, it must make a preliminary determination as to whether or not the proposal should be supported,
- In a case involving a nomination, the Committee must then make a final determination within 6 months of calling for submissions on its preliminary determination,
- Before making a final determination, the Scientific Committee must refer the proposed nomination to the Environment Minister. The Environment Minister may only refer the proposed determination back to the Committee for further consideration on scientific grounds.
- Final determinations are published in the NSW Government Gazette. The validity of a final determination may only be challenged in the Land and Environment Court within 6 months of the determination appearing in the Gazette.

### Implications of Listing

The "assessment of significance" is a system of assessment allowing applicants/proponents to analyse the likely impacts of a proposed development, and whether further assessment needs to be undertaken through a species impact statement. All development or activities currently need to consider whether the proposal may result in a significant effect on threatened species, populations or ecological communities. To decide this matter, the consent authority must take into account the Assessment of Significance (known as the 7-part test) set out in the EP&A Act. These factors include whether a viable local population of the species is likely to be placed at risk of extinction, whether habitat will be removed or modified, and whether habitat is likely to become fragmented or isolated from other areas.

Should the Endangered Population nomination for the Koala be gazetted, any development or activity within the nomination area will be required to further consider population viability impacts. This will be required through consideration of an additional question within the 7 part test. The factors of assessment are listed below. In the case of the Koala, factor b) is currently not required to be addressed, but will need to be considered should the Endangered Population Nomination succeed. In general, little impact is expected unless Koala habitat is proposed for removal.

#### *The factors of assessment:*

- (a) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction*
- (b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction*
- (c) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:*
  - (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*
  - (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction*
- (d) in relation to the habitat of a threatened species, population or ecological community:*
  - (i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and*
  - (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and*
  - (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality*
- (e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly)*
- (f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan*

*(g) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process*

Other implications are:

- Once a species or population is listed as threatened, the Director-General may prepare a recovery plan for it, although this is not mandatory. Recovery plans may be prepared for all categories of threatened species, populations and ecological communities, other than those presumed extinct. In this case the NSW Koala Recovery Plan has already been prepared and is in force.
- Compliance implications remain the same as it is an offence to harm any animal that is a threatened species, or which is part of an endangered population or an endangered ecological community. This includes harm which is caused by any substance (e.g. poison), animal (e.g. dog), firearm, net, trap or hunting device. The maximum penalty will increase as for harm to a *vulnerable* species, it is \$55,000 and/or one year imprisonment; whilst for harm to an *endangered* species, population or ecological community is \$220,000 and/or two years imprisonment. For damage to the *habitat* of a threatened species, endangered population or endangered ecological community, the maximum penalty is \$110,000, and/or one year imprisonment.
- Improved public awareness of the need to conserve the local Koala population.

The nomination has been reported to the Byron Shire Council who has not raised any issues with the proposal.

#### **OPTIONS:**

Options available are to:

1. Send the Endangered Population nomination for the Tweed-Brunswick Coast Population of the Koala to the Scientific Committee for determination; or
2. Not send the Endangered Population nomination for the Tweed-Brunswick Coast Population of the Koala to the Scientific Committee for determination, reducing overall level of protection for the Koala on the Tweed Coast.

#### **CONCLUSION:**

This report concludes that, following comprehensive and systematic assessment of koala distribution and abundance within the coastal portion of the Tweed Local Government Area and a similar assessment for the coastal portion of the adjoining Byron LGA, it is proposed that the Tweed-Brunswick Coast population of the Koala (*Phascolarctos cinereus*) meets the following criteria for listing as an endangered population in accordance with Division 3 of the Threatened Species Conservation Regulation 2010:

- the population is now considered to be disjunct (Clause 11(a)) and is also of significant conservation value (Clause 11 (c));
- the population is estimated to have undergone a large reduction in population size within the last three koala generations (Clause 12); and
- the estimated total number of mature individuals remaining in the population is low (Clause 14) to very low (Clause 15), and a continuing decline is predicted.

To improve protection for the Koala, an Endangered Population nomination has been prepared and is recommended to be sent on to the NSW Scientific Committee for a decision.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Not Applicable.

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

Not applicable.

**c. Legal:**

No-Legal advice has not been received.

Attachment of Legal Advice-Not Applicable.

**d. Communication/Engagement:**

Not Applicable.

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

- |     |  |
|-----|--|
| 4   | Caring for the Environment                         |
| 4.2 | Conserve native flora and fauna and their habitats |

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

1. Tweed – Brunswick Coast population of the Koala (*Phascolarctos cinereus*): Nomination for listing as an Endangered Population for purposes of the *Threatened Species Conservation Act 1995*, dated April, 2012 (ECM 49885747).
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**19 [CNR-CM] Oral Histories - Migrant and Indigenous communities of the Tweed**

**SUBMITTED BY:** Community and Cultural Services



**Supporting Community Life**



**Strengthening the Economy**

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**SUMMARY OF REPORT:**

Tweed Shire Council has been offered a grant of \$7,000 by the Migration Heritage Centre New South Wales. The grant will enable the Tweed River Regional Museum to complete up to ten oral history interviews. These interviews will build on the work already undertaken as part of the project *Migration to the Tweed*. Oral histories will capture the stories of Indigenous and South Sea Islander elders, and members of the Indian community. No matching funds are required from Council. The project is to be completed by the end of 2013.

**RECOMMENDATION:**

**That Council accepts the grant offer of \$7,000 from the Migration Heritage Centre New South Wales to be used for oral history interviews with leading members of the Tweed South Sea Islander, Indian, and Indigenous communities.**

## **REPORT:**

In 2004 Tweed Shire Council established a dialogue with the Migration Heritage Centre New South Wales. This has resulted in the Centre's support for a number of groundbreaking projects undertaken by the Tweed River Regional Museum under the banner of *Migration to the Tweed*. These include *Families of Fortune*, *The Other Side of the World* and most recently *Sweet Harvests*.

The work undertaken as part of the *Sweet Harvests* project in particular revealed the close relationship between Tweed Indigenous and South Sea Islander communities. It identified the need capture more stories from key members of these communities. The proposed oral history interviews will inform development of displays and interpretive material for the redeveloped Museum at Murwillumbah.

*Sweet Harvests* focussed specifically on stories of Indian and South Sea Islander workers in the sugar cane and banana industries. During the course of the project it became clear that there are many other facets of the Indian community's past and present contribution to the Tweed. The oral history project will support further work in this area.

As well as capturing oral histories, the project will also seek to identify photographs, objects and other material of potential relevance to the TRRM collection.

## **OPTIONS:**

Not applicable.

## **CONCLUSION:**

Acceptance of this funding offer from the Migration Heritage Centre New South Wales will significantly enhance the capacity of the Tweed River Regional Museum to undertake further research relevant to migrant and Indigenous communities in the Shire.

## **COUNCIL IMPLICATIONS:**

### **a. Policy:**

Corporate Policy Not Applicable.

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

Not applicable.

### **c. Legal:**

Not Applicable.

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

Not Applicable.

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

- 2. Supporting Community Life
  - 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
    - 2.1.3 Provide opportunities for residents to enjoy access to the arts, festivals, sporting activities, recreation, community and cultural facilities
      - 2.1.3.3 Provide accessible museum programs
        - 2.1.3.3.1 Develop Tweed River Regional Museum collections and displays as a valued community resource.
- 3 Strengthening the Economy
  - 3.1 Expand employment, tourism and educational facilities
    - 3.1.3 Provide opportunities for visitors to enjoy access to the arts through cultural facilities, festivals, and programs
      - 3.1.3.2 Provide accessible museums programs
        - 3.1.3.2.1 Develop the Tweed River Regional Museum collection and displays as a valued resource for the community and visitors to the Shire.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**20 [CNR-CM] EC2011-209 Clarrie Hall Dam Spillway Upgrade - Shortlisted Construction Contractors from Expressions of Interest process**

**SUBMITTED BY: Water**



**Supporting Community Life**

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**SUMMARY OF REPORT:**

Clarrie Hall Dam was constructed in the early 1980s according to design standards applicable at the time. The NSW Dam Safety Committee (DSC), responsible for ensuring the ongoing safety of all registered dams in NSW, has requested Council upgrade the dam to accommodate more recent design standards, and in particular the requirement for it to safely pass a Probable Maximum Flood (PMF).

A suitably qualified construction contractor will be required to undertake the works required to meet DSC requirements.

This report outlines the assessment of Expression of Interest EC2011-209 for construction contractors, and based on that evaluation (detailed in **CONFIDENTIAL ATTACHMENT A**), recommends four suitably qualified contractors be selected for the tender panel with an additional two applicants selected as reserves.

**RECOMMENDATION:**

**That in relation to EC2011-209 Clarrie Hall Dam Spillway Upgrade Construction - Expression of Interest for Construction Contractors:**

- 1. Council accepts the Expressions of Interest submissions of Entracon Pty Ltd, Geotechnical Engineering Pty Ltd, Abergeldie Pty Ltd and Haslin Pty Ltd and invites those applicants to participate in the Early Tenderer Involvement (ETI) process and subsequently submit a tender.**
- 2. Council accepts the Expressions of Interest tenders of the next two applicants Ledonne Pty Ltd and Doval Pty Ltd and invites them to be reserves, to participate in subsequent tender stages where required and only if one or more short-listed tenderers withdraw from the process.**
- 3. Council informs unsuccessful applicants of these outcomes.**

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



## **REPORT:**

Council resolved, at its meeting of 16 November 2010, to progress work to upgrade the spillway on the existing Clarrie Hall Dam (CHD) to meet the requirements of the NSW Dam Safety Committee (DSC). The timing of these works is independent of the need to augment the Tweed's water supplies.

This report outlines the assessment of Expression of Interest EC2011-209 for construction contractors, and based on that evaluation, recommends four suitably qualified contractors be selected for the tender panel with an additional two applicants selected as reserves.

The subsequent tendering process will use an Early Tenderer Involvement (ETI) process.

### **Background**

The Clarrie Hall Dam (CHD) was constructed in the early 1980s according to design standards applicable at the time. The NSW Dam Safety Committee (DSC), responsible for ensuring the ongoing safety of all registered dams in NSW, has requested Council upgrade the CHD to accommodate more recent design standards, and in particular the requirement for it to safely pass a Probable Maximum Flood (PMF).

A suitably qualified construction contractor will be required to undertake the works required to meet DSC requirements. The main items of works under the contract would include:

- Demolition of the existing spillway entrance, wing walls and crest.
- Construction of new spillway entrance, wing walls and 35m crest.
- Raise the existing spillway walls by up to 2.0 metres in the vicinity of the inlet and crest structures.
- Stabilisation of the existing flip bucket.
- Increase the height of the existing parapet wave wall on the embankment.
- Extend the new parapet wall around the right abutment of the dam and raise locally behind it the road and lookout platform level.
- Construction of new internal access road across the top of the embankment and maintenance of internal and external site access roads.
- Demolition of existing public toilets and picnic areas, and replacement with new facilities, information signs and landscaping.

### **Expressions of Interest Submissions Received**

Expressions of Interest (EOI) submissions were called on 31 January 2012 and closed at 4.30 pm on 14 March 2012. Ten submissions were received, one of which from Leed was determined by Council's Contracts and Governance units to be late and was not considered further.

Applicant	A.B.N.
ENTRACON	35 118 370 077
Geotechnical Eng.	94 114 336 515
APS	49 146 713 671
SilverStone	33 129 867 241
Haslin	85 051 102 124
Abergeldie	47 004 533 519
Ledonne	68 003 117 717
CivilTeam	34 118 683 186
Doval	75 010 007 155
Leed	Late tender. Not accepted.

### Evaluation

The information submitted by the applicants was evaluated against the specified non-price criteria, in accordance with the Tender Evaluation Plan. A summary of the scores agreed for the non-price criteria, signed by all members of the Tender Evaluation Committee is contained in Appendix A of **CONFIDENTIAL ATTACHMENT A**.

Each of the short-listed applicants has accredited WHS and environmental management systems and have demonstrated satisfactory WHS management and satisfactory environmental management on previous projects.

The top four applicants: Entracon Pty Ltd, Geotechnical Engineering Pty Ltd, Abergeldie Pty Ltd and Haslin Pty Ltd had the highest scores. The applicants with the highest total scores were therefore identified as the most advantageous and are recommended to progress to the ETI process.

The next two applicants Ledonne Pty Ltd and Doval Pty Ltd are recommended to be identified as reserve tenderers for the ETI process should one of the short-listed tenderers withdraw during the process.

### CONCLUSION:

The EOI submissions from the top four tenderers Entracon Pty Ltd, Geotechnical Engineering Pty Ltd, Abergeldie Pty Ltd and Haslin Pty Ltd were identified as the most advantageous and are recommended for progression to the ETI process.

The next two applicants Ledonne Pty Ltd and Doval Pty Ltd were identified as reserve tenderers for the ETI process.

### COUNCIL IMPLICATIONS:

#### a. Policy:

Corporate Policy Not Applicable.

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

The subject works are within the total project budget.

#### c. Legal:

Not Applicable.

#### d. Communication/Engagement:

Not Applicable.

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

- 2 Supporting Community Life
- 2.3 Provide well serviced neighbourhoods
- 2.3.2 Provision of a secure, high quality and reliable drinking water supply services which meets health and environmental requirements and projected demand
- 2.3.2.7 Deliver Capital Works Program, (Only Large items listed)
- 2.3.2.7.3 Clarrie Hall Dam spillway upgrade

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

1. **Confidential Attachment** - Evaluation of EOI and Recommendation for Shortlisting of Construction Contractors for ETI Process (ECM 49950496)
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**21 [CNR-CM] Lease to Community Print Makers - Bray Park Community Centre, Kyogle Road, Bray Park**

**SUBMITTED BY: Design**



**Strengthening the Economy**



**Civic Leadership**

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**SUMMARY OF REPORT:**

Council entered into a lease with Nortec (formerly Tweed Training and Enterprise Company Limited) for the premises known as the Bray Park Community Centre on Kyogle Road, Bray Park in May 2004.

The lease was for a term of 5 years with an option for a further 5 years, the option had been exercised and was due to expire on 30 April 2014.

Nortec no longer occupy their section of the building, and have sub-let part of the premises to Murwillumbah Community Print Makers ("MCPM").

Nortec have sought the termination of the lease on the basis that MCPM continue to occupy their portion of the building.

There is no objection to the termination of the lease as the area not utilised by MCPM can be occupied as a storage area for the Murwillumbah Historical Society ("MHS") whilst the renovations occur at the Murwillumbah Museum in Queensland Road.

The lease with Nortec does not expressly provide any provisions for termination, other than for breach of the lease terms or conditions or bankruptcy. There is, however, no obstacle for Council to accept the termination at its discretion.

It is intended to enter into a lease with MCPM for a period of five years with an option for a further five years to commence on 1 May 2012.

The subject land, Lot 1 DP 395275 and Lot 1 DP 381677 are classified as operational land and therefore there are no statutory restraints to lease the land.

It is recommended that Council approve the termination of the lease with Nortec and approve granting a lease to MCPM on the terms described in the body of the report.

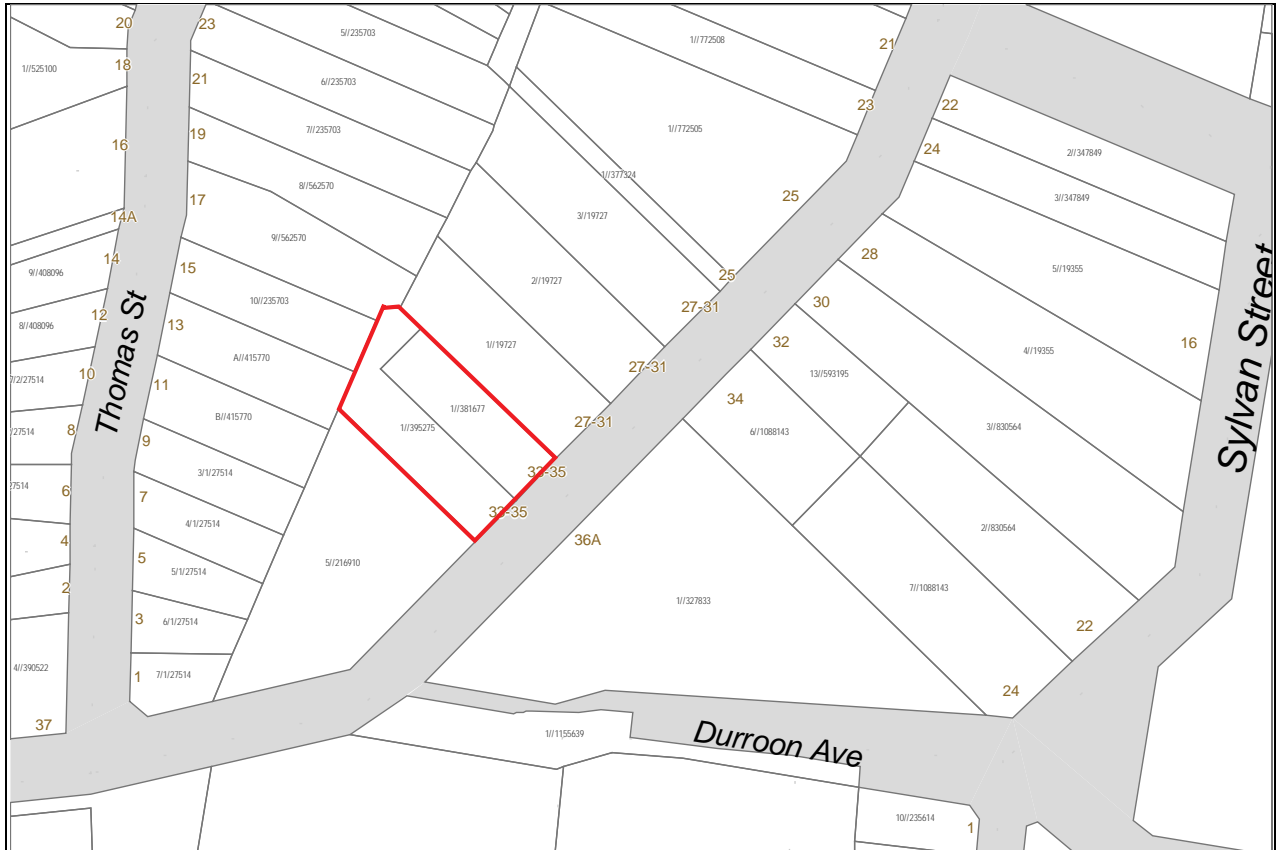
**RECOMMENDATION:**

**That :**

- 1. Council approves the termination of lease AA972231D to Tweed Training and Enterprise Company Limited (now known as Nortec) over Lot 1 DP 395275 and Lot 1 DP 381677 at Kyogle Road, Bray Park.**
- 2. Council approves granting a lease to Murwillumbah Community Print Makers over Lot 1 DP 395275 and Lot 1 DP 381677 at Kyogle Road, Bray Park for a term of five years and an option of a further five years for a peppercorn rental of \$1 per annum.**
- 3. All necessary documentation be executed under the Common Seal of Council.**

**REPORT:**

Council entered into a lease with Nortec (formerly Tweed Training and Enterprise Company Limited) for the premises known as the Bray Park Community Centre on Kyogle Road, Bray Park in May 2004. The plan below shows the location of the community centre:



The lease was for a term of 5 years at a peppercorn rental of \$1 per annum, with an option for a further 5 years, the option had been exercised and was due to expire on 30 April 2014.

Nortec no longer occupy their portion of the building, and have sub-let part of the premises to Murwillumbah Community Print Makers ("MCPM").

Nortec have sought the termination of the lease on the basis that MCPM continue to occupy their part of the building.

There is no objection to the termination of the lease as the area not utilised by MCPM can be occupied as a storage area for the Murwillumbah Historical Society ("MHS") whilst the renovations occur in the Murwillumbah Museum in Queensland Road.

The lease with Nortec does not expressly provide any provisions for termination, other than for breach of the lease terms or conditions or bankruptcy. There is, however, no obstacle for Council to accept the termination at its discretion.

It is intended to enter into a lease with MCPM for a period of five years, also at a peppercorn rental, with an option for a further five years to commence on 1 May 2012.

The subject parcels, Lot 1 DP 395275 and Lot 1 DP 38167, are classified as operational land and therefore there are no statutory restraints to lease the land.

It is recommended that Council approve the termination of the lease with Nortec and approve granting a lease to MCPM on the terms described above.

**OPTIONS:**

1. Approve the request for termination and grant another lease to the occupiers of the premises, the Murwillumbah Community Print Makers; or
2. Refuse the request for termination.

**CONCLUSION:**

As the lease with Nortec is a peppercorn rental that was granted to facilitate the use of the premises by the MCPM, a lease directly with MCPM would allow the group to continue operating from the site, which is an established workshop/studio.

There will be no financial loss to lease the premises to MCPM at a peppercorn rental, it is recommended that Council approve the termination and the granting of a new lease.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

Not Applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

Not Applicable.

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

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.16 Provision of property and legal services for internal clients
- 1.3.1.16.3 Provide Leasing and Licensing services to clients
- 3 Strengthening the Economy
- 3.1 Expand employment, tourism and education opportunities
- 3.1.6 Support creative practitioners and entrepreneurs to access professional and business development opportunities, to enhance their contribution to the creative economy
- 3.1.6.2 Foster economic viability of the arts sector

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**22 [CNR-CM] Administrative Change for Ageing Disability and Home Care Grant Funding**

**SUBMITTED BY:** Community and Cultural Services



**Supporting Community Life**

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**SUMMARY OF REPORT:**

Council is currently funded under the Home and Community Care Program (HACC) by NSW Government Family & Community Services, Ageing Disability and Home Care (ADHC) for Community Options and Community Worker HACC.

A shift in aged care policy and funding responsibility includes changes to the Home and Community Care Program (HACC) (except in Victoria and Western Australia). The HACC reforms have/are being implemented in two stages.

From 1 July 2012 Tweed Shire like many other organisations providing community care to clients aged 65 and over (50 years and over for Aboriginal and Torres Strait Islander people) and to those under 65 years (under 50 years for Aboriginal and Torres Strait Islander people) will have two contracts, one with the Commonwealth and one with the State (ADHC).

**RECOMMENDATION:**

**That Council notes the proposed contractual changes to the Home and Community Care Program as set out in this report.**

## **REPORT:**

Council is currently funded under the Home and Community Care Program (HACC) by NSW Government Family & Community Services, Ageing Disability and Home Care (ADHC) for Community Options and Community Worker HACC.

Under the National Health Reform, the Australian Government has shifted policy and funding responsibility for aged care services from states and territories to a national approach. It is proposed that this will enable more consistent and coordinated care for older people in their homes and also in aged care settings.

A shift in aged care policy and funding responsibility includes changes to the Home and Community Care Program (HACC) (except in Victoria and Western Australia). The HACC reforms have/are being implemented in two stages.

Stage One: From 1 July 2011, the Commonwealth is funding basic community aged care services, through an agreement with state and territory governments. State and territory governments are continuing to administer the program and service providers continue to receive funding through the state or territory government.

Stage Two: From 1 July 2012, the Commonwealth will fund and administer basic community aged care services for older people. This will involve direct funding agreements between the Commonwealth and service providers who deliver services to older people.

From 1 July 2012 Tweed Shire like many other organisations providing community care to clients aged 65 and over (50 years and over for Aboriginal and Torres Strait Islander people) and to those under 65 years (under 50 years for Aboriginal and Torres Strait Islander people) will have two contracts, one with the Commonwealth and one with the State (ADHC).

## **OPTIONS:**

At this point in time this report is presented for Council's advice.

## **CONCLUSION:**

That Council continues to support Community Options and Community Worker HACC through funding provided by both the Commonwealth and State governments.

## **COUNCIL IMPLICATIONS:**

### **a. Policy:**

Corporate Policy Not Applicable.

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

Not applicable.

### **c. Legal:**

Not Applicable.

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

Not Applicable.

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

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**23 [CNR-CM] EC2010-069 Burringbar and Mooball Wastewater Treatment Plant  
- Variation Report**

**SUBMITTED BY: Water**



**Supporting Community Life**

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**SUMMARY OF REPORT:**

On 21 June 2011 Council approved the engagement of contractor AJ Lucas Operations Pty Ltd for Design, Construction, Testing and Commissioning of the Burringbar and Mooball Wastewater Treatment Plant. AJ Lucas Operations Pty Ltd was engaged for the Schedule of Rates and Lump Sums amount of \$2,605,659 exclusive of GST.

The General Manager was given delegated authority to approve variations up to \$150,000 above the approved contract sum.

Based on approved variations the revised contract sum for EC2010-069 is \$2,737,064 exclusive of GST.

**RECOMMENDATION:**

**That**

- 1. The variations of \$131,405 (exclusive of GST) for Contract EC2010-069 Burringbar and Mooball Wastewater Treatment Plant to A J Lucas Operation Pty Limited be received and noted.**
- 2. The General Manager be given delegated authority to approve additional variations up to \$150,000 above the revised contract sum and those variations reported to Council following completion of the works.**
- 3. ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-**
  - (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:**

On 21 June 2011 Council approved the engagement of contractor AJ Lucas Operations Pty Ltd for Design, Construction, Testing and Commissioning of the Burringbar and Mooball Wastewater Treatment Plant. AJ Lucas Operations Pty Ltd was engaged for the Schedule of Rates and Lump Sums amount of \$2,605,659.00 exclusive of GST.

The General Manager was given delegated authority to approve variations up to \$150,000 above the approved contract sum.

A summary of variations approved to date under delegated authority is provided in Confidential Attachment A.

Based on approved variations the revised contract sum for EC2010-069 is \$2,737,064 exclusive of GST.

## **COUNCIL IMPLICATIONS:**

### **a. Policy:**

Corporate Policy Not Applicable.

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

The revised contract sum for EC2010-069 of \$2,737,064 is within the original approved budget of \$9M for Burringbar and Mooball Sewerage Scheme.

### **c. Legal:**

Not Applicable.

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

Not Applicable.

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

- 2 Supporting Community Life
- 2.3 Provide well serviced neighbourhoods
- 2.3.3 Provision of high quality and reliable wastewater services which meets health and environmental requirements and projected demand
- 2.3.3.7 Deliver Capital Works Program, (Only Large items listed)
- 2.3.3.7.3 Burringbar Mooball Wastewater Treatment Plant

## **UNDER SEPARATE COVER/FURTHER INFORMATION:**

1. **Confidential Attachment** - Variations to EC2010-069 Burringbar and Mooball Wastewater Treatment Plant - Design, Construction, Testing and Commissioning (ECM 50079973)
-

## REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

### 24 [EO-CM] Kingscliff Foreshore Masterplan

SUBMITTED BY: Design



**Civic Leadership**



**Supporting Community Life**

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#### SUMMARY OF REPORT:

Council undertook an extensive community consultation process for the Kingscliff Central Park Concept Plan in 2011, which demonstrated Tweed Shire residents were overwhelmingly in favour of the Kingscliff Central Park project progressing. Much constructive feedback was received, but the lack of car parking in Marine Parade and the current appearance of Marine Parade were identified as major concerns that needed to be addressed as design of the Kingscliff Central Park proceeds.

In order to address these and other concerns that have been raised by the Kingscliff community a concept design for the Marine Parade precinct between Seaview Street and Turnock Street has been developed.

Due to the intensive interest in the development of plans for Kingscliff, it is considered the appropriate time to present the concept to the community.

#### RECOMMENDATION:

That:

1. Council endorses the concept layout plan of the configuration of Marine Parade, Kingscliff and places it on public exhibition for a period of twenty-eighty (28 days).
2. On completion of public exhibition a further report is to be presented to Council regarding any changes to the proposal arising from submissions.

## REPORT:

### 1. Background

As part of the Kingscliff Central Park planning, Council undertook an extensive community consultation process from 8 March 2011 to 26 April 2011, which included an online internet forum, presentations to the Kingscliff Ratepayers and Progress Association and the Kingscliff and District Chamber of Commerce, an information booth at the NSW SLSC Championships at Kingscliff as well as displays at Council's Libraries, Offices and internet site.

Tweed Shire residents were overwhelmingly (over 70%) in favour of the Kingscliff Central Park progressing and much constructive feedback was received. However, the lack of car parking in Marine Parade and the current state of the Marine Parade streetscape were identified as major concerns that need to be addressed as design of the Kingscliff Central Park proceeds. More recently pedestrian safety and vehicle speed in the CBD area (Turnock Street to Seaview Street) of Kingscliff have been raised as issues by the Kingscliff and District Chamber of Commerce (KDCC) and the Kingscliff Ratepayers and Progress Association (KRPA).

Public car parking in Kingscliff has been an issue within the local community for some time. Council has previously considered reports on this issue at its meetings on 21 November 2001 and 7 May 2003. At the 2003 meeting, an underground car park was recommended as the preferred option for providing public car parking at Kingscliff.

In accordance with that recommendation Developer Contribution Plan CP23 was amended and currently holds approximately \$600,000 for the provision of public car parking (including landscaping) in Kingscliff. It should be noted that CP23 currently collects \$27,657 for each car parking space not provided by a development, which is below the estimated construction cost of \$64,000 per space for an underground car park. It will therefore be difficult for the underground car park project to proceed unless a funding source is identified to make up the shortfall. In 2011 the Federal Government's Regional Development Australia (RDA) grant system was identified as a potential source of funding, but Council has recently resolved to pursue the Arkinstall Park upgrade as its priority.

### 2. Concept Design

In order to address the concerns raised by KDCC and KRPA, whilst utilising the \$600,000 currently available in Contribution Plan 23, a concept design for the Marine Parade precinct between Seaview Street and Turnock Street has been developed by Council Officers. The concept has been discussed with representatives of KDCC on 24 April 2012 and a meeting is scheduled with KRPA on 7 May 2012. Initial feedback has been positive and an email from KDCC expressing its support is appended to this report. The intent of the design is to provide additional car parking whilst providing a safe and inviting environment in which to do business and engage with the local community. The major features of the plan include:

- making Marine Parade one way from Turnock Street to Seaview Street
- providing an additional 56 car parking spaces utilising the reduced carriageway width
- realigning the road to discourage speeding and complementing this with tree planting in the pedestrian walkways and islands.



The planting of trees to replace the existing pot plants in the footpath also creates natural shade for pedestrians and a more vibrant streetscape, which reinforces the coastal village character of Kingscliff. The proposed works will assist in creating an inviting physical link between Marine Parade and the ocean, which will be accomplished once the Kingscliff Central Park project is completed.

In the short term 56 additional car parking spaces would be provided by implementing the Marine Parade Concept plan. On completion of the Kingscliff Central Park project an additional 14 car parking spaces (70 in total) would be provided.

As with any proposal to change existing traffic conditions there are possible negative impacts. Some of these may include:

- Inconvenience for northbound traffic having to use Pearl Street
- Confusion for motorists in the short term until the new traffic conditions are accepted
- Possible longer travel times for Ambulance and other emergency services to reach Marine Parade from the south
- A 60 metres section of footpath on the east side of Marine Parade would be reduced from 2.5 metres wide to 1.6 metres wide to cater for the angled parking

### **3. Implementation**

It is proposed to place the concept design on public exhibition and report back to Council's July meeting on any changes and final adoption of this project.

Providing the project is endorsed by the public and approved by Council, funding and construction from S94 Plan No. 23 is proposed in the 2012/2013 financial year. Detailed survey design and planning approval would occur in the first half of 2012/2013 and construction scheduled in the latter half of the year.

The Kingscliff business representatives are keen to implement the project prior to Christmas 2012. Detailed scheduling will occur to determine if works can be implemented by that time, however the disruption to be caused by an incomplete project over the holiday period may necessitate construction start being deferred to February/March 2013.

## **CONCLUSION**

The Marine Parade Concept Plan (Turnock Street to Seaview Street) addresses many of the concerns that the community has regarding Marine Parade and it is presented for Council's consideration.

## **COUNCIL IMPLICATIONS:**

### **a. Policy:**

Corporate Policy Not Applicable.

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

Implementation of the elements of the Plan will be subject to detailed design and planning approval. The Plan, if adopted, would be funded using Section 94 Contribution Plan 23, which has a current balance as at 1 May 2012 of \$645,736.29 for Kingscliff.

**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.

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

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.13 Provision of Design Services
- 1.3.1.13.3 Undertake concept and/or detail civil and structural designs as requested by clients including all ancillary works and council reports if required
- 2 Supporting Community Life
- 2.4 An integrated transport system that services local and regional needs
- 2.4.1 Provide a safe and efficient network of arterial roads connecting neighbourhoods to town centres, employment, shopping, health, commercial and education facilities
- 2.4.1.1 Provision of road design section services are maintained and best practice adopted including sustainability measures
- 2.4.1.1.2 Prepare concept and detailed designs for Road Design and other infrastructure projects including schedules of quantities and cost estimates and third party certification if needed and works as executed plans and REFs and planning applications

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

- 1. Plan - Kingscliff Parking Options (ECM 49843861).
  - 2. Kingscliff Chamber of Commerce - Support (ECM 49892019).
-

**25 [EO-CM] New Generic Plan of Management for Community Land Categorised as a Sportsground and Crown Land Used as a Sportsground**

**SUBMITTED BY: Recreation Services**



**Supporting Community Life**

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**SUMMARY OF REPORT:**

An updated 'Generic Plan of Management for Community Land Categorised as a Sportsground and Crown Land used as a Sportsground' (the Plan) has been prepared and a public exhibition process completed. This followed a Council resolution on 24 January 2012 to place the draft Plan on exhibition.

It is a requirement of Section 36 of the Local Government Act (1993) that Plans of Management be prepared for Community Land under Council management.

The Plan was originally adopted by Council in 2005, but required updating to incorporate:

- Addition of 2 new sportsfields dedicated to Council since 2005 (Blackrocks sportsfield at Pottsville Beach, and the Terranora sportsfield in Terranora).
- Minor typographical amendments to the original 2005 document.

The current (2012) version of the Plan contains only the above changes.

There have been no submissions or comments from members of the public during the public exhibition period. Council's Sports Advisory Committee was also consulted with no comment received.

Accordingly it is recommended the draft 'Plan of Management for Community Land Categorised as a Sportsground and Crown Land Used as a Sportsground (2012)' be adopted.

**RECOMMENDATION:**

**That pursuant to the provisions of Section 36 of the Local Government Act 1993, the draft 'Generic Plan of Management for Community Land Categorised as a Sportsground, and Crown Land Used as a Sportsground (2012)' be adopted.**

**REPORT:**

As for 'Summary of Report' section.

**CONCLUSION:**

This Plan of Management is a simple update to the previous Plan which was adopted by Council in 2005. It is recommended that the updated Plan be adopted.

**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.

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

- 2 Supporting Community Life
- 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
- 2.1.3 Provide opportunities for residents to enjoy access to the arts, festivals, sporting activities, recreation, community and cultural facilities
- 2.1.3.8 Open space and recreation planning

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

1. Draft 'Generic Plan of Management for Community Land Categorised as a Sportsfield, and Crown Land used as a Sportsground' (DW 49850204).
-

**26 [EO-CM] Naming of Park - Cudgera Creek Park**

**SUBMITTED BY: Recreation Services**



**Supporting Community Life**

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**SUMMARY OF REPORT:**

At its meeting held 13 December 2011 Council called for comment regarding the naming of the park on the Cudgera Creek Foreshore at Hastings Point 'Cudgera Creek Park' in accordance with Council's park naming guidelines.

At the close of comment four (4) submissions were received.

**RECOMMENDATION:**

**That Council names the park on the Cudgera Creek Foreshore at Hastings Point 'Cudgera Creek Park' and erects signage.**

## REPORT:

At its meeting held 13 December 2011 Council called for comment regarding the naming of the park on the Cudgera Creek Foreshore at Hastings Point 'Cudgera Creek Park' in accordance with Council's park naming guidelines.

At the close of comment four (4) submissions were received as detailed in the table below:

Reference	Submission	Comment
47695787	<p>Prefer to see the park named "Kudgerie Park" - the aboriginal name for Hastings Point.</p> <p>Feels naming the park Cudgera Creek Park will lead to miss association with Cudgera locality.</p>	<p>The name Cudgera Creek Park was endorsed by the Aboriginal Advisory Committee (AAC). In developing cultural heritage information for interpretive signage for Hastings Point, Ian Fox in conjunction with the AAC note:</p> <p><i>"The Aboriginal name for the Hastings Point locality is Cudgera. Several meanings have been suggested for this word including: 'Place of Honey', Place where stone implements were made' or the name for a type of rainforest tree called Coogera or Rose Tamarind.</i></p> <p>It is unlikely major issues would arise from this concern. Similar situations exist at other areas such as Duranbah locality and Duranbah Beach.</p>
47790562	<p>Will cause confusion with Cudgera Creek locality</p> <p>Suggested alternatives:</p> <p>'Hastings Point Park'</p> <p>'Christies Creek Park'</p> <p>'Nguththungulli Park'</p>	<p>It is unlikely major issues would arise from this concern. Similar situations exist at other areas such as Duranbah locality and Duranbah Beach.</p> <p>Does not recognise Aboriginal history.</p> <p>Does not recognise Aboriginal history. Park is not located on Christies Creek.</p> <p>References an Arakwil website that describes Nguththungulli as the God Creator of local Aboriginal people. Has not been considered or endorsed by AAC.</p>

Reference	Submission	Comment
48140430	Suggests that naming park an Aboriginal name is not showing respect for Aboriginal culture, it is a <i>"token gesture that you will probably get wrong anyway"</i> Appears to be referring to comments in an article in local media and references the author of the above submission ref 47790562	As per comments above ref 47695787
48425337	Feels naming the park Cudgera Creek Park will create confusion.  Suggests alternative name:  Hastings Point Park	Refer to comments above

**OPTIONS:**

The submissions received raised two concerns being the potential of the proposed name to create confusion with the Cudgera Creek locality, and questions on the appropriateness of the name with respect to Aboriginal heritage

There may be a minor potential for confusion with other localities, but it is not considered that this will present any greater issues than other examples such as Duranbah and Duranbah beach or park names that bear no reference to the locality.

With reference to the appropriateness of the name with respect to Aboriginal heritage, the name Cudgera Creek Park has been endorsed by the Aboriginal Advisory Committee (AAC). In developing cultural heritage information for interpretive signage for Hastings Point, Ian Fox in conjunction with the AAC note:

*"The Aboriginal name for the Hastings Point locality is Cudgera. Several meanings have been suggested for this word including: 'Place of Honey', Place where stone implements were made' or the name for a type of rainforest tree called Coogera or Rose Tamarind.*

**CONCLUSION:**

The proposal and process is consistent with Council's 'Naming of Public Parks Policy' and has been endorsed by the Aboriginal Advisory Committee, therefore implementation as per the recommendation is appropriate.

**COUNCIL IMPLICATIONS:****a. Policy:**

Naming of Public Parks Policy.

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

Allowance for signage included in operational budget.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

Not applicable.

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

- 2 Supporting Community Life
- 2.3 Provide well serviced neighbourhoods
- 2.3.6 Provide conveniently placed and well equipped parks, sporting, recreational, cultural and community facilities
- 2.3.6.2 Provide conveniently placed and well equipped community facilities

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## 27 [EO-CM] Amendment to Section 94 Plan No. 10 - Cobaki Lakes

SUBMITTED BY: Planning and Infrastructure

**Civic Leadership****SUMMARY OF REPORT:**

Amendments to Section 94 Plan No. 10 - Cobaki Lakes (CP 10) are recommended for public exhibition. Version 4 updates the community facilities construction cost in the works program from the Version 3 figure of \$1,591 to \$3,572 per square metre, to ensure that adequate funds are collected from CP10 to enable the construction of the facilities at current cost. In addition, Version 4 updates the format and layout of the plan in line with the latest template incorporating Council's brand.

Revised contribution rates are as follows:

	Persons	<i>Version 3 Rate</i>	<b>Version 4 Rate</b>
Per person	1	<i>\$204.93</i>	<b>\$461</b>
Detached dwelling	2.4	<i>\$492</i>	<b>\$1,106</b>
1 bedroom unit	1.3	<i>\$266</i>	<b>\$599</b>
2 bedroom unit	1.7	<i>\$348</i>	<b>\$783</b>
3 bedroom unit	2.1	<i>\$430</i>	<b>\$968</b>
4+ bedroom unit	2.4	<i>\$492</i>	<b>\$1,106</b>

**RECOMMENDATION:**

That

1. Council adopts Draft S94 Plan No 10 – Cobaki Lakes Version 4 as a basis for exhibition and community discussion/consultation.
2. Draft S94 Plan No 10 – Cobaki Lakes Version 4 is exhibited as required by the Environmental Planning and Assessment Regulations.

## REPORT:

### 1. Background

S94 Plan No 10 – Cobaki Lakes has been in existence since October 1997 for the purpose of collecting S94 contributions for the dedication of local open space and the provision of community facilities in the Cobaki Lakes development area. The current version of the plan (Version 3) was adopted in September 2009.

As reported to Council in September 2009 when Version 3 was adopted, note that Council at its meeting held 3 June 2008 resolved as follows:

*"That Council:-*

- 1. Notes the SGS Economics & Planning Report as background for future Community Facilities Planning.*
- 2. Endorses the principles outlined in the report entitled "Shire Wide Community Plan and Shire Wide Cultural and Community Facilities Plan" by SGS Economics & Planning (SGS Report) while recognising that there are budgetary constraints which will prevent Council from providing facilities at the level expressed, and in particular to support in principle, subject to available funds:*
  - (a) Commencement of community facility building works when 60% occupancy of greenfield development has occurred;*
  - (b) The provision of facilities for isolated areas with small populations;*
  - (c) Flexible multi-purpose facilities and programs in co-location partnerships with private and public sector providers.*
- 3. Reviews its community facilities and library requirements in light of the recommendations of the SGS Economics & Planning Report, taking into consideration budgetary constraints.*
- 4. Identifies publicly owned and managed land in the Shire suitable for the provision of identified community facilities.*
- 5. Subject to State Government approval, amends S94 Plan No 10 (Cobaki Lakes) and S94 Plan No. 19 (Casuarina Beach/Kings Forest) to retain the current community facility size and utilise the new rates contained within the SGS Report.*
- 6. Recognises that S94 funding is no longer likely to be available for the desired Regional Performing Arts Centre and alternative funding sources need to be explored if this facility is to be provided."*

## 2. Amendment

Since adoption of Version 3 in 2009, construction costs have increased. This amendment (Version 4):

- updates the community facilities construction cost in the works program from the Version 3 figure of \$1,591 to \$3,572 per square metre, based on actual adjusted cost of construction of the Murwillumbah Community Centre in December 2009, indexed to December 2011 rates as detailed in Appendix 3 of the draft plan.
- updates the format and layout of the plan in line with the latest template incorporating Council's brand.

### Summary schedule - works program

	Funded by this plan	Funded from other sources
Multiuse hall	<del>\$234,555</del> \$535,800	
Main stage community centre	<del>\$906,870</del> \$2,036,040	
Branch Library		<del>\$445,480</del> \$1,000,160
Neighbourhood Centre	<del>\$636,400</del> \$1,428,800	
Youth/multipurpose Centre	<del>\$954,600</del> \$2,143,200	
Community Health Centre		<del>\$954,600</del> \$2,143,200
	<del>\$2,732,425</del> \$6,143,840	

### Revised contribution rates are as follows:

	Persons	Version 3 Rate	Version 4 Rate
Per person	1	<del>\$204.93</del>	<b>\$461</b>
Detached dwelling	2.4	<del>\$492</del>	<b>\$1,106</b>
1 bedroom unit	1.3	<del>\$266</del>	<b>\$599</b>
2 bedroom unit	1.7	<del>\$348</del>	<b>\$783</b>
3 bedroom unit	2.1	<del>\$430</del>	<b>\$968</b>
4+ bedroom unit	2.4	<del>\$492</del>	<b>\$1,106</b>

## 3. Part 116D of the Environmental Planning and Assessment Act

Part 116D of the (as yet unproclaimed amendments to the) Environmental Planning and Assessment Act requires that Council take account of 5 key considerations for development contributions:

**(a) *Can the public infrastructure that is proposed to be funded by a development contribution be provided within a reasonable time?***

Because the SGS Report nominates dates by which a certain facility should be provided, the S94 plan refers to these dates rather than relying on lot threshold. This generally enables the facilities to be provided at an earlier date, provided that sufficient S94 funds have been collected to commence the works. As reported to Council in 2009 when Version 3 was adopted, the Council resolution of 3 June 2008 confirmed that "*Commencement of community facility building works (should occur) when 60% occupancy of greenfield development has occurred*". It is estimated that the suggested 60% threshold would likely mean that no facilities would be available for 8-10 years from commencement of the development and it is felt that this would be inadequate unless the developer provides some facilities earlier. It is understood that the developer is prepared to build some or all facilities, but this has not yet been negotiated in detail.

**(b) *What will be the impact of the proposed development contribution on the affordability of the proposed development?***

Following recent State Government intervention into S94 contribution plans and the maximum contribution levy allowable, Council can now levy contributions of up to \$30,000 (pre indexation) in this recognised 'greenfield' location. In general contributions within Tweed Shire are well under this figure. It is estimated that the maximum level of \$30,000 levy per lot would represent around 7.5% of the cost of a modest house, or around 5% including land. This is not considered excessive and it should be noted that actual contributions in Cobaki Lakes are lower than the maximum allowed, (\$17,951 per lot upon adoption of this amended plan).

**(c) *Is the proposed development contribution based on a reasonable apportionment between existing demand and new demand for public infrastructure to be created by the proposed development to which the contribution relates?***

These facilities are required as a direct result of this development and will be used by the new residents. It is therefore considered reasonable to apportion the total cost to the incoming population.

**(d) *Is the proposed development contribution based on a reasonable estimate of the cost of proposed public infrastructure?***

Detailed cost estimates based on industry information were provided in the SGS Report and these costs were included in Version 3 (adopted in 2009). This amendment updates the construction cost per square metre from December 2009 to December 2011 rates.

**(e) *Are the estimates of demand for each item of public infrastructure to which the proposed development contribution relates reasonable?***

The SGS Report included a detailed demand study and found that these facilities were the absolute minimum required by this proposed development.

### 3. Departmental Referrals

While the Planning NSW Circular PS 10-022 Issued 16 September 2010 requests Departmental referral for approval to publicly exhibit the draft plan, the subject amendments do not alter the mechanism of this plan and are derived from standard indexation of the benchmark cost per square metre adopted in the Shirewide Community Facilities Plan, CP 15. Therefore, rather than seek approval to exhibit, the Department will be notified of this plan's exhibition and invited to comment.

#### OPTIONS:

1. Amend the plan - contribution rate will be updated to reflect current construction costs; or
2. Do nothing - contribution rate will remain at the 2009 level with the result that part of the cost of these works would require financing from the general fund and from existing ratepayers who are not contributing to the demand for these facilities.

#### CONCLUSION:

The adoption of Draft *Section 94 Plan No 10 – Cobaki Lakes Public Open Space and Community Facilities* will enable Council to collect developer contributions, calculated at current costs, for the provision of community facilities in the DCP Cobaki Lakes development area.

In accordance with the Environmental Planning Act and Regulations, Council must exhibit the draft plan and consider any submissions before it can be adopted. The Draft Plan (copy attached) has been amended as outlined above and is recommended for exhibition.

#### COUNCIL IMPLICATIONS:

- a. **Policy:**  
Not Applicable.
- b. **Budget/Long Term Financial Plan:**  
If the Draft Plan is not adopted, part of the cost of these works would require financing from the general fund and from existing ratepayers who are not contributing to the demand for these facilities in the designated area.
- c. **Legal:**  
In order to revise the contribution rates to better align with current construction costs, the plan must be exhibited in accordance with the requirements of the Environmental Planning and Assessment Act and Regulations.
- d. **Communication/Engagement:**  
**Consult-**We will listen to you, consider your ideas and concerns and keep you informed.

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

- 1 Civic Leadership
- 1.2 Improve decision making by engaging stakeholders and taking into account community input
- 1.2.3 Financial requirements and the community's capacity to pay will be taken into account when meeting the community's desired levels of service
- 1.2.3.3 Developer Contribution (s94) Plans

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

- 1. Draft S94 Plan No 10 - Cobaki Lakes (ECM 49886768).
-

**28 [EO-CM] EC2011-117 Hastings Point Park Upgrade**

**SUBMITTED BY: Recreation Services**



**Supporting Community Life**

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**SUMMARY OF REPORT:**

The work to be performed under the Contract includes the provision of all labour, plant and materials and the performance of all operations necessary for the complete construction of Hastings Point Foreshore Park pathways, park furniture and landscaping.

**RECOMMENDATION:**

**That:**

- 1. The tender from Greenwood Landscape Management for EC2011-117 Hastings Point Park Upgrade be accepted to the value of \$224,820.91 exclusive of GST.**
- 2. The General Manager be given delegated authority to approve variations up to \$150,000 above the initial tender price and those variations reported to Council following completion of works.**
- 3 The attachments are CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-**
  - (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:**

### **Tender Background**

Tenders for the Construction of Hastings Point Foreshore Park were officially invited on Tuesday 5 July 2011 in The Sydney Morning Herald. The Tender closed at 4:00pm (local time) on 27 July 2011 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

### **Tender Opening**

7 responses were recorded at the Tender Box opening on 27 July 2011:

- Comfrey Construction Pty Ltd
- Landscape Solutions Pty Ltd
- JVJ Constructions Pty Ltd
- Condev Construction
- Greenwood Landscape Management
- Scape Shapes Landscaping Pty Ltd
- Penfold Projects Pty Ltd

### **Post Tender Correspondence**

After receipt of tenders, it became evident that Council would not obtain Development Approval for the works in time and could not proceed to award the tender in the near term.

Planning approval delays were mainly due to land tenure uncertainties on a section of the site which had a different status to the rest of the reserve

On 12 September 2011, tenderers received written requests for approval to extend the tender expiry date from 24 September 2011 to 29 February 2012. This request was raised due to a delay in obtaining Development Approval to commence site work.

The Development Approval was issued to Council on 2 March 2012.

As the extended tender validity period expired on 29 February 2012, tenderers were asked for price revisions/confirmations based on the additional requirements in the DA.

Note that this request occurred 7 months after the original tender submission of 27 July 2011. The revised pricing closed in the Tender Box on 28 March 2012.

### **Revised Tender Opening**

5 responses were recorded at the Tender Box opening on 28 March 2012:

- Scape Shapes Landscaping Pty Ltd
- Comfrey Construction Pty Ltd
- JVJ Constructions Pty Ltd
- Penfold Projects Pty Ltd
- Greenwood Landscape Management

## **CONCLUSION:**

The Tender Evaluation Panel recommends that the tender from Greenwood Landscape Management, with the highest evaluation score, be accepted to the value of \$247,303.00 including GST (\$224,820.90 excluding GST).



**COUNCIL IMPLICATIONS:**

**a. Policy:**

Procurement Version 1.3.

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

Funding for this project is provided within Recreation Services Parks Asset Renewals budget

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

Not Applicable.

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

- 2 Supporting Community Life
- 2.3 Provide well serviced neighbourhoods
- 2.3.6 Provide conveniently placed and well equipped parks, sporting, recreational, cultural and community facilities
- 2.3.6.6 Park improvements program
- 2.3.6.6.1 Design approvals and construction of Hastings Point Creek park upgrade

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

1. **Confidential Attachment** - Tender Evaluation Report (ECM 49903649).
  2. **Confidential Attachment** - Tender Evaluation Spreadsheet (ECM 49903638).
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**29 [EO-CM] Classification of Tweed Urban Arterial Roads**

**SUBMITTED BY: Director**



**Supporting Community Life**

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**SUMMARY OF REPORT:**

The NSW Roads and Maritime Services (RMS) classifies roads in NSW into State Roads, Regional Roads and Local Roads. RMS is responsible for funding and management of State Roads. Councils are responsible for management of Regional Roads, but the RMS provides Councils with Regional Roads an annual "Block Grant" for cost of Regional Road maintenance and provides 50% "Repair Grants" on a competitive basis to Councils for their rehabilitation and minor upgrading. Local Roads are managed and funded by Councils.

The RMS classifies arterial and sub arterial roads **within** "major urban centres" (over 100,000 population) as State and Regional Roads. Outside "major urban centres" the RMS only classifies arterial and sub arterial roads **between** centres as State and Regional Roads. The RMS has defined Sydney, Newcastle, Wollongong and the NSW Central Coast (Gosford and Wyong local government areas) as "major urban centres" and accordingly their internal arterial/sub arterial roads are classified as State and Regional Roads. In Tweed Shire, arterial/sub arterial roads within our urban areas are not eligible for these classifications because Tweed Shire is not considered by the RMS to be a "major urban centre" (of over 100,000).

Gold Coast/Tweed is a geographically continuous urban area of 612,00 population (2011) has a higher population than the NSW Central Coast (312,000) and the Lower Tweed has all the urban characteristics of these other designated major urban areas. Council has therefore asked RMS to consider Tweed as part of a "major urban area" and classify and fund its arterial roads within the urban areas as state and/or regional roads.

Up until now, Council has funded expansion of the arterial road network to service urban growth through Section 94 developer contributions. The Section 94 process is proving incapable of providing sufficient funds to construct these roads. The urgently needed upgrade of Kennedy Drive is an example of a project being delayed because of the funding requirements of the Kirkwood Road interchange and connection to Minjungbal Drive. Reclassification of Tweed's urban arterial/sub arterial roads to State and Regional Road status would result in additional funding becoming available from the NSW Government to facilitate more timely construction of the arterial road network.

RMS has rejected Council's request for reclassification of its urban arterial roads.

It is proposed to meet with the Minister for Roads Duncan Gay to seek his intervention in this issue.

**RECOMMENDATION:**

**That Council:**

- 1. Representatives meet with the Minister for Roads and Ports to further advocate the reclassification of Tweed urban arterial roads to "State Road and Regional Road" status.**
- 2. Encourage support for the reclassification from interested industry representatives.**
- 3. A letter be sent to the NSW Road and Maritime Services (RMS) acknowledging receipt of their position as detailed in the letter of 4 April 212; and**
  - (a) Advise that Council will continue to seek reclassification of urban arterial roads in Tweed Shire through representations to the Minister for Roads.**
  - (b) Confirm that Council will not accept handover as a "local road" of the soon to be replaced section of the Pacific Highway to be known as "Sexton Hill Drive".**

## REPORT:

### 1. Background

At Council's meeting 20 September 2011, a report was presented regarding the classification and funding of urban arterial roads in Tweed Shire. The summary of the report advised:

*"The NSW Roads and Traffic Authority (RTA) classifies roads in NSW into State Roads, Regional Roads and Local Roads. The RTA is responsible for funding and management of State Roads. Councils are responsible for management of Regional Roads, but the RTA provides Councils with Regional Roads an annual "Block Grant" for cost of Regional Road maintenance and provides 50% "Repair Grants" on a competitive basis to Councils for their rehabilitation and minor upgrading. Local Roads are managed and funded by Councils.*

*The RTA classifies arterial and sub arterial roads **within** "major urban centres" (over 100,000 population) as State and Regional Roads. Outside "urban areas" the RTA only classifies arterial and sub arterial roads **between** centres as State and Regional Roads. The RTA has defined Sydney, Newcastle, Wollongong and the NSW Central Coast (Gosford and Wyong local government areas) as "major urban centres" and accordingly their internal arterial/sub arterial roads are classified as State and Regional Roads. In Tweed Shire, arterial/sub arterial roads within our urban areas are not eligible for these classifications because Tweed Shire is not considered by the RTA to be an "major urban centre" (of over 100,000). However, the ABS recognise Gold Coast Tweed as a contiguous urban centre and in 2008 estimated its population at 558,900.*

*It is proposed to seek RTA recognition that the Lower Tweed and Tweed Coast, being a part of the Gold Coast Tweed Urban area, are part of a "major urban centre" and therefore arterial and sub arterial roads **within** the Tweed urban area should be classified accordingly as State and Regional Roads and be funded by the NSW Government.*

*In Tweed Shire, Council has funded expansion of the arterial road network to service urban growth through Section 94 developer contributions. The Section 94 process is proving incapable of providing sufficient funds to construct these roads. The urgently needed upgrade of Kennedy Drive is an example of a project being delayed because of the funding requirements of the Kirkwood Road interchange and connection to Minjungbal Drive. Reclassification of Tweed's urban arterial/sub arterial roads to State and Regional Road status would result in additional funding becoming available from the NSW Government to facilitate more timely construction of the arterial road network."*

Council unanimously resolved that:

- "1. For the purpose of Road Classification, Council requests the NSW Government and Roads and Traffic Authority to
  - (a) Recognise the Lower Tweed/Tweed Coast as part of the Gold Coast Tweed, "major urban centre" (2008 population 558,900).

- (b) *Amend the definition of State Road network to:*  
*Definition*  
*The State Road network (including the Auslink network) is formed by the primary network of principal traffic carrying and linking routes for the movement of people and goods within the major urban centres of Sydney, Newcastle, Wollongong, Central Coast and Tweed, and throughout the State.*
- (c) *Amend the definition of Regional Road Network to:*  
*Definition*  
*Regional Roads comprise the secondary network which together with State Roads provide for travel between smaller towns and districts and perform a sub arterial function within major urban centres of Sydney, Newcastle, Wollongong, Central Coast and Tweed.*
2. *The NSW Government be requested to direct the Roads and Traffic Authority to urgently review road classifications in Tweed Shire, based on Tweed Shire being recognised as a "major urban centre".*
  3. *Upon reclassification, the NSW Government, through the Roads and Traffic Authority, be requested to provide appropriate funding for reclassified State and Regional Roads within Tweed Shire.*
  4. *Council advises the NSW Roads and Traffic Authority that it declines handover of "Sexton Hill Drive" as a "Local Road" on completion of the Banora Point Upgrade and request that given its status as an urban arterial road, that it remain classified as a "State Road".*
  5. *When the next state wide road classification review is conducted by the Roads and Traffic Authority, Council seeks reclassification of the Tweed Valley Way to State Road.*
  6. *Council seeks support of the Minister for Roads and Minister for Planning to establish a "Tweed Urban Growth Areas, Arterial Road Steering Committee" consisting of representatives of the Roads and Traffic Authority, Department of Planning and Infrastructure and Council to strategically plan, identify, classify, determine standards, determine staging, source funding and oversee construction of classified roads needed to service Tweed Shire urban growth areas.*
  7. *Council requests the support of the Minister for the North Coast, Don Page and local State Members of Parliament, Thomas George and Geoff Provest to progress the above proposals."*

## **2. Response from NSW Roads and Maritime Services (RMS) (Formerly RTA)**

A written response from the NSW RMS Regional Manager David Bell dated 4 April 2012 has rejected these requests. The basis for the rejection can be summarised as:

- The last review of road classifications was completed in 2009 and traditionally is only done every 10 years and a review of Tweed's situation would be inconsistent with this established process
- Tweed does not qualify for recognition as being part of a **Major Urban Centre** (more than 100,000 population) because this classification does not apply across the state border and Tweed's population is currently only 90,000.
- The NSW Central Coast's classification as a Major Urban Centre is justified because the combined population of Gosford and Wyong LGAs is over 300,000 and there are major commuter corridor links between there and Sydney.

The letter concludes"

*"RMS is unable to support a broad scale road classification review at this time. RMS will keep a watching brief on the situation in Tweed Shire in regard to the area's population base, road usage and growth. However it is expected that future State-wide road classification review processes will provide an appropriate vehicle to give more thorough consideration of council's submission, particularly in the context of population growth actually experienced, the impact of the Lower Tweed and Pacific Highway Traffic Master Plan projects on the performance of the broader road network in Tweed shire, and the total road network needs right across NSW."*

### **3. Discussion**

It was not unexpected that NSW RMS would be reluctant to support Council's proposal to classify Tweed urban arterial roads as "State Roads" as this would increase their road funding obligations without any commensurate increase in income. However the inequities remain, urban arterial roads are managed and funded by the State in the regional growth areas of the NSW Central Coast, but this assistance is not extended to regional growth areas in the Tweed. The RMS argues that Tweed is not a "major urban centre", this is difficult to accept given that the Gold Coast/Tweed has a 2011 population of 612,00 compared with the Central Coast's 317,000 (Gosford and Wyong LGAs).

There is also support for the reclassification of Tweed's urban arterial roads from the development industry as increased involvement and funding from RMS provides more certainty that the arterial roads and interchanges required to service Tweed's urban growth areas will be delivered. These groups are likely to assist Council's submissions to the NSW Government and also submissions to the Qld Government relating to provision of the Boyd Street interchange.

### **4. Submission to the Minister for Roads**

There is little likelihood of Council furthering this issue with RMS. The submission on road classification has also been forwarded to the Minister for Roads and Ports, the Hon Duncan Gay MLC. This matter has been discussed with the Minister for Local Government and the North Coast Don Page and local state members Geoff Provest and Thomas George. The local members are now arranging a meeting between the Minister for Roads and Council representatives to further this issue.

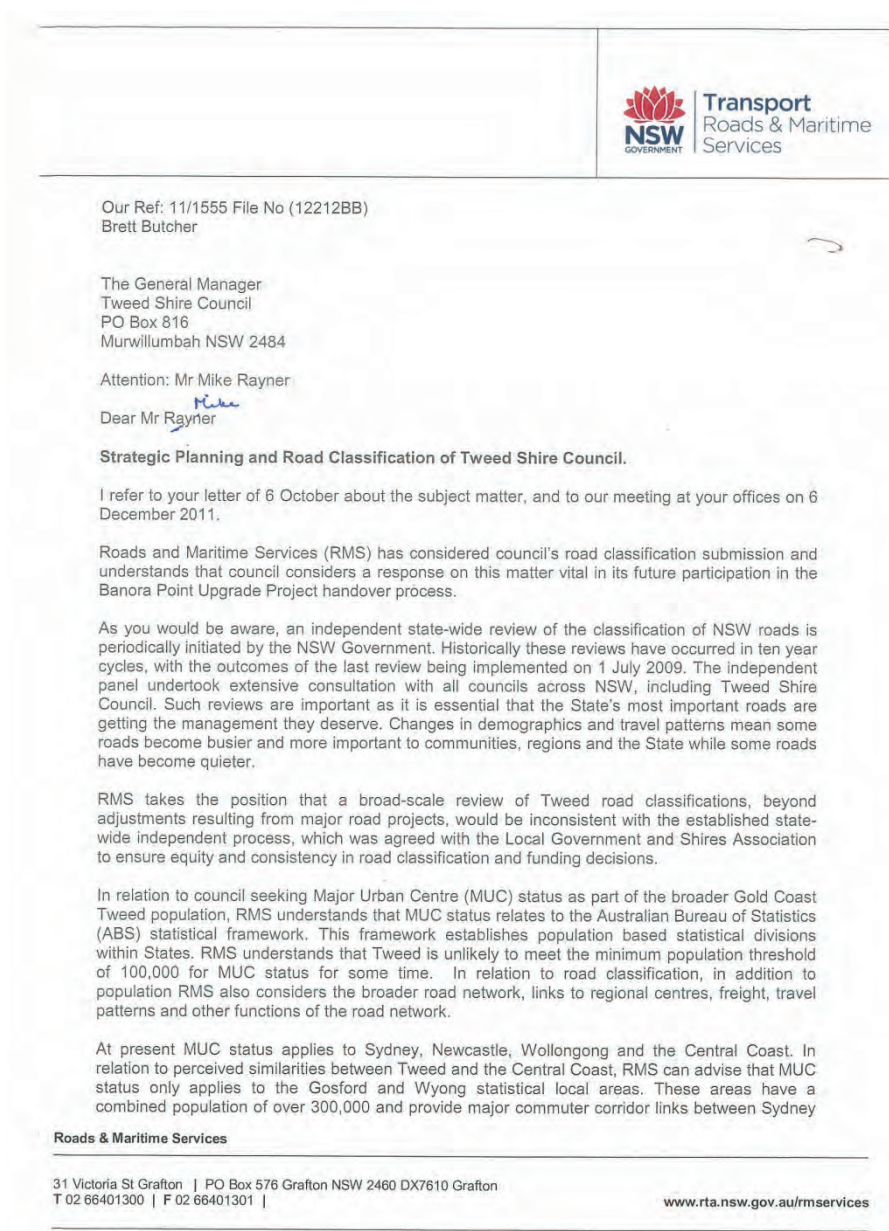
### **5. Soon to be Replaced Section of Pacific Highway at Sextons Hill**

The Banora Point Upgrade is approaching completion later this year and RMS desire Council to accept handover of the soon to be replaced section of the Pacific Highway to be called "Sexton Hill Drive". Council resolved on 20 September 2011:

- "4. Council advises the NSW Roads and Traffic Authority that it declines handover of "Sexton Hill Drive" as a 'local road' on completion of the Banora Point Upgrade and request that given its status as an urban arterial road, that it remain classified as a 'State Road'.

Sexton Hill Drive is a substantial, mostly four lane arterial road asset approximately 1.6km in length. Its handover to Council as a local road would bring no benefit to Council's road network operations, but would represent a substantial asset maintenance cost in perpetuity.

Now that RMS has advised it will not support classification of urban arterial roads in Tweed Shire as "State Roads", Council can confirm that it will not accept handover of Sexton Hill Drive as a "local road".





and Newcastle. The Gosford and Wyong areas received MUC status in the 1980's and the early 1990's respectively as their populations exceeded 100,000, according to ABS.

Significant investment has recently been made in the Tweed area as part of the Lower Tweed and Pacific Highway Traffic Master Plan, which was jointly developed by RMS and council. Projects included the completion of the Tugun Bypass, Banora Point upgrade which is now in its final stages, and the soon to commence initial stage of the Kirkwood Road interchange.

While the timing and funding shares for the future works under the Master Plan have been broadly agreed in the Master Plan schedule, further passage of time will also allow the effects of these new road upgrades on the secondary and supporting road networks to be better appreciated, understood and assessed.

In particular, the changes to the network brought about by the Banora Point upgrade (an element of the Master Plan) will result in more immediate consideration of changes to road classification. As this project is nearing the final construction phase, council's ongoing interaction with the project team is required to progress the necessary handover negotiations, and to ensure that the best possible outcome can be achieved for council through this process.

As mentioned above, adjustments to road classification resulting from implementation of major road projects are able to be made separately to the periodic reviews. In this context, there may be a need to review classification changes resulting from progressive delivery of elements of the Lower Tweed and Pacific Highway Traffic Master Plan. This would include consideration of the network impacts generated by projects such as Kirkwood Road overpass and service roads to Kennedy Drive.

In addition, council would be aware that the NSW Government is presently undertaking an inclusive approach to transport planning in order to develop the NSW Long Term Transport Master Plan. An extensive consultation process is currently underway, and over the next twelve months Transport for NSW will be consulting with key stakeholders from industry, government, business and the community to better understand our State's transport needs.

In light of all of the above, RMS is unable to support a broad scale road classification review at this time. RMS will keep a watching brief on the situation in Tweed Shire in regard to the area's population base, road usage and growth. However, it is expected that future State-wide road classification review processes will provide an appropriate vehicle to give more thorough consideration of council's submission, particularly in the context of the population growth actually experienced, the impact of the Lower Tweed and Pacific Highway Traffic Master Plan projects on the performance of the broader road network in Tweed Shire, and the total road network needs right across NSW.

RMS appreciates the significant work that council has put into developing its road classification submission, and we look forward to working together in the upcoming major project handover processes, and implementation of the agreed Master Plan, to ensure that the best possible road network outcomes can be achieved for Tweed and the NSW North Coast.

Please contact Mr Brett Butcher, Asset Manager, on telephone 02 6640 1300 or email [Grafton\\_Regional\\_Office@rta.nsw.gov.au](mailto:Grafton_Regional_Office@rta.nsw.gov.au) should any further information be required.

Yours sincerely



David Bell  
Regional Manager Northern Region

4 APR 2012

## COUNCIL IMPLICATIONS:

### a. Policy:

Major impacts on strategic infrastructure policy.

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

Long term strategic implications on arterial road budget

### c. Legal:

Not Applicable.

### d. Communication/Engagement:

Not Applicable.

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

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

- 1. Council report and resolution from meeting held 20 September 2011 (ECM 49943163)
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**REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES**

**30 [TCS-CM] Corporate Quarterly Report - 1 January to 31 March 2012**

**SUBMITTED BY: Corporate Governance**



**Civic Leadership**

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**SUMMARY OF REPORT:**

The Corporate Quarterly Report for the period 1 January to 31 March 2012 is presented for consideration by Council.

This report and accompanying attachments detail the progress of the 2011/2012 Operational Plan Activities up to 31 March 2012.

**RECOMMENDATION:**

**That the Corporate Quarterly Report for the period 1 January to 31 March 2012 be received and noted**

## REPORT:

At the Council meeting conducted on Tuesday 21 June 2011 the Operational Plan 2011/2012 was adopted by Council and a reporting structure developed which is based upon the four themes identified below:



**Civic Leadership** - Aim: To set the overall direction and long-term goals for the Tweed in accordance with community aspirations.



**Supporting Community Life** - Aim: To create a place where people are healthy, safe, connected and in harmony with the natural environment, to retain and improve the quality of community life.



**Strengthening the Economy**- Aim: To strengthen and diversify the region's economic base in a way that complements the environmental and social values of the Tweed.



**Caring for the Environment** - Aim: For Council and the community to value, respect and actively participate in the care and management of our natural environment for current and future generations.

The accompanying attachments to this report highlight the progress of the 2011/2012 Operational Plan Activities up to and including 31 March 2012. Overall the activities are tracking well and are in accord with the expectations which were established over twelve months ago, when these activities were framed.

## OPTIONS:

Not Applicable.

## CONCLUSION:

An undertaking given through the overarching Community Strategic Plan, was that the General Manager will report quarterly to Council on the progress in meeting activities and targets of the Operational Plan. This is the third quarterly report on the progress of the 2011/2012 plan.

## COUNCIL IMPLICATIONS:

### a. Policy:

Corporate Policy Not Applicable.

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

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

In line with the impacts of the adopted Operational Plan.

### c. Legal:

Not Applicable.

### d. Communication/Engagement:

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

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

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.2 Council will seek the best value in delivering services
- 1.3.2.3.1 Regular reviews of progress of Delivery Program

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

- 1. Quarterly Report - Civic Leadership (ECM49838396).
  - 2. Quarterly Report - Supporting Community Life (ECM49838398).
  - 3. Quarterly Report - Strengthening the Economy (ECM49838397).
  - 4. Quarterly Report - Caring for the Environment (ECM49838395).
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## 31 [TCS-CM] Quarterly Budget Review - March 2012

SUBMITTED BY: Financial Services



Civic Leadership

**SUMMARY OF REPORT:**

This is the third quarter statutory budget review for this financial year and summarises the estimated expenditure and income changes to the 2011/2012 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 31 March 2012 in all Funds.

**RECOMMENDATION:****That:**

1. The Quarterly Budget Review Statement as at 31 March 2012 be adopted.
2. The 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 2012.

Description	Change to Vote	
	Deficit	Surplus
<b>General Fund</b>		
<u>Expenses</u>		
Employee costs	0	682,809
Materials & Contracts	95,464	0
Interest	0	0
Other Operating costs	0	0
Capital	0	1,466,331
Loan Repayments	0	0
Transfers to Reserves	0	96,469
	95,464	2,245,609
<u>Income</u>		
Rates and Annual Charges	0	0
Interest revenue	0	0
Operating Grants & Conds	0	42,800
Capital Grants & Conds	0	0
User Charges & Fees	661,186	0
Other Operating Revenue	0	0
Loan Funds	1,600,000	0
Recoupments	0	45,428

Transfers from Reserves	0	22,813
Asset Sales	0	0
	2,261,186	111,041

Net Surplus/(Deficit)	<b>0</b>
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	Deficit	Surplus
<b>Sewer Fund</b>		
<u>Expenses</u>		
Employee costs	0	0
Materials & Contracts	20,000	0
Interest	0	0
Other Operating costs	0	0
Capital	0	1,692,100
Loan Repayments	0	0
Transfers to Reserves	0	1,119,734
	20,000	2,811,834
<u>Income</u>	0	0
Rates and Annual Charges	0	0
Interest revenue	0	766,527
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	933,100	0
Transfers from Reserves	2,625,261	0
Asset Sales	0	0
	3,558,361	766,527

Net Surplus/(Deficit)	<b>0</b>
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<b>Water Fund</b>		
<u>Expenses</u>		
Employee costs	0	0
Materials & Contracts	0	0
Interest	0	0
Other Operating costs	0	0
Capital	0	0
Loan Repayments	0	0
Transfers to Reserves	0	65,534
	0	65,534
<u>Income</u>		
Rates and Annual Charges	0	0
Interest revenue	65,534	0
Operating Grants & Conts	0	0
Capital Grants & Conts	0	0
User Charges & Fees	0	0
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	0	0
Transfers from Reserves	0	0
Asset Sales	0	0
	65,534	0
Net Surplus/(Deficit)		<b>0</b>



## **REPORT:**

### **Budget Review 31 March 2012 (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.

From the 2011/2012 financial year, 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 & 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) & 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	\$	\$	Comments
	<b>Net Effect on</b>	<b>Net Effect on</b>	
<b>General Fund</b>	<b>2011/12</b>	<b>LTFP</b>	
	<b>Budget</b>		
Workers Compensation Insurance	(637,381)		
TCHP Distribution	692,759		
Payment to Works Carried Forward reserve	(94,469)		
Kingscliff Erosion Works	181,000		
Rates extra charges and legal income	(103,409)		
Council Telephone costs	(100,000)		
Software Maintenance	30,000		
Payroll Tax	8,000		
Workers Compensation wages - excess	(100,000)		
Information Technology Vehicle lease fee	3,300		
Sewer Plans	35,000		
Registration occupation certificate	11,000		
Building DA fees	74,200		
	<b>0</b>	<b>0</b>	

## Detailed list of changes

In/Ex	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
<b>1. Proposed Variations</b>						
<b>General</b>						
Ex	1	Ex-Op	Gordon Darling Travel Grant - expenses	0	<b>3,000</b>	Art gallery project
In	1	In-OG&C	Gordon Darling Travel Grant - income	0	<b>-3,000</b>	Funding for above
Ex	2	Ex-Op	Single Coastal Reserve - Rec Services	0	<b>390,000</b>	New cost centre
Ex	2	Ex-Op	Tweed Coast parks	829,131	<b>-140,000</b>	Reallocation of budget to SCR
Ex	2	Ex-Op	Electric barbecues	124,524	<b>-45,000</b>	Reallocation of budget to SCR
Ex	2	Ex-Op	Public parks furniture	54,719	<b>-20,000</b>	Reallocation of budget to SCR
Ex	2	Ex-Op	Asset management	184,476	<b>-35,000</b>	Reallocation of budget to SCR
Ex	2	Ex-Op	Public toilets	748,673	<b>-150,000</b>	Reallocation of budget to SCR
Ex	3	Ex-Emp	Workers Compensation Insurance	2,947,749	<b>-637,381</b>	Saving on premium
In	3	In-Op	TCHP Distribution	<b>-1,042,759</b>	<b>692,759</b>	Reduced transfer from TCHP due to erosion works
Ex	3	Ex-TTR	Payment to Works Carried Forward reserve	94,469	<b>-94,469</b>	Part reversal of transfer (Sep QBR)
Ex	4	Ex-Op	Kingscliff Erosion Works	90,000	<b>181,000</b>	Increased works required
In	5	In-Op	Rates extra charges and legal income	<b>-125,241</b>	<b>-103,409</b>	Interest on overdue rates
Ex	6	Ex-Op	Council Telephone costs	500,000	<b>-100,000</b>	New contract. Full year VOIP Increase of 4.3% in some costs
Ex	7	Ex-Op	Software Maintenance	830,410	<b>30,000</b>	Increase in wages attracting payroll tax
Ex	8	Ex-Op	Payroll Tax	27,424	<b>8,000</b>	
Ex	9	Ex-Op	Workers Compensation wages - excess	150,000	<b>-100,000</b>	Changes in wages claim costs
Ex	10	Ex-Op	Information Technology Vehicle lease fee	9,900	<b>3,300</b>	Increase for medium category vehicle
In	11	In-Op	Sewer Plans	<b>-85,000</b>	<b>35,000</b>	Economic downturn
In	12	In-Op	Registration occupation certificate	<b>-36,702</b>	<b>11,000</b>	Economic downturn
In	13	In-Op	Building DA fees	<b>-624,732</b>	<b>74,200</b>	Economic downturn
Ex	14	Ex-Op	Tweed City planning proposal		<b>28,364</b>	Consultancy
In	14	In-Op	Tweed City planning proposal		<b>-28,364</b>	Fees received
Ex	15	Ex-Op	Murwillumbah auditorium maintenance	20,335	<b>5,000</b>	Air-conditioning maintenance
Ex	15	Ex-Op	Tweed auditorium maintenance	22,139	<b>-5,000</b>	Funding for above
Ex	16	Ex-Emp	Museum assistant	42,374	<b>10,000</b>	Collections support for museum redevelopment
Ex	16	Ex-Emp	Collections assistant	21,821	<b>5,000</b>	Collections support for museum redevelopment
Ex	16	Ex-Emp	Cultural officer	57,658	<b>-15,000</b>	Funding for above
Ex	17	Ex-Capital	Records storage shed construction	1,295,502	<b>39,500</b>	Contract variations
In	17	In-TFR	Land development reserve	<b>-150,000</b>	<b>-7,886</b>	Funding unit 1
In	17	In-TFR	Land development reserve	<b>-150,000</b>	<b>-14,927</b>	Funding unit 2
Ex	17	Ex-Capital	Tweed Regional Museum - Murwillumbah	2,747,396	<b>-16,687</b>	Funding unit 3
In	18	In-Op	Art gallery shop sales	<b>-60,000</b>	<b>-20,000</b>	Higher than expected sales
Ex	18	Ex-Capital	Art gallery improvements	0	<b>20,000</b>	Mezzanine floor in store room
Ex	19	Ex-Capital	Tweed Regional Museum - Tweed Hds	1,100,000	<b>-1,100,000</b>	Loan funds not required
In	19	In-Loan funds	Museums 7YP loan funding	<b>-3,000,000</b>	<b>1,100,000</b>	Loan funds not required
Ex	20	Ex-Capital	Kingscliff Amenities Centre	556,529	<b>-500,000</b>	Defer to loan funding to 2012/13
In	20	In-Loan funds	Community buildings 7YP loan funding	<b>-556,529</b>	<b>500,000</b>	Defer to loan funding to 2012/13
Ex	21	Ex-Op	City of the Arts	11,737	<b>-11,737</b>	Re-vote unexpended funds
Ex	21	Ex-Op	Goorimahbah public art	132,431	<b>11,737</b>	Re-vote from City of the Arts
Ex	22	Ex-Op	MRCMA community support project	1,602	<b>39,800</b>	Community support officer
In	22	In-OG&C	MRCMA funding	0	<b>-39,800</b>	Grant received
Ex	23	Ex-Op	Election expenses	0	<b>2,000</b>	Preliminary expenses
Ex	23	Ex-TTR	Election expenses	103,000	<b>-2,000</b>	Funding for above

0

In/Ex	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
<b>Sewer Fund</b>						
Ex	24	Ex-Op	Various Operating Expenses		20,000	Review of operating budget
In	24	In-Interest	Interest on investments		-349,620	Review of estimated cash balance
In	24	In-Interest	Interest on investments - s64 funds		-416,907	Review of estimated reserve balance
Ex	24	Ex-TTR	Reversal of s64 income		416,907	Restriction of above
Ex	24	Ex-Capital	Various Capital Works		-1,692,100	Deferrals and adjustments
Ex	24	Ex-TTR	Transfers to Asset Replacement Reserve		-1,536,641	Funding adjustment
In	24	In-TFR	Transfers from Asset Replacement Reserve		2,625,261	Funding adjustment
In	24	In-Recoup	Transfers from Capital Contributions Reserve		933,100	Funding adjustment
					0	
<b>Water Fund</b>						
In	25	In-Interest	Interest on investments		-412,833	Review of estimated cash balance
In	25	In-Interest	Interest on investments - s64 funds		478,367	Review of estimated reserve balance
Ex	25	Ex-TTR	Reversal of s64 income		-478,367	Restriction of above
Ex	25	Ex-TTR	Transfers to Asset Replacement Reserve		412,833	Funding adjustment
					0	
<b>2. Variations Arising from Council Resolutions</b>						
Ex	26	Ex-Capital	Pottsville Beach Neighbourhood Centre	753,101	90,856	Council meeting 21/2/12
In	26	In-Recoup	Contribution Plan 15	-451,901	-45,428	Council meeting 21/2/12
Ex	26	Ex-Emp	Community & Cultural Services	493,030	-45,428	Council meeting 21/2/12
					0	
<b>Summary of Votes by Type</b>						
			2011/12 Variations		0	
			Council Resolutions		0	
			Carried forward		0	
					0	
<b>Key to Category codes</b>						
Ex-Emp			Employee costs			
Ex-Op			Materials & contracts			
Ex-Interest			Interest on loans			
Ex-OpOther			Other operating expenses			
Ex-Capital			Capital works			
Ex-Loan						
Reps			Repayment on principal on loans			
Ex-TTR			Transfers to reserves			
In-Rates			Rates & annual charges			
In-Interest			Interest income			
In-OG&C			Operating grants & contributions			
In-CG&C			Capital grants & contributions			
In-Op			User charges & fees			
In-OpOther			Other operating income			
In-Loan funds			Loan funds			
In-Recoup			Recoupment from s64 & s94 funds			
In-TFR			Transfers from reserves			
In-Sales			Proceeds from sale of assets			
<b>Expenses</b>						
			Employee costs		-682,809	
			Materials & Contracts		115,464	
			Interest		0	
			Other Operating costs		0	
			Capital		-3,158,431	
			Loan Repayments		0	
			Transfers to Reserves		-1,281,737	

In/Ex	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
					<b>-5,007,513</b>	
			<u>Income</u>			
			Rates and Annual Charges		<b>0</b>	
			Interest revenue		<b>-700,993</b>	
			Operating Grants & Conts		<b>-42,800</b>	
			Capital Grants & Conts		<b>0</b>	
			User Charges & Fees		<b>661,186</b>	
			Other Operating Revenue		<b>0</b>	
			Loan Funds		<b>1,600,000</b>	
			Recoupments		<b>887,672</b>	
			Transfers from Reserves		<b>2,602,448</b>	
			Asset Sales		<b>0</b>	
					<b>5,007,513</b>	
			<b>Net</b>		<b>0</b>	
			<b>Summary of Votes - by Division</b>			
			Technology & Corporate Services		<b>-899,490</b>	
			Planning & Regulation		<b>120,200</b>	
			Community & Natural Resources		<b>181,000</b>	
			Engineering & Operations		<b>692,759</b>	
			General Manager		<b>-94,469</b>	
					<b>0</b>	

**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 & Expense - Consolidated Budget Review Statement for the quarter ended 31 March 2012

	Original Budget  (000's)	Approved Changes			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	77,934	(123)	601	78,412	-	78,412	60,411
User Charges and Fees	32,034	(89)	(161)	31,784	(661)	31,123	22,558
Interest and Investment Revenue	7,640	663	125	8,428	700	9,128	9,960
Other Revenues	1,872	-	-	1,872	-	1,872	1,444
Grants & Contributions - Operating	15,560	341	180	16,081	43	16,124	12,062
Grants and Contributions - Capital	6,362	1,947	2,815	11,124	-	11,124	1,927
- Contributions (S94)	8,862	-	-	8,862	-	8,862	1,672
Net gain from the disposal of assets	-	-	-	-	-	-	-
Share of interests in joint ventures	-	-	-	-	-	-	-
Total Income	150,264	2,739	3,560	156,563	82	156,645	110,034
Expense							
Employee costs	43,654	(440)	(284)	42,930	(683)	42,247	32,054
Borrowing Costs	13,307	-	-	13,307	-	13,307	10,136
Materials & Contracts	40,984	15,472	599	57,055	115	57,170	30,878
Depreciation	38,141	-	-	38,141	-	38,141	28,606
Legal Costs	427	-	37	464	-	464	303
Consultants	728	-	-	728	-	728	398
Other Expenses	13,553	(38)	(20)	13,495	-	13,495	6,967
Interest and Investment Losses	-	-	-	-	-	-	-
Net Loss from Disposal of Assets	-	-	-	-	-	-	-
Share of interests in joint ventures	-	-	-	-	-	-	-
Total Expenses	150,794	14,994	332	166,120	(568)	165,552	109,342
Net Operating Result	(530)	(12,255)	3,228	(9,557)	650	(8,907)	692
Net Operating Result before capital items	(6,892)	(14,202)	413	(20,681)	650	(20,031)	(1,235)

**Funding Statement - Consolidated - Source & Application of Funds**

Operating Result (Income Statement)	(530)	(12,255)	3,228	(9,557)	650	(8,907)
<b>Add Back non-funded items:</b>						
Depreciation	38,141	-	-	38,141	-	38,141
		-	-	-	-	-
<b>Add non-operating funding sources</b>						
Transfers from Externally Restricted Cash	31,153	18,386	(6,401)	43,138	(888)	42,250
Transfers from Internally Restricted Cash	27,070	24,829	(2,039)	49,860	(2,602)	47,258
Proceeds from sale of assets	3,587	762	-	4,349	-	4,349
Loan Funds Utilised	9,443	6,488	263	16,194	(1,600)	14,594
Repayments from Deferred Debtors	-	-	-	-	-	-
<b>Funds Available</b>	<b>108,864</b>	<b>38,210</b>	<b>(4,949)</b>	<b>142,125</b>	<b>(4,440)</b>	<b>137,685</b>
<b>Funds were applied to:</b>						
Purchase and construction of assets	79,305	36,390	(6,236)	109,459	(3,158)	106,301
Repayment of principal on loans	6,435	-	-	6,435	-	6,435
Transfers to Externally Restricted Cash	14,238	-	-	14,238	-	14,238
Transfers to Internally Restricted Cash	8,886	1,820	1,287	11,993	(1,282)	10,711
<b>Funds Used</b>	<b>108,864</b>	<b>38,210</b>	<b>(4,949)</b>	<b>142,125</b>	<b>(4,440)</b>	<b>137,685</b>
<b>Increase/(Decrease) in Available Working Capital</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>



**Income & Expense- General Fund Budget Review Statement for the quarter ended 31 March 2012**

Original Budget  (000's)	Approved Changes			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	55,681	2		55,683		55,683	42,789
User Charges and Fees	16,439	(18)	(209)	16,212	(661)	15,551	12,794
Interest and Investment Revenue	3,512		125	3,637		3,637	4,902
Other Revenues	1,651			1,651		1,651	1,228
Grants & Contributions - Operating	14,668	327	180	15,175	43	15,218	11,301
Grants and Contributions - Capital	2,264	4,406	1,176	7,846		7,846	526
- Contributions (S94)	8,862			8,862		8,862	1,672
Net gain from the disposal of assets				-		-	
Share of interests in joint ventures				-		-	
<b>Total Income</b>	103,077	4,717	1,272	109,066	(618)	108,448	75,212

**Expense**

Employee costs	35,010	(440)	(284)	34,286	(683)	33,603	25,179
Borrowing Costs	5,765			5,765		5,765	4,480
Materials & Contracts	24,899	15,643	(9)	40,533	95	40,628	25,832
Depreciation	22,934			22,934		22,934	17,201
Legal Costs	377		37	414		414	303
Consultants	81			81		81	295
Other Expenses	10,774	(38)	(20)	10,716		10,716	4,759
Interest and Investment Losses				-		-	
Net Loss from Disposal of Assets				-		-	
Share of interests in joint ventures				-		-	
<b>Total Expenses</b>	99,840	15,165	(276)	114,729	(588)	114,141	78,049

**Net Operating Result**

3,237	(10,448)	1,548	(5,663)	(30)	(5,693)	(2,837)
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**Net Operating Result before capital items**

(7,889)	(14,854)	372	(13,509)	(30)	(13,539)	(3,363)
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**Funding Statement - General Fund - Source & Application of Funds**

Operating Result (Income Statement)	3,237	(10,448)	1,548	(5,663)	(30)	(5,693)
<b>Add Back non-funded items:</b>						
Depreciation	22,934	-	-	22,934	-	22,934

<b>Add non-operating funding sources</b>						
Transfers from Externally Restricted Cash	13,396	13,029	(614)	25,811	45	25,856
Transfers from Internally Restricted Cash	1,182	15,013	575	16,770	23	16,793
Proceeds from sale of assets	3,587	762		4,349		4,349
Loan Funds Utilised	9,443	6,488	263	16,194	(1,600)	14,594
Repayments from Deferred Debtors				-		-
<b>Funds Available</b>	<b>53,779</b>	<b>24,844</b>	<b>1,772</b>	<b>80,395</b>	<b>(1,562)</b>	<b>78,833</b>
<b>Funds were applied to:</b>						
Purchase and construction of assets	35,739	24,533	1,828	62,100	(1,466)	60,634
Repayment of principal on loans	2,587	-		2,587		2,587
Transfers to Externally Restricted Cash	10,088			10,088		10,088
Transfers to Internally Restricted Cash	5,365	311	(56)	5,620	(96)	5,524
<b>Funds Used</b>	<b>53,779</b>	<b>24,844</b>	<b>1,772</b>	<b>80,395</b>	<b>(1,562)</b>	<b>78,833</b>
<b>Increase/(Decrease) in Available Working Capital</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**Income & Expense- Sewer Fund Budget Review Statement for the quarter ended 31 March 2012**

Original Budget  (000's)	Approved Changes			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	18,683	(107)	494	19,070		19,070	14,839
User Charges and Fees	1,484			1,484		1,484	1,305
Interest and Investment Revenue	2,649	261		2,910	766	3,676	4,096
Other Revenues	20			20		20	4
Grants & Contributions - Operating	442			442		442	463
Grants and Contributions - Capital	1,330	(798)	532	1,064		1,064	491
- Contributions (S94)				-		-	
Net gain from the disposal of assets				-		-	
Share of interests in joint ventures				-		-	
<b>Total Income</b>	<b>24,608</b>	<b>(644)</b>	<b>1,026</b>	<b>24,990</b>	<b>766</b>	<b>25,756</b>	<b>21,198</b>

**Expense**

Employee costs	5,297			5,297		5,297	3,964
Borrowing Costs	2,687			2,687		2,687	2,015
Materials & Contracts	7,871	31	(230)	7,672	20	7,692	2,073
Depreciation	7,913			7,913		7,913	5,935
Legal Costs				-		-	

Consultants	86			86		86	41
Other Expenses	1,511			1,511		1,511	1,235
Interest and Investment Losses				-		-	
Net Loss from Disposal of Assets				-		-	
Share of interests in joint ventures				-		-	
<b>Total Expenses</b>	25,365	31	(230)	25,166	20	25,186	15,263

<b>Net Operating Result</b>	(757)	(675)	1,256	(176)	746	570	5,935
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<b>Net Operating Result before capital items</b>	(2,087)	123	724	(1,240)	746	(494)	5,444
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### Funding Statement - Sewer Fund - Source & Application of Funds

Operating Result (Income Statement)	(757)	(675)	1,256	(176)	746	570
<b>Add Back non-funded items:</b>						
Depreciation	7,913	-	-	7,913	-	7,913
<b>Add non-operating funding sources</b>						
Transfers from Externally Restricted Cash	5,212	256	(1,162)	4,306	(933)	3,373
Transfers from Internally Restricted Cash	20,794	9,698	(2,640)	27,852	(2,625)	25,227
Proceeds from sale of assets				-		-
Loan Funds Utilised				-	-	-
Repayments from Deferred Debtors				-		-
<b>Funds Available</b>	33,162	9,279	(2,546)	39,895	(2,812)	37,083
<b>Funds were applied to:</b>						
Purchase and construction of assets	26,689	10,873	(3,078)	34,484	(1,692)	32,792
Repayment of principal on loans	2,909			2,909		2,909
Transfers to Externally Restricted Cash	43			43		43
Transfers to Internally Restricted Cash	3,521	(1,594)	532	2,459	(1,120)	1,339
<b>Funds Used</b>	33,162	9,279	(2,546)	39,895	(2,812)	37,083
<b>Increase/(Decrease) in Available Working Capital</b>	-	-	-	-	-	-

**Income & Expense- Water Fund Budget Review Statement for the quarter ended 31 March 2012**

Original Budget  (000's)	Approved Changes			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	3,570	(18)	107	3,659		3,659	2,783
User Charges and Fees	14,111	(71)	48	14,088		14,088	8,459
Interest and Investment Revenue	1,479	402		1,881	(66)	1,815	962
Other Revenues	201			201		201	212
Grants & Contributions - Operating	450	14		464		464	298
Grants and Contributions - Capital	2,768	(1,661)	1,107	2,214		2,214	910
- Contributions (S94)				-		-	
Net gain from the disposal of assets				-		-	
Share of interests in joint ventures				-		-	
<b>Total Income</b>	<b>22,579</b>	<b>(1,334)</b>	<b>1,262</b>	<b>22,507</b>	<b>(66)</b>	<b>22,441</b>	<b>13,624</b>

**Expense**

Employee costs	3,347			3,347		3,347	2,911
Borrowing Costs	4,855			4,855		4,855	3,641
Materials & Contracts	8,214	(202)	838	8,850		8,850	2,973
Depreciation	7,294			7,294		7,294	5,470
Legal Costs	50			50		50	
Consultants	561			561		561	62
Other Expenses	1,268			1,268		1,268	973
Interest and Investment Losses				-		-	
Net Loss from Disposal of Assets				-		-	
Share of interests in joint ventures				-		-	
<b>Total Expenses</b>	<b>25,589</b>	<b>(202)</b>	<b>838</b>	<b>26,225</b>	<b>-</b>	<b>26,225</b>	<b>16,030</b>

**Net Operating Result**

(3,010)	(1,132)	424	(3,718)	(66)	(3,784)	(2,406)
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**Net Operating Result before capital items**

242	2,793	(1,531)	1,504	66	1,570	1,496
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**Funding Statement - Water Fund - Source & Application of Funds**

Operating Result (Income Statement)	(3,010)	(1,132)	424	(3,718)	(66)	(3,784)
<b>Add Back non-funded items:</b>						
Depreciation	7,294	-	-	7,294		7,294
<b>Add non-operating funding sources</b>						
Transfers from Externally Restricted Cash	12,545	5,101	(4,625)	13,021		13,021
Transfers from Internally Restricted Cash	5,094	118	26	5,238		5,238
Proceeds from sale of assets				-		-
Loan Funds Utilised				-		-
Repayments from Deferred Debtors				-		-
<b>Funds Available</b>	21,923	4,087	(4,175)	21,835	(66)	21,769
<b>Funds were applied to:</b>						
Purchase and construction of assets	16,877	984	(4,986)	12,875	-	12,875
Repayment of principal on loans	939			939	-	939
Transfers to Externally Restricted Cash	4,107			4,107		4,107
Transfers to Internally Restricted Cash	-	3,103	811	3,914	(66)	3,848
<b>Funds Used</b>	21,923	4,087	(4,175)	21,835	(66)	21,769
<b>Increase/(Decrease) in Available Working Capital</b>	-	-	-	-	-	-

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 31 March 2012 and should be read in conjunction with other documents in the QBRS.

**Capital Budget Review Statement - Consolidated - for the quarter ended 31 March 2012**

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

**Capital Funding \***

Rates and other untied funding	14,553	1,054	292	15,899	65	15,964	6,212
Capital Grants & Contributions	4,263	4,406	1,189	9,858		9,858	1,828
Internal Restrictions (Reserves)	26,185	10,142	(1,696)	34,631	(1,670)	32,961	10,460
External Restrictions							
- s64 & s94 funds	29,868	14,152	(6,283)	37,737	46	37,783	5,606
Other Capital Funding Sources							
- loans	7,284	6,488	263	14,035	(1,600)	12,435	768
Income from sale of assets							
- plant and equipment	2,287			2,287		2,287	608
- Land,Buildings,Furniture,Fittings	1,300			1,300		1,300	
<b>Total Capital Funding</b>	<b>85,740</b>	<b>36,242</b>	<b>(6,235)</b>	<b>115,747</b>	<b>(3,159)</b>	<b>112,588</b>	<b>25,482</b>

**Capital Expenditure**

New Assets

- Plant and Equipment	1,413	1,547		2,960		2,960	38
- Land,Buildings,Furniture,Fittings	6,338	4,328	2,070	12,736	(1,078)	11,658	368
- Roads, Bridges, Footpaths	8,797	7,350		16,147		16,147	647
- Drainage							
- Water & Sewer Infrastructure	21,333	(1,726)	(6,287)	13,320		13,320	2,248
- Other	1,170	54	600	1,824		1,824	662
Renewals (Replacement)							
- Plant and Equipment	5,598	997		6,595		6,595	1,475
- Land,Buildings,Furniture,Fittings	570	781	65	1,416	(500)	916	144
- Roads, Bridges, Footpaths	7,989	1,874		9,863		9,863	2,605
- Drainage	1,718			1,718		1,718	274
- Water & Sewer Infrastructure	3,540	1,036	193	4,769		4,769	767
- Other	13	86		99		99	383
Upgrades							
- Plant and Equipment	602	185		787		787	
- Land,Buildings,Furniture,Fittings	1,576	4,145	(907)	4,814	111	4,925	930
- Roads, Bridges, Footpaths	470	3,011		3,481		3,481	376
- Drainage		6		6		6	
- Water & Sewer Infrastructure	18,178	12,548	(1,969)	28,757	(1,692)	27,065	10,557
- Other		20		20		20	1
Loan Repayments (principal)	6,435			6,435		6,435	4,007
<b>Total Capital Expenditure</b>	<b>85,740</b>	<b>36,242</b>	<b>(6,235)</b>	<b>115,747</b>	<b>(3,159)</b>	<b>112,588</b>	<b>25,482</b>

**Capital Budget Review Statement - General Fund - for the quarter ended 31 March 2012**

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

**Capital Funding \***

Rates and other untied funding	10,024	136	292	10,452	65	10,517	4,415
Capital Grants & Contributions	4,263	4,406	1,189	9,858		9,858	1,828
Internal Restrictions (Reserves)	1,060	325	580	1,965	22	1,987	229
External Restrictions							
- s64 & s94 funds	12,108	13,029	(496)	24,641	46	24,687	1,196
Other Capital Funding Sources							
- loans	7,284	6,488	263	14,035	(1,600)	12,435	768
Income from sale of assets							
- plant and equipment	2,287			2,287		2,287	608
- Land,Buildings,Furniture,Fittings	1,300			1,300		1,300	
<b>Total Capital Funding</b>	<b>38,326</b>	<b>24,384</b>	<b>1,828</b>	<b>64,538</b>	<b>(1,467)</b>	<b>63,071</b>	<b>9,044</b>

**Capital Expenditure**

## New Assets

- Plant and Equipment	1,398	1,547		2,945		2,945	33
- Land,Buildings,Furniture,Fittings	5,838	4,328	2,070	12,236	(1,078)	11,158	252
- Roads, Bridges, Footpaths	8,797	7,350		16,147		16,147	647
- Drainage							
- Water & Sewer Infrastructure							
- Other	1,170	54	600	1,824		1,824	662
Renewals (Replacement)							
- Plant and Equipment	5,598	997		6,595		6,595	1,475
- Land,Buildings,Furniture,Fittings	570	781	65	1,416	(500)	916	144
- Roads, Bridges, Footpaths	7,989	1,874		9,863		9,863	2,605
- Drainage	1,718			1,718		1,718	274
- Water & Sewer Infrastructure							
- Other	13	86		99		99	383
Upgrades							
- Plant and Equipment	602	185		787		787	
- Land,Buildings,Furniture,Fittings	1,576	4,145	(907)	4,814	111	4,925	930
- Roads, Bridges, Footpaths	470	3,011		3,481		3,481	376
- Drainage		6		6		6	
- Water & Sewer Infrastructure							
- Other		20		20		20	1
Loan Repayments (principal)	2,587			2,587		2,587	1,262
<b>Total Capital Expenditure</b>	<b>38,326</b>	<b>24,384</b>	<b>1,828</b>	<b>64,538</b>	<b>(1,467)</b>	<b>63,071</b>	<b>9,044</b>

**Capital Budget Review Statement - Sewer Fund - for the quarter ended 31 March 2012**

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

**Capital Funding \***

Rates and other untied funding	3,590	918		4,508		4,508	1,646
Capital Grants & Contributions							
Internal Restrictions (Reserves)	20,794	9,699	(1,916)	28,577	(1,692)	26,885	9,534
External Restrictions							
- s64 & s94 funds	5,214	256	(1,162)	4,308		4,308	2,390
Other Capital Funding Sources							
- loans							
Income from sale of assets							
- plant and equipment							
- Land,Buildings,Furniture,Fittings							
<b>Total Capital Funding</b>	<b>29,598</b>	<b>10,873</b>	<b>(3,078)</b>	<b>37,393</b>	<b>(1,692)</b>	<b>35,701</b>	<b>13,570</b>

**Capital Expenditure**

New Assets

- Plant and Equipment	15			15		15	5
- Land,Buildings,Furniture,Fittings							78
- Roads, Bridges, Footpaths							
- Drainage							
- Water & Sewer Infrastructure	10,825	(2,861)	(1,250)	6,714		6,714	1,282
- Other							
Renewals (Replacement)							
- Plant and Equipment							
- Land,Buildings,Furniture,Fittings							
- Roads, Bridges, Footpaths							
- Drainage							
- Water & Sewer Infrastructure	1,410	875	193	2,478		2,478	185
- Other							
Upgrades							
- Plant and Equipment							
- Land,Buildings,Furniture,Fittings							
- Roads, Bridges, Footpaths							
- Drainage							
- Water & Sewer Infrastructure	14,439	12,859	(2,021)	25,277	(1,692)	23,585	9,736
- Other							
Loan Repayments (principal)	2,909			2,909		2,909	2,284
<b>Total Capital Expenditure</b>	<b>29,598</b>	<b>10,873</b>	<b>(3,078)</b>	<b>37,393</b>	<b>(1,692)</b>	<b>35,701</b>	<b>13,570</b>





This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 31 March 2012 and should be read in conjunction with other documents in the QBRs.

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

**Cash and Investments Budget Review Statement for the quarter ended 31 March 2012**

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

**Unrestricted**

2,009			2,009		2,009	20,136
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**Externally restricted**

RTA Contributions	143	(143)	0		0	143
Developer contributions	25,213		24,599	(45)	24,554	28,278
Domestic waste management	8,483		8,483		8,483	8,373
Special Rates	229		229		229	229
Special purpose grants	3,252	(3,252)	1,356		1,356	3,252
Water Supplies	20,813	(2,117)	18,696	(66)	18,630	25,555
Sewerage Services	42,081	(258)	41,823	2,439	44,262	53,110
Other	933		933		933	933
<b>Total Externally restricted</b>	101,147	(5,770)	96,119	2,328	98,447	119,873

**Internally restricted**

Employee Leave entitlements	2,399		2,399		2,399	2,199
Unexpended loans	6,488		6,488		6,488	6,488
Unexpended grants	3,404	(2,190)	1,219		1,219	3,404
7 Year Plan	3,535	(2,978)	557		557	2,978
Works Carried Forward	4,584	(3,969)	615	(94)	521	4,584
Replacement of Plant and Vehicles	1,102		1,102		1,102	1,075
Tip improvements	3,442		3,012		3,012	3,065
Asset renewals	958		958		958	943
Other	4,319	(2,387)	1,726	(25)	1,701	3,968
<b>Total Internally restricted</b>	30,231	(11,524)	18,076	(119)	17,957	28,704

**Total Restricted**

131,378	(17,294)	111	114,195	2,209	116,404	148,577
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**Total cash and investments**

133,387	(17,294)	111	116,204	2,209	118,413	168,713
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**Available cash**

2,009	0	0	2,009	0	2,009	20,136
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\* Note, the breakdown between various categories of restriction is an estimate only.

Detailed calculations of cash restrictions are performed annually.

**Notes:**

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

**Statement of compliance with investment policy:**

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

**Reconciliation of restricted funds with current investment report:**

	(000's)
Total restricted funds	148,577
Total invested funds as per March Investment Report	156,902
Note, some restricted funds are held as cash as they will be utilised in the current period.	

**Statement of bank reconciliation:**

Cash has been reconciled with the bank statement. The last bank reconciliation was completed to 22 April 2012

**Reconciliation of cash and investments:**

	(000's)
Cash and investments as per above	168,713
<b>Cash on hand and at bank</b>	11,811
<b>Investments</b>	<u>156,902</u>
	168,713

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 31 March 2012 and should be read in conjunction with other documents in the QBRS.

**Key Performance Indicators Budget Review Statement for the quarter ended 31 March 2012**

Note that KPIs will be distorted by the short reporting period (3 months), and by the fact that detailed calculations are only prepared on an annual basis.

These ratios should therefore be viewed with caution.

	Amounts	Indicator
<b>1. Unrestricted Current Ratio</b>		
	(000's)	
Current assets less all external restrictions	78,380	2.96:1
Current liabilities	26,459	

**Purpose:**

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

**Comment:**

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

	Amounts	Indicator
<b>2. Debt Service Ratio</b>	(000's)	
Debt Service Cost	9,317	13.77%
Selected operating income	67,674	

**Purpose:**

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

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 31 March 2012 and should be read in conjunction with other documents in the QBRs.

**Budget Review Contracts and Other Expenses for the quarter ended 31 March 2012**

PART A-Contracts Listing		Contract value	Commencement date	Duration of contract	Budgeted (Y/N)
Contractor	Contract detail & purpose	\$	date	contract	
Greenwood Landscape Management	Wharf Park Landscaping and toilet block	\$90,347.43	05/03/2012	16 Weeks	Y
Downer Australia	Supply and spray rejuvenation agent to asphalt surfaced streets	\$130,946.31	To be determined	12 months	Y
Fulton Hogan Industries	Supply and laying of asphaltic concrete overlays	\$496,780.00	To be determined	12 months	Y

PART B - Consultancy and Legal expenses		Expenditure YTD	Budgeted
Expense		\$	(Y/N)
Consultancies		659,521	Y
Legal expenses		239,364	Y

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 31 March 2012 and should be read in conjunction with other documents in the QBRs.

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

**202 Responsible accounting officer to maintain system for budgetary control**

*The responsible accounting officer of a council must:*

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

**203 Budget review statements and revision of estimates**

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

**Statutory Statement**

It is my opinion that the Quarterly Budget Review Statement for Tweed Shire Council for the quarter ended 31/03/2012 indicates that Council's projected financial position at 30/6/2012 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.



M A Chorlton 30/04/2012  
“Responsible Accounting Officer”  
Manager Financial Services  
Tweed Shire Council

**OPTIONS:**

Not Applicable

**CONCLUSION:**

Refer to Statutory Statement above.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Not Applicable

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

As detailed in the report.

**c. Legal:**

No-Legal advice has not been received

Attachment of Legal Advice-Not Applicable

**d. Communication/Engagement:**

Not Applicable

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

- 1 Civic Leadership
- 1.2 Improve decision making by engaging stakeholders and taking into account community input
- 1.2.3 Financial requirements and the community's capacity to pay will be taken into account when meeting the community's desired levels of service
- 1.2.3.1 Financial Services and legislative financial reporting
- 1.2.3.1.1 Prepare and maintain a balanced budget throughout the financial year.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**32 [TCS-CM] In Kind and Real Donations - January to March 2012**

**SUBMITTED BY: Corporate Governance**



**Supporting Community Life**

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**SUMMARY OF REPORT:**

Details of in kind and real donations for the period January to March 2012 are reproduced in this report for Council's information.

**RECOMMENDATION:**

**That Council notes the total donations of \$58,719.25 for the period January to March 2012.**

## REPORT:

Council maintains a register of in kind and real donations. Details of these donations for the period January to March 2012 are reproduced as follows:

### Financial Assistance

Amount	Recipient	Donated Item	Date
\$250.00	Disabled Surfers Association (DSA) Far North Coast Branch	Donation-Equal Access Advisory Committee	18/01/2012
\$25,400.00	Tweed District Rescue Squad Inc	Budget Allocation	08/02/2012
\$12,137.00	Marine Rescue Point Danger	Budget Allocation	08/02/2012
\$50.00	Murwillumbah RSL Sub Branch	Donation - Anzac Day	22/02/2012
\$2,300.00	Tweed Shire Senior Citizens Week Committee	Budget Allocation	29/02/2012
\$2,016.00	Tweed Region Life Education Action Group	Budget Allocation	29/02/2012
\$1,500.00	Tweed Heads Police & Community Youth Club	Second Round Donations 10/11	28/03/2012
\$2,000.00	You Have a Friend Inc	Second Round Donations 10/11	28/03/2012
\$1,000.00	Friends of the Pound (Tweed) Inc	Second Round Donations 10/11	28/03/2012
\$200.00	Bray Park Neighbourhood Watch	Second Round Donations 10/11	28/03/2012
\$875.00	Blind Citizens Australia	Second Round Donations 10/11	28/03/2012
\$300.00	Gold Coast Tweed Regional Committee of CAQ	Second Round Donations 10/11	28/03/2012
\$2,000.00	Twin Towns Friends Association Inc	Second Round Donations 10/11	28/03/2012
\$2,000.00	Northern Region SLSA Helicopter Rescue Service	Second Round Donations 10/11	28/03/2012
<b>\$52,028.00</b>			

### Goods and/or Materials

Amount	Recipient	Donated Item	Date
\$28.00	Save the Children Australia (Community Day)	8 Shrubs (Tube Stock)	13/03/2012
<b>\$28.00</b>			

### Provision of Labour and/or Plant and Equipment

Amount	Recipient	Donated Item	Date
\$666.16	Street Christmas Decorations	Provision of Labour & Council Plant	03/02/2012
\$829.33	Kingscliff Triathlon (Street Sweeping)	Provision of Labour & Council Plant & Dumping Fee	17/02/2012
\$2,949.36	Life Education Van Relocation	Provision of Labour & Council Plant	Jan/Feb/ March
<b>\$4,444.85</b>			



**Tweed Link Advertising**

Amount	Recipient	Donated Item	Date
\$45.90	Various Community Notices	Advertising	24/01/2012
\$197.10	Various Community Notices	Advertising	31/01/2012
\$70.20	Various Community Notices	Advertising	07/02/2012
\$86.40	Various Community Notices	Advertising	14/02/2012
\$118.80	Various Community Notices	Advertising	21/02/2012
\$189.00	Various Community Notices	Advertising	28/02/2012
\$178.20	Various Community Notices	Advertising	06/03/2012
\$135.00	Various Community Notices	Advertising	13/03/2012
\$94.50	Various Community Notices	Advertising	20/03/2012
\$186.30	Various Community Notices	Advertising	27/03/2012
<b>\$1,301.40</b>			

**Room Hire**

Amount	Recipient	Donated Item	Date
\$370.00	Twin Towns Friends	Room Hire - Tweed Heads Civic Centre	21/03/2012
\$25.00	Banora Point Rate Payers Association	Room Hire - Coolamon Room Banora Pt Com Centre	06/02/2012
\$50.00	Blind & Vision Impaired Support Group	Room Hire - Coolamon Room Banora Pt Com Centre	20/02/2012
\$25.00	Banora Point Rate Payers Association	Room Hire - Coolamon Room Banora Pt Com Centre	05/03/2012
\$50.00	Blind & Vision Impaired Support Group	Room Hire - Coolamon Room Banora Pt Com Centre	19/03/2012
\$30.50	Twin Towns Friends	Room Hire - South Tweed HACC	08/02/2012
\$30.50	Twin Towns Friends	Room Hire - South Tweed HACC	14/03/2012
\$84.00	Tweed Heads Hospital Ladies Auxiliary	Room Hire - Tweed Heads Meeting Room	06/02/2012
\$84.00	South Sea Islanders Meeting	Room Hire - Tweed Heads Meeting Room	11/02/2012
\$84.00	Tweed Heads Hospital Ladies Auxiliary	Room Hire - Tweed Heads Meeting Room	05/03/2012
\$84.00	South Sea Islanders Meeting	Room Hire - Tweed Heads Meeting Room	10/03/2012
<b>\$917.00</b>			

**\$58,719.25** Total Donations 3rd Quarter (January, February, March 2012)

**OPTIONS:**

Not Applicable.

**CONCLUSION:**

For Councillor information and inclusion in Annual Report.

**COUNCIL IMPLICATIONS:****a. Policy:**

Donations and Subsidies Version 1.2

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

As per Budget estimates.

**c. Legal:**

No-Legal advice has not been received.

Attachment of Legal Advice-Not Applicable.

**d. Communication/Engagement:**

Not Applicable.

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

- 2 Supporting Community Life
- 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
- 2.1.3 Provide opportunities for residents to enjoy access to the arts, festivals, sporting activities, recreation, community and cultural facilities

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**33 [TCS-CM] Amendments to Election Funding, Expenditure and Disclosures Act 1981**

**SUBMITTED BY: Corporate Governance**



**Civic Leadership**

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**SUMMARY OF REPORT:**

The NSW Parliament has enacted amendments to the *Election Funding, Expenditure and Disclosures Act 1981*, which came into effect on 9 March 2012.

The new laws will apply to the Local Government elections to be held on 8 September 2012.

The amendments are summarised in a Division of Local Government Circular to Councils No. 12-07, dated 3 April 2012. Links to the Division of Local Government and Election Funding Authority websites pertaining to these amendments is also available for potential candidates on Council's website under 'Your Council' - '2012 Council Election' or <http://www.tweed.nsw.gov.au/CouncilStructure/CouncilElection.aspx>.

**RECOMMENDATION:**

**That the Amendments to *Election Funding, Expenditure and Disclosures Act 1981* report be received and noted.**

## REPORT:

Information from the Division of Local Government and the Election Funding Authority is provided below.



**Premier & Cabinet**  
Division of Local Government

## Circular to Councils

Circular No. 12-07  
Date 3 April 2012  
Doc ID. A276855

Contact Council Governance Team  
02 4428 4100  
doug.friend@dlg.nsw.gov.au

### **BAN ON POLITICAL DONATIONS BY CORPORATIONS AND OTHER ENTITIES**

#### **Purpose**

The purpose of this circular is to advise councils and other stakeholders of changes to the *Election Funding, Expenditure and Disclosures Act 1981*. These came into effect on 9 March 2012 and will apply to political donations made to candidates standing at the September 2012 ordinary elections of councils.

#### **The changes**

The changes include the following:

- Only individuals who are enrolled for Federal, State or Local Government elections can make political donations.
- Political parties, candidates, groups of candidates, elected members and third party campaigners are prohibited from accepting political donations from a corporation or other entity.
- Individuals are prohibited from making political donations on behalf of a corporation or other entity.
- Corporations and other entities are prohibited from making political donations to an individual for the purpose of that individual making political donations.
- Payment of an annual or other subscription to a political party by an industrial organisation or other entity is prohibited.

Persons participating in the upcoming local government elections should familiarise themselves with the new requirements.

#### **Where to get further information**

Further information regarding the changes can be found on the Election Funding Authority's (EFA) website: [www.efa.nsw.gov.au](http://www.efa.nsw.gov.au) or by contacting the EFA on telephone no. 1300 022 011.

A handwritten signature in blue ink, reading 'Ross Woodward'.

**Ross Woodward**  
Chief Executive, Local Government  
A Division of the Department of Premier and Cabinet

Division of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au) W [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) ABN 99 567 883 195



Mr Michael Rayner  
General Manager  
Tweed Shire Council  
PO Box 816  
Murwillumbah NSW 24842484

Ref: General Mgr Advice New Legislation

20 March 2012

Dear Mr Rayner,

**Re: Advice of changes to political donations laws commencing 9 March 2012**

I am writing to advise you of recent amendments that have been made to the *Election Funding, Expenditure and Disclosures Act 1981*.

A copy of the attached advice has been sent to all current local government councillors however you may wish to include this matter on the agenda for a future council meeting.

The information contained in this letter is general in nature in respect of recent changes to the *Election Funding, Expenditure and Disclosures Act 1981*. Local government councillors and candidates should know and understand their obligations and responsibilities under the Act. To assist the Election Funding Authority will soon publish revised guidebooks and information on its website ([www.efa.nsw.gov.au](http://www.efa.nsw.gov.au)).

The Authority will be conducting information seminars in May, June and July this year for candidates, groups and political parties throughout NSW ahead of the 2012 local government elections. Details of the seminars will be available in the near future on the Authority's website.

If you have any questions in respect of any information contained in the attachment please contact the Authority on 1300 022 011.

Yours sincerely,

Brian DeCelis  
Director Funding and Disclosure

ELECTIONS - STATE / FEDERAL  
ELECTIONS - GENERAL  
TWEED SHIRE COUNCIL  
FILE No: ELECTIONS-CANDIDATES  
DOC. No: .....  
REC'D: 23 MAR 2012  
ASSIGNED TO: RAYNER, M  
HARD COPY ☐ IMAC ☒





**Advice of changes to political donations laws commencing 9 March 2012**

The NSW Parliament recently enacted amendments to election campaign funding and disclosure laws.

I feel it appropriate to bring these changes to your attention as the laws affect all political parties (registered and non-registered), candidates, groups of candidates, elected members and third-party campaigners in NSW. The laws also affect donors including corporations and other entities and individuals on the roll of electors for Federal, State or local government elections.

The amendments came into force on 9 March 2012 and were inserted into the *Election Funding, Expenditure and Disclosures Act 1981* (available for viewing at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)).

A summary of the amendments are as follows:

1. Prohibition of political donations other than by individuals on the electoral roll

It is unlawful for a political donation to a party, elected member, group, candidate or third-party campaigner to be accepted unless the donor is an individual who is enrolled on the roll of electors for State elections, the roll of electors for Federal elections or the roll of electors for local government elections: s.96D(1).

It is unlawful for an individual to make a political donation to a party, elected member, group, candidate or third-party campaigner on behalf of a corporation or other entity: s.96D(2).

It is unlawful for a corporation or other entity to make a gift to an individual for the purpose of the individual making a political donation to a party, elected member, group, candidate or third-party campaigner: s.96D(3).

It is unlawful for an industrial organisation or other entity to pay an annual or other subscription to a party for affiliation with the party. Such subscriptions are gifts by virtue of s.85(3) of the Act and are therefore political donations: s.96D(4).

It is **not** unlawful for branches of parties or associated parties to dispose of property between one another: s.96D(5); however, such dispositions remain gifts and, accordingly, political donations for the purposes of disclosure: s.85(3A).

It is unlawful for a person to receive a reportable loan (other than a loan from a financial institution) from an entity: s.96G(1).

Political donations are those in relation to State elections and elected members of the NSW Parliament, local government elections and elected members of councils or matters unconnected to any election or elected member (e.g. political donations made to a State Party administration account). Political donations are not those made exclusively for the purpose of Federal elections or elected members of the Australian Parliament.

2. Meaning of "electoral expenditure" and "electoral communication expenditure"

The amendments modify the definition of electoral expenditure and electoral communication expenditure as they apply to an entity or other person not being a registered party, elected member, group or candidate. Electoral expenditure and

Election Funding Authority of New South Wales

Level 25, 201 Kent Street Sydney 2000 GPO Box 4046, Sydney 2001 T 02 9290 5400 F 02 9290 5410 1300 022 011 A.B.N 63 203 011 077 [www.efa.nsw.gov.au](http://www.efa.nsw.gov.au)

electoral communication expenditure *does not* include expenditure incurred by an entity or other person (not being a registered party, elected member, group or candidate) if the expenditure is not incurred for the dominant purpose of promoting or opposing a party or the election of a candidate or candidates or influencing the voting at an election: s.87(4).

3. Aggregation of expenditure caps in respect of State election campaigns

The applicable caps on electoral communication expenditure for a party for a State election campaign now includes the aggregation of electoral communication expenditure incurred by the party and any other electoral communication expenditure incurred by an affiliated organisation of that party: s.95G(6).

An affiliated organisation of a party means a body or other organisation, whether incorporated or unincorporated, that is authorised under the rules of that party to appoint delegates to the governing body of that party or to participate in pre-selection of candidates for that party (or both): s95G(7).

.....  
I remind you that a political donation includes (but is not limited to) a gift made to or for the benefit of a political party, candidate, group of candidates, elected member or third-party campaigner and may be monetary or non-monetary (gift in kind).

The information contained in this letter is general in nature in respect of recent changes to the *Election Funding, Expenditure and Disclosures Act 1981*. You should know and understand your obligations and responsibilities under the Act. To assist you the Election Funding Authority will soon publish revised guidebooks and information on its website ([www.efa.nsw.gov.au](http://www.efa.nsw.gov.au)).

The Authority will be conducting information seminars in May, June and July this year for candidates, groups and political parties throughout NSW ahead of the 2012 local government elections. Details of the seminars will be available in the near future on the Authority's website.

If you have any questions in respect of any information contained in this letter please contact the Authority on 1300 022 011.

Yours sincerely



Brian DeCellis  
Director Funding and Disclosure

**OPTIONS:**

Not Applicable.

**CONCLUSION:**

Not Applicable.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Election Funding, Expenditure and Disclosures Act 1981.

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

Not Applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

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

- 1 Civic Leadership
- 1.2 Improve decision making by engaging stakeholders and taking into account community input
- 1.2.1 Council will be underpinned by good governance and transparency in its decision making process
- 1.2.1.2 Provide information to Councillors to enable them to carry out their civic office functions

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**34 [TCS-CM] Division of Local Government Review of Council's Integrated Planning and Reporting Framework**

**SUBMITTED BY: Corporate Governance**



**Civic Leadership**

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**SUMMARY OF REPORT:**

The Division of Local Government have undertaken a review of Council's Integrated Planning and Reporting Framework documentation and have provided a summary of this review.

The Chief Executive, of the Division of Local Government in providing this review, has commented:

*"I would like to acknowledge Council's significant effort in transitioning to the framework. The Division recognises that Integrated Planning and Reporting is an iterative process that involves considerable effort. Council's effort in this regard is reflected in the planning process undertaken and in the plans themselves."*

This report provides information and feedback on this review.

**RECOMMENDATION:**

**That the review of Council's Integrated Planning and Reporting Framework documentation, by the Division of Local Government, be received and noted.**

## REPORT:

The Division of Local Government as part of the Division's commitment to supporting councils to implement the Integrated Planning and Reporting framework has undertaken a review of Council's Integrated Planning and Reporting Framework documents. The review sought to identify how the intent of the Integrated Planning and Reporting framework has been applied in Council's plans and the extent to which the different elements of the framework were implemented.

The Chief Executive, of the Division of Local Government in providing this review, has commented:

*"I would like to acknowledge Council's significant effort in transitioning to the framework. The Division recognises that Integrated Planning and Reporting is an iterative process that involves considerable effort. Council's effort in this regard is reflected in the planning process undertaken and in the plans themselves."*

The review has commented that the Operational Plan is an example of better practice and has further commented under the following headings:

### **Overall integration of plans**

- All plans in the suite of documents link well to each other.
- Council's suite of documents achieve integration as intended by the Integrated Planning and Reporting framework.

### **Summary of strengths**

- Council's plans are well presented, concise and easy to read.
- The documents are an example of good practice.
- The documents include all required components, without unnecessary detail, making for effective and efficient delivery of information.
- The documents are appropriately pitched to the community, and it is clear how Council intends to be accountable for its delivery of the plans to the community.

The review has also highlighted a **Summary of areas for further development**. These items have been actioned in the following way:

- It is suggested that Council publish its Community Engagement Strategy on the Integrated Planning and Reporting page of its website

While the Community Engagement Strategy is publicly available through the Policy area of Council's website an opportunity has been taken to include it on Council's Integrated Planning and Reporting webpage, by indicating that it is interactive with each level of the reporting framework. Council has formally advised the Division of Local Government of this amendment.

- Council should progress the work to identify the shortfall in funding for assets and include this in the relevant plans.

This has been identified in Attachment 21 - Asset Management Funding - General Fund within Section 3 - Finance - Long Term Financial Plan of the Resourcing Strategy 2012/2013.

- Council should further develop the sensitivity analysis in the Long-Term Financial Plan

This highlighted in Attachment 19 - Sensitivity Analysis - Consolidated within Section 3 - Finance - Long Term Financial Plan of the Resourcing Strategy 2012/2013. Such an analysis has been undertaken on the variables of Optimistic, Adopted and Worse case which is available for public comment.

The outcome of this review is very encouraging and is a result of a great deal of effort put into the formation and production of the associated documents by all stakeholders. Council will also be mindful that it received an R H Dougherty Award in 2011 from the Shires Association for its engagement campaign for the Tweed Community Strategic Plan.

**OPTIONS:**

Not applicable.

**CONCLUSION:**

That Council receives and notes the review from the Division of Local Government regarding the Integrated Planning and Reporting Framework.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

In accordance with requirements associated with the overarching Integrated Planning and Reporting Framework.

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

Not applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

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

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.2 Council will seek the best value in delivering services
- 1.3.2.3.1 Regular reviews of progress of Delivery Program

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

1. Advice from Division of Local Government - Summary of review of Council's Integrated Planning and Reporting documentation (ECM48912972)
  2. Response to Division of Local Government dated 24 April 2012 (ECM49463592)
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**35 [TCS-CM] Monthly Investment and Section 94 Developer Contributions Report for the Period Ending 30 April 2012**

**SUBMITTED BY: Financial Services**



**Civic Leadership**

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**SUMMARY OF REPORT:**

The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested and certification has been made in accordance with Section 625 of the Local Government Act (1993), Cl. 212 of the Local Government (General) Regulations and Council policies. Council had **\$149,781,826.40** invested as at **30 April 2012** and the accrued net return on these funds was **\$710,195** or **5.69%** annualised for the month.

**RECOMMENDATION:**

**That in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 30 April 2012 totalling \$149,781,826.40 be received and noted.**

## REPORT:

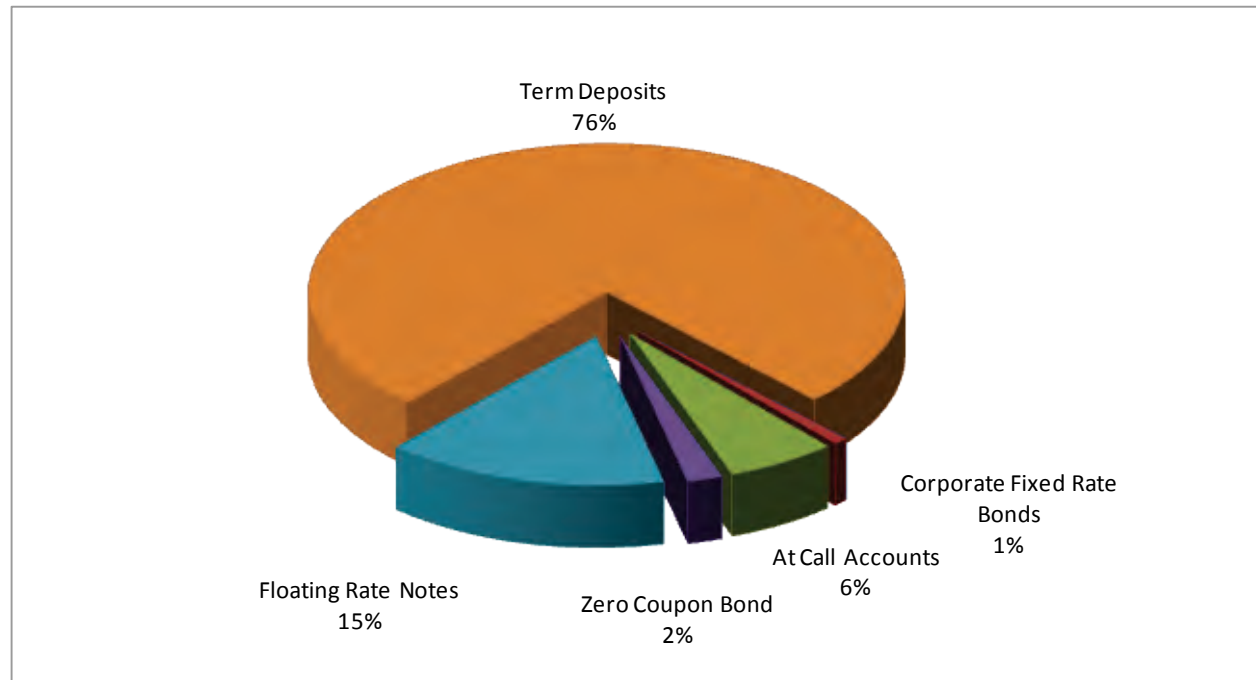
The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested and certification has been made in accordance with Section 625 of the Local Government Act (1993), Clause 212 of the Local Government (General) Regulations and Council policies.

### 1. Restricted Funds as at 1 July 2011

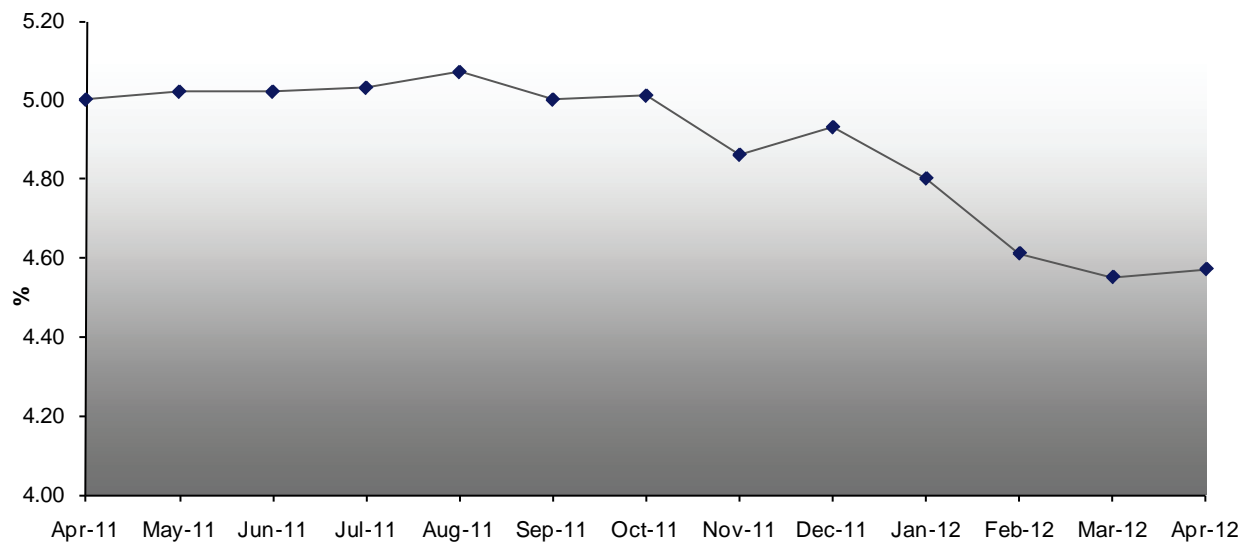
Description	(\$'000)			
	General Fund	Water Fund	Sewer Fund	Total
<b>Externally Restricted</b>	2,864	10,137	61,173	<b>74,174</b>
Crown Caravan Parks	12,430			<b>12,430</b>
Developer Contributions	27,770	15,770		<b>43,540</b>
Domestic Waste Management	8,373			<b>8,373</b>
Grants	3,395			<b>3,395</b>
<b>Internally Restricted</b>	16,613			<b>16,613</b>
Employee Leave Entitlements	2,199			<b>2,199</b>
Grants	3,404			<b>3,404</b>
Unexpended Loans	6,488			<b>6,488</b>
<b>Total</b>	<b>83,536</b>	<b>25,907</b>	<b>61,173</b>	<b>170,616</b>

Note: Restricted Funds Summary next update September 2012

### 2. Investment Portfolio by Category



3. Investment Rates - 90 Day Bank Bill Rate



#### 4. Direct Securities

Counterparty/ Product Name	Face Value	Market Value	% Return on Face Value	Investment Type	Final Maturity Date
Deutsche Bank	1,000,000.00	977,939.00	5.40	FRN	23/11/2012
ANZ Bank	1,000,000.00	1,042,940.00	8.65	Fixed Rate Bond	22/04/2013
Macquarie Bank	1,000,000.00	1,009,036.00	6.41	FRN	13/03/2014
Suncorp Metway	2,000,000.00	2,010,080.00	5.55	FRN	26/05/2014
AMP Bank	2,000,000.00	2,006,336.00	5.70	FRN	06/06/2014
National Australia Bank	1,000,000.00	1,013,310.00	5.73	FRN	19/12/2014
RaboBank	1,000,000.00	989,260.00	5.23	FRN	20/04/2015
Suncorp Metway	2,000,000.00	2,002,920.00	5.66	FRN	23/04/2015
National Australia Bank	1,000,000.00	996,870.00	5.49	FRN	05/11/2015
Westpac Bank	2,000,000.00	2,011,805.40	5.47	FRN	09/11/2015
CBA Retail Bond	1,000,000.00	979,000.00	5.26	FRN	24/12/2015
CBA Retail Bond	498,250.00	489,500.00	5.26	FRN	24/12/2015
CBA Retail Bond	492,500.00	489,500.00	5.26	FRN	24/12/2015
National Australia Bank	2,000,000.00	1,994,980.00	5.60	FRN	21/06/2016
RaboBank	1,000,000.00	980,040.00	5.24	FRN	27/07/2016
RaboBank	1,000,000.00	980,040.00	5.24	FRN	27/07/2016
CBA	1,000,000.00	989,640.00	5.06	FRN	02/08/2016
CBA	2,000,000.00	1,979,280.00	5.06	FRN	02/08/2016
Westpac Bank	1,000,000.00	1,010,950.00	6.16	FRN	20/02/2017
CBA/Merrill Lynch Zero Coupon Bond	4,000,000.00	2,928,400.00	7.17	Fixed Rate Bond	22/01/2018
Total	27,990,750.00	26,881,826.40	5.73		

ABS = Asset Backed Security  
Bond = Fixed Rate Bond  
CDO = Collateralised Debt Obligation  
FRN = Floating Rate Note



## 5. Term Deposits

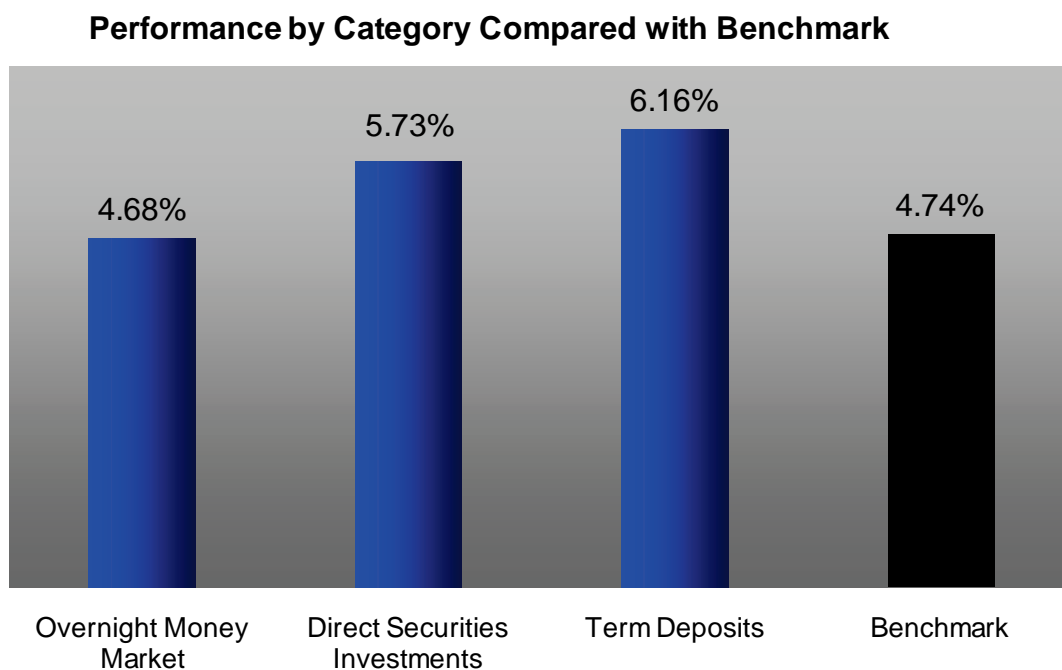
TERM DEPOSITS SORTED BY MATURITY AS AT 30/04/12					
Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM	% Yield
03-May-11	08-May-12	NAB	2,000,000.00	371	6.330
13-Feb-12	14-May-12	Bank of QLD (matures Nov 2013)	2,000,000.00	91	5.875
10-Jan-12	15-May-12	NAB	5,000,000.00	126	6.150
16-Feb-12	16-May-12	NAB (Aug 2012)	1,000,000.00	90	5.630
16-Feb-12	16-May-12	Westpac (Nov 2014)	2,000,000.00	90	5.710
20-Feb-12	18-May-12	Westpac (Feb 2016)	2,000,000.00	88	5.570
24-May-11	22-May-12	Adelaide Bendigo Bank	2,000,000.00	364	6.350
25-May-11	22-May-12	ANZ	2,000,000.00	363	6.400
17-Feb-12	22-May-12	Westpac	2,000,000.00	95	5.900
27-Feb-12	28-May-12	NAB (RBS) (Aug 2015)	2,000,000.00	91	5.650
29-Feb-12	29-May-12	ING (RIMSEC) (matures May 2012)	1,000,000.00	90	5.627
29-Feb-12	29-May-12	ING (RIMSEC) (matures Sept 2012)	1,000,000.00	90	5.627
01-Mar-12	29-May-12	MEB	2,000,000.00	89	6.000
29-Feb-12	31-May-12	IMB (Dec 2013)	2,000,000.00	91	5.727
02-Mar-12	04-Jun-12	NAB (Sept 2012)	5,000,000.00	94	5.667
07-Mar-12	07-Jun-12	ING (RIMSEC Sept 2012)	2,000,000.00	92	5.663
09-Jun-10	12-Jun-12	Investec Bank	1,000,000.00	369	6.420
09-Mar-12	12-Jun-12	Investec Bank (RIMSEC) (matures Jun 2014)	1,000,000.00	95	6.490
28-Feb-12	03-Jul-12	Westpac	2,000,000.00	126	5.900
10-Jan-12	10-Jul-12	Suncorp Metway	3,000,000.00	182	6.050
11-Apr-12	11-Jul-12	Westpac ( Jan 2016)	8,000,000.00	91	5.492
13-Mar-12	17-Jul-12	ING (RIMSEC)	1,000,000.00	126	6.020
17-Jan-12	17-Jul-12	Wide Bay CU	1,000,000.00	182	6.000
22-Jul-10	18-Jul-12	Suncorp Metway	2,000,000.00	727	6.720
21-Jul-11	24-Jul-12	NAB	5,000,000.00	369	6.320
27-Jul-12	27-Jul-12	NAB (matures Jul 2012)	5,000,000.00	91	5.250
06-Aug-10	07-Aug-12	Adelaide Bendigo Bank	2,000,000.00	732	6.600
08-Feb-12	07-Aug-12	AMP (RIMSEC)	1,000,000.00	181	6.000
05-Aug-11	07-Aug-12	MEB	1,000,000.00	368	6.300
14-Feb-12	07-Aug-12	Suncorp Metway	4,000,000.00	175	6.000
08-Feb-12	08-Aug-12	AMP (RIMSEC)	1,000,000.00	182	6.000
14-Feb-12	13-Aug-12	ING (RIMSEC)	1,000,000.00	181	6.000
14-Feb-12	13-Aug-12	ING (RIMSEC)	1,000,000.00	181	6.000

09-Aug-11	14-Aug-12	AMP Bank (CURVE)	1,000,000.00	371	6.100
14-Feb-12	14-Aug-12	ING (Curve)	2,000,000.00	182	6.000
21-Feb-12	21-Aug-12	ING (Curve)	1,000,000.00	182	6.050
28-Feb-12	28-Aug-12	ING (RIMSEC)	2,000,000.00	182	6.040
23-Feb-12	28-Aug-12	Suncorp Metway Rural Bank (Curve)	1,000,000.00	187	6.020
13-Mar-12	11-Sep-12	BOQ	2,000,000.00	182	5.950
17-Feb-12	18-Sep-12	MEB	2,000,000.00	214	6.000
13-Mar-12	18-Sep-12	ING (RIMSEC)	1,000,000.00	189	6.000
21-Mar-12	24-Oct-12	NAB	2,000,000.00	217	6.100
08-Dec-10	11-Dec-12	Westpac	2,000,000.00	733	6.950
04-Mar-11	05-Mar-13	Adelaide Bendigo Bank	2,000,000.00	735	6.350
22-Mar-11	19-Mar-13	NAB	1,000,000.00	728	6.500
22-Mar-11	26-Mar-13	Investec Bank	1,000,000.00	735	6.380
17-May-11	21-May-13	Suncorp Metway (RBS)	1,000,000.00	735	7.100
21-Jul-10	23-Jul-13	NAB (RBS) (matures Aug 2015)	1,000,000.00	1097	7.300
11-Aug-10	11-Aug-13	Bank of QLD	2,000,000.00	1095	6.000
12-Aug-10	13-Aug-13	NAB	2,000,000.00	1096	7.050
01-Sep-10	02-Sep-13	AMP Bank (CURVE)	4,000,000.00	1098	6.520
30-Aug-11	03-Sep-13	AMP Bank (CURVE)	500,000.00	735	6.000
30-Aug-11	10-Sep-13	Bank of QLD	500,000.00	742	6.000
22-Mar-11	25-Mar-14	Bank of QLD (Apr 2014)	1,000,000.00	1099	6.750
04-Apr-11	08-Apr-14	RaboDirect (Curve)	2,000,000.00	1100	6.390
07-Feb-12	10-Feb-15	RaboDirect (Mar 2016)	1,000,000.00	1098	6.000
22-Mar-11	22-Mar-16	Westpac (matures Apr 2016)	1,000,000.00	1827	7.150
07-Apr-11	07-Apr-16	RaboDirect	2,000,000.00	1825	7.000
11-Nov-11	22-Nov-16		1,000,000.00	1835	6.400
			114,000,000.00		6.162

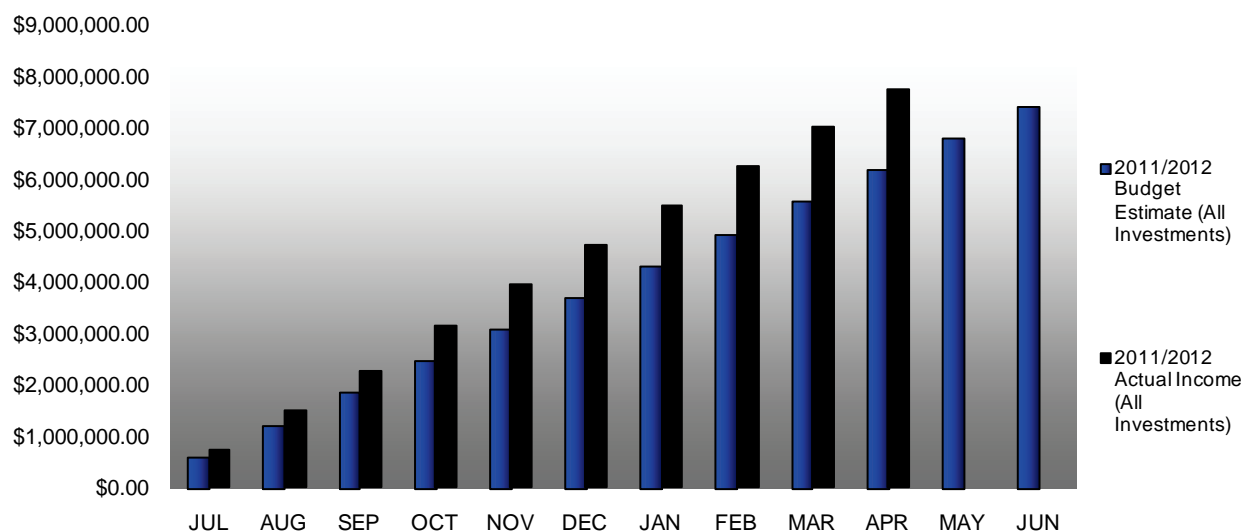
## 6. Performance by Category

Category	Face Value	Market Value	Average Return	Above/(Below) 30 day BBSW Benchmark
Overnight Money Market	\$8,900,000.00	\$8,900,000.00	4.68%	-0.06%
Direct Securities Investments	\$27,990,750.00	\$26,881,826.40	5.73%	0.99%
Term Deposits	\$114,000,000.00	\$114,000,000.00	6.16%	1.42%
Benchmark	\$150,890,750.00	\$149,781,826.40	4.74%	Benchmark 30 Day UBS Bank Bill Index

## 7. Performance by Category Compared with Benchmark



## 8. Total Portfolio Income Year to Date



## 9. Investment Policy Diversification and Credit Risk

Total Portfolio Credit Limits Compared to Policy Limits					
Long-Term Credit Ratings	Investment Policy Limit	Actual Portfolio	Short-Term Credit Ratings	Investment Policy Limit	Actual Portfolio
AAA Category	100%	<b>0.00%</b>	A-1+	100%	<b>26.40%</b>
AA Category	100%	<b>27.11%</b>	A-1	100%	<b>19.37%</b>
A Category or below	60%	<b>6.46%</b>	A-2	60%	<b>11.62%</b>
BBB Category or below	20%	<b>5.81%</b>	A-3	20%	<b>0.00%</b>
Unrated	10%	<b>2.58%</b>	Unrated	10%	<b>0.65%</b>

## 10. Term to Maturity

Maturity Profile	Actual % Portfolio	Policy Limits
Less than 365 days	58.68%	Maximum 100% Minimum 40% of portfolio
Between 365 days and 2 years	10.98%	Maximum 60%
Between 2 years and 5 years	27.76%	Maximum 35%
Between 5 years and 7 years	2.58%	Grandfathered investment. Outside current policy limit
Total	100.00%	

## 11. Investment Alternatives Explained

Investment Product	Maturity Range	Usual term to maturity	Major Benefits	Major risks
At Call Cash	At Call	Immediate to a few months	Highly liquid - same day access to funds with no impact on capital	Not a capital growth asset
			Highly secure as a bank deposit	Underperforms other asset classes in the long term
Bank Bill	1 - 180 days	Less than 1 year	Highly liquid - same day access to funds, usually with no or minimal impact on capital	Not a growth asset
			Highly secure (bank risk)	Underperforms other asset classes in the long term
				May incur a small loss for early redemption
Term Deposit	Up to 5 years	Less than 2 years	Liquid - same day access to funds	Will incur a small capital loss for early termination
			Highly secure as a bank deposit	Underperforms growth assets in the longer term

Floating rate Note Bond	1 - 5 years	Greater than 2 years	Increased yield over bank bills	Not a growth asset
			Can accrue capital gain if sold ahead of maturity and market interest rates have fallen	Can incur capital losses if sold ahead of maturity and market interest rates have risen
			Coupon interest rate resets quarterly based on 90 day bank bill swap rate	Credit exposure to company issuing the paper
			Relatively liquid	May not be bank guaranteed
			Less administration than bank bills	Underperforms other asset classes in the long term
Fixed Rate Bond	1 - 5 years	Greater than 3 years	Can accrue capital gain if sold before maturity and market interest rates have fallen	Can incur capital losses if sold before maturity and market interest rates have risen
			Fixed return - semi annual coupons	Credit exposure to company issuing paper
			Generally liquid	
			Can be government or corporate issuer	

## 12. Section 94 Contributions

Contribution Plan	Plan Description	End of Month Balance	Contributions Received for Month
01	Banora Point West/Tweed Heads South Open Space	4,073,071	-
02	Banora Point Western Drainage	518,193	-
03	Banora Point West/ Tweed Heads South Community Facilities	37,676	-
04	Tweed Road Contribution Plan	11,454,145	506,103
05	Local Area Open Space	837,840	2,437
06	Street Tree Planting in Residential Areas	154,269	(297)
07	West Kingscliff Opens Space & Drainage	483,193	-
10	Cobaki Lakes Open Space & Community Facilities	(786)	-
11	Shire Wide Library Facilities	1,500,334	1,688
12	Bus Shelters	51,535	(26)
13	Eviron Cemetery	(40,773)	229
14	Mebbin Springs Subdivision - Rural Road Upgrading	77,996	-
15	Community Facilities	352,878	3,975
16	Emergency Facilities - Surf Lifesaving	325,414	(200)
18	Council Administration & Technical Support	1,192,067	3,636
19	Kings Beach/Casuarina/Kings Forest	719,663	-
20	Seabreeze Estate - Open Space	651	-

21	Terranora Village Estate - Open Space & Community Facilities	26,703	-
22	Shirewide Cycleways	350,212	1,001
23	Shirewide Carparking	1,966,335	-
25	Salt Development - Open Space & Car Parking	874,093	-
26	Shirewide/Regional Open Space	2,685,902	10,912
27	Tweed Heads Masterplan Local Open Space & Streetscaping	59,451	-
28	Seaside City	21,201	-
90	Footpaths & Cycleway	-	-
91	DCP14	93,341	-
92	Public Reserve Contributions	114,660	-
95	Bilambil Heights	456,442	-
<b>Total</b>		<b>28,385,708</b>	<b>529,458</b>

### 13. Economic Commentary

#### Australian Cash Rate

The Reserve Bank of Australia (RBA) reduced the official cash rate by 0.50% to 3.75% pa at its 3 April meeting. The RBA noted that while Australia's unemployment rate is low, inflation is still within the 2-3% target range. In order to deliver appropriate borrowing rates, the RBA judged it necessary to reduce the cash rate by a substantial 0.5%.

Economists continue to expect further rate cuts by the RBA this year as sovereign debt issues in Europe continue to affect global trade, particularly with China and global confidence in general.

#### Council's Investment Portfolio

Council's investment portfolio is conservatively structured in accordance with Division of Local Government guidelines with 82% of the portfolio held in term deposits or cash at call. Term deposits and bonds continue to provide above trend returns while minimizing capital risk.

All investment categories except cash at call out-performed the UBS 30 day bank bill benchmark this month. Overall, the investment portfolio has returned an average 2.02% pa above the 30 day UBS bank bill index for the last 12 month period.



**14. Investment Summary as at 30 April 2012****GENERAL FUND**

CORPORATE FIXED RATE BONDS	3,971,340.00	
FLOATING RATE NOTES	22,910,486.40	
ASSET BACKED SECURITIES FUND MANAGERS	0.00	
TERM DEPOSIT - LOAN 104 OFFSET	0.00	
TERM DEPOSITS	46,000,000.00	
CALL ACCOUNT	8,900,000.00	<b>81,781,826.40</b>

**WATER  
FUND**

TERM DEPOSITS FUND MANAGERS	25,000,000.00	
	0.00	<b>25,000,000.00</b>

**SEWERAGE FUND**

TERM DEPOSITS FUND MANAGERS	43,000,000.00	
	0.00	<b>43,000,000.00</b>

<b>TOTAL INVESTMENTS</b>		<b>149,781,826.40</b>
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It should be noted that the General Fund investments of **\$81 million** are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

All Water and Sewerage Fund investments can only be expended in accordance with Government regulation and Council resolution.

**Statutory Statement - Local Government (General) Regulation 2005 Clause 212**

I certify that Council's investments have been made in accordance with the Local Government Act 1993, the Local Government (General) Regulations and Council's investment policies.



**Chief Financial Officer  
(Responsible Accounting Officer)**

**OPTIONS:**

Not Applicable.

**CONCLUSION:**

Not Applicable.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Investment (of Surplus Funds) Version 1.5.

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

In accordance with Budget Projections.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

Not Applicable.

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

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.35 Council funds are invested in accordance with legislation requirements and Council Policy
- 1.3.1.35.1 Council funds are invested to provide maximum returns whilst having due regard to risk

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

### 36 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 11 April 2012

Venue:

Canvas & Kettle Meeting Room

Time:

9.15am

Cr Milne opened the meeting by welcoming members and recognising the traditional owners of the land on which the meeting was being held.

Present:

Cr Katie Milne (Chair); Cr Dot Holdom; Pat Dwyer (Department of Industry & Investment NSW); Martin Dobney (Action Sands Chinderah); Claire Masters (Tweed Landcare Inc); Scott Petersen (Tweed River Charter Operators); Max Boyd (Community Representative); Robert Quirk (NSW Cane Growers' Association); Rhonda James (Restoration Industry); Jane Lofthouse, Tom Alletson, (Tweed Shire Council).

Informal:

Cathey Philip (Minutes Secretary), Hugh Milligan, Dawn Walker (Fingal Head Community Representative).

Apologies:

Richard Hagley, Ben Fitzgibbon (Office of Environment and Heritage); Lance Tarvey (Office of Environment and Heritage); Carl Cormack (Roads and Maritime Services); Bob Loring (Department of Primary Industries - Fisheries); David Oxenham, Mark Kingston, Sebastien Garcia-Cuenca (Tweed Shire Council).

Minutes of Previous Meeting:

Moved: Max Boyd

Seconded: Cr Milne

RESOLVED that the Minutes of the Tweed River Committee meeting held Wednesday 8 February 2012 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

BA1. Tweed River Committee Strategic Review

Tom updated members on the proposal from the facilitator, Sally MacKinnon from the Ethos Foundation, and advised that some members will be interviewed by Sally MacKinnon.

A facilitated workshop on Tweed River Committee scope and function will be undertaken at the meeting on 13 June 2012.

Tom will provide an overview of the plans and activities approximately one month prior to the June meeting.

BA2. Resignation of Fingal Head Community Member

Cr Milne advised that Judy Robinson has resigned from the Committee and sought endorsement from the Committee to appoint Hugh Mulligan as the Fingal Head representative.

Jane advised the Committee that all membership will be up for review after the Council elections in September.

Hugh briefed the Committee with his history and reasons for why he would be an appropriate representative.

Moved: Max Boyd

Seconded: Robert Quirk

RECOMMENDATION:

That:

1. Judy Robinson's resignation from the Tweed River Committee be accepted.
2. Hugh Mulligan be appointed as the representative for Fingal Head Community Association and Fingal Head CoastCare Association on the Tweed River Committee.

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Agenda Items:

A1. Project and Budget Updates

Tom presented the current and proposed Tweed River Committee projects and costs. Discussion held on various projects and funding. Committee was advised of the appointment of Matthew Bloor as Waterways Projects Officer on two year term, and the significant increase in capacity for project delivery.

*Angus Ferguson attended at 9.50am*

*Tim Mackney and Michael Wraight (Water Unit) attended at 10.00am*

*Darryl Capner and Tracey McGrath (Tweed Lab) attended at 10.00am*

*Doreen Harwood and David Bell (Environmental Health) attended at 10.00am*

Robert requested that Sebastien Garcia-Cuenca attend a future meeting to provide a report on outcomes of the ARC funded acid sulphate soil remediation work supported by Tweed River Committee.

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A2. Tweed River Water Quality Review

Dr Angus Ferguson from Aquatic Biogeochemical & Ecological Research (ABER) presented the findings of the Tweed Estuary Water Quality Review. Council will finalise this report with ABER and release to public.

*Max left the meeting at 10.30am*

*Lindy Smith attended at 10.45am*

*Tim Mackney and Michael Wraight left at 10.45am*

*Darryl Capner and Tracey McGrath left at 10.45am*

*Doreen Harwood and David Bell left at 10.45am*

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A3. Tugun Bypass Update on ASS Issues

Lindy Smith provided an overview of her concerns regarding ongoing acid sulfate soils problems associated with construction of the Tugun Bypass.

*Emily Whitehill & Jenna McLean attended at 11.25am*

*Ian Rahmate & Caz McDougall attended 11.30am*

Lindy advised that long term management of the site needs monitoring.

*Angus left at 11.35am*

There was agreement generally within the committee that the observations and photographic evidence provided by Lindy indicates serious remaining issues relating to ASS management in the vicinity of the Tugun Bypass tunnel. Lindy emphasised that the NSW Department of Planning & Infrastructure should not finalise their program of monitoring and regulation until further investigative work is carried out.

Lindy advised that this will eventually become a NSW problem, and remediation works for protection of natural areas and the tunnel infrastructure itself will become a burden for NSW tax payers.

A lengthy discussion was held on what is happening to the environment and what action Council can and should be taking.

Moved: Robert Quirk

Seconded: Cr Holdom

RECOMMENDATION:

That Council write to Department of Planning & Infrastructure as well as the local member, Geoff Provest, strongly recommending that there be continued long term, independent, specialist monitoring, management and reporting in regards to acid sulfate soils and other environmental impacts of construction of the Tugun Bypass, and that this be funded by the Queensland Department of Transport and Main Roads.

Lindy advised that she will attending Community Access on 12 April 2012.

*Lindy left at 11.55am*

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A4. Tweed River Sand Extraction EIS

Emily Whitehill and Jenna from Kellogg Brown & Root Pty Ltd (KBR) provided a briefing on the progress and issues relating to Tweed River sand extraction and pipeline route EIS.

A discussion took place on how the pipeline would be laid, maintained etc. Main points discussed were:

- Depth of dredging.
- Tidal effects.
- Approximately how much sand Kingscliff will require.
- Expected level of disturbance.
- Expected main cause of damage to surrounding area.
- How could recovery process be speeded up.
- Possibility of disturbance to more than just to frontal dune.
- Access to the pumping stations.
- Concerns about fuel and likelihood of a spill - need to include how to manage a spill.
- How much fuel going to burn.
- What happens to pipe afterwards.
- Welding stations.
- Noise levels.
- Need to liaise with

Emily provided step by step details on how pipeline would be laid if approved.

Jane emphasised that this session was for consultation to determine what the Committee wanted KBR to assess and that the EIS will be prepared over the next few months. A draft report will come back to Tweed River Committee and Tweed Coastal Committee which will then be submitted to Council and then placed on public exhibition. The report will also be forwarded to Department of Planning Infrastructure & Natural Resources.

Jane also advised that there is still time for interested members to raise issues - these can be emailed to Jane.

*Cr Holdom left at 12.45pm*

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General Business:

GB1. List of Outstanding Matters

Cr Milne requested that in future a list of outstanding matters be included on the Tweed River Committee meeting agenda.

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GB2. Better Boating River Cruise

Claire offered copies of a brochure provided by the NRCMA on the recent boat trip up the Tweed River "Healthy Waterways - Better Boating; More Fish".

GB3. Catchment Action Plan (CAP)

Robert raised concerns that the Committee was not taking the opportunity to contribute to CAP.

This subject was discussed and Claire mentioned that a number of committee members had completed surveys specific to the CAP review. It was agreed that members should complete the survey as individuals, as opposed to there being a general Tweed River Committee response.

Claire advised that Peter Boyd is intending to address Tweed River Committee in June for next round of consultation.

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GB4. Marine Litter

Cr Milne requested this item be listed on the next agenda.

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GB5. Wake Study

Cr Milne asked Tom what was happening with wake study.

Tom advised that it is on public exhibition, and that a river bank erosion management plan will be prepared based on the wake study and submissions made in relation to it. It had been discussed and agreed previously that a working group from Tweed River Committee would be convened to guide preparation of the river bank erosion management plan. The river bank erosion management plan will contain recommendations that Council will be able to implement, for example priority sites for bank protection works, and guidance for property owners who are dealing with eroding banks. Preparation of the plan will also provide an opportunity for Council to adopt a policy position on wake generating activities in relation to erosion, and that this position would be conveyed to NSW Maritime. This plan will be presented to Council in draft form so that it may be placed on public exhibition.

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Next Meeting:

The next meeting of the Tweed River Committee will be held 13 June 2012.

The meeting closed at 12.50pm.

**EXECUTIVE MANAGEMENT TEAM COMMENTS:**

***Resignation of Fingal Head Community Member***

Nil.

***Tugun Bypass Update on ASS Issues***

Nil.

**EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:**

***Resignation of Fingal Head Community Member***

**That:**

- 1. Judy Robinson's resignation from the Tweed River Committee be accepted.**
- 2. Hugh Mulligan be appointed as the representative for Fingal Head Community Association and Fingal Head CoastCare Association on the Tweed River Committee.**

***Tugun Bypass Update on ASS Issues***

**That Council writes to Department of Planning & Infrastructure as well as the local member, Geoff Provest, strongly recommending that there be continued long term, independent, specialist monitoring, management and reporting in regards to acid sulfate soils and other environmental impacts of construction of the Tugun Bypass, and that this be funded by the Queensland Department of Transport and Main Roads.**

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**37 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 13 April 2012**

Venue:

Tweed Byron Local Aboriginal Land Council, 21/25 Ourimbah Road, Tweed Heads

Time:

9.44am (quorum not achieved)

10.10am (quorum was achieved) - 3.03pm

Present:

Aunty Joyce Summers (Canowindra), Garth Lena (Minyunbul Community) from 9.44am-2.58pm, Jackie McDonald (Tweed Wollumbin Aboriginal Education Consultative Group), Councillor Dot Holdom, Des Williams, (Tweed Byron Local Aboriginal Land Council) from 10.28am-3.03pm, David Oxenham (Tweed Shire Council) from 9.44am-12.16pm, Leween Williams from 9.52am-12.30pm, (Tweed Aboriginal Corporation for Sport)

Ex-officio:

Linda Cooper (Minutes), (Tweed Shire Council)

Guest Observers (in order of arrival):

Fred Gesha (Tweed Shire Council), Mayor of Tweed, Councillor Barry Longland from 9.44am-2.11pm, Anne McLean (Tweed Shire Council), Vince Connell (Tweed Shire Council) from 9.44am-10.10am, Terry Watson (Department of Education, Employment and Workplace Relations) from 10.00am-11.39am, Kerryn Liddell from 9.52am-11.39am, Tim Robins (Everick Heritage Consultants) from 12.30pm-2.11pm, Tim Gall (Converge) from 2.12pm-2.25pm.

Apologies:

Desrae Rotumah (Tweed Aboriginal Co-Op)

The meeting commenced at 9.44am, however a quorum was not achieved until 10.10am.

Agenda Item

**A1 (a) Tringa Street Subdivision - Vince Connell (Tweed Shire Council)**

Vince Connell advised that the Tringa Street subdivision is an old application. Approval was originally granted in the 1990s. It is an industrial subdivision behind Council's existing treatment works. In the approved DA access to the site is off Tringa Street. There were concerns about the traffic access in the original application. Since the time of the original approval the applicant has been taking steps that deem commencement has started.

More recently the Proponent has lodged a S96 application to modify the original consent. The developer is now seeking permanent road access from Parkes Drive in the northern part of the site. Vince circulated the latest plan. The developer is seeking to swap the earlier road proposal through Hakea Drive (southern side of treatment plant) to relocate up to Parkes Drive. Council has major concerns and so does Roads and Maritime Services (previously called RTA) with traffic access going into the main system. Roads and Maritime

Services have said they do not favour permanent access to Parkes Drive. Council at present has only allowed a temporary access during construction.

David Oxenham noted the asset owner has given in principal support for the proposal to relocate the access road, noting that the application is subject to assessment by Council planners.

Jackie McDonald asked Vince to show the location on the map where temporary access is proposed. Vince advised from Parkes Drive. Jackie asked if a Cultural Heritage Assessment has been done on the area proposed. Vince advised an Aboriginal Cultural Heritage Assessment has been carried out on the area identified in the original DA but the changed area has not been assessed.

Jackie raised her concerns with the set-backs from the road and the Cobaki Broadwater in the proposed development noting by today's standards the DA may not have been approved. Vince noted the changes proposed by the S96 application will be assessed under today's legislation.

Jackie's main concern is the effect of the development on the Broadwater itself. It is part of the cultural landscape of an old campsite regardless of whether there is cultural material found on it or not. Ian Fox and Adrian Piper previously inspected the site and located cultural material. Years later none of it could be located. Jackie asked if Vince has the letter from the Minister on file with relation to the Section 96 application. Vince advised that current environmental and cultural heritage planning laws need to be considered for the proposed new access route. Jackie asked if environmental laws apply. Vince advised that whilst the area of the proposed new access road had been cleared, there are still important sub-surface cultural heritage issues that may be relevant.

Vince noted Council are being cautious with proceeding with the application, the major concern being traffic issues. The applicant has been given the option to withdraw the application or provide new information. At this time 14-20 days has been given to the applicant.

Jackie said that after looking at the Cultural Heritage Assessment, there is concern over whether the developer should be allowed to build. Aerial images support what the community are saying. Time has lapsed and the DA has not substantially commenced. Vince advised that Council is satisfied that "substantial commencement" has occurred for the original DA, thereby providing the applicant with an unlimited timeframe to complete the development. Jackie advised they wrote to the Minister as they believed the development needed to be set further back from Cobaki Broadwater. For many generations local Aboriginal people have been accessing the resources there.

*Action:* Vince Connell will advise AAC of the outcome of the developer's revised Application. Vince Connell has since advised that the current Section 96 application has been withdrawn by the applicant, and a fresh application with more detailed technical investigation is likely to be lodged in upcoming months.

**(b) ProWake (New Item)**

Vince advised that Tweed Councillors and Council officers met with the applicant yesterday to discuss the development application. At its meeting of 17 April 2011, Council resolved to rescind a previous decision to refuse the application, and therefore the application currently remains undetermined.

Council met with ProWake and asked if there are any alternatives to their proposal. The applicant put forward alternatives for their use on the river. Further up-river various options were mentioned. Council officers will look at these options and give initial feedback to the applicant on potential issues with regard to the environment and Aboriginal Cultural Heritage.

Council and ProWake had a brief discussion on stretches up north from Chinderah towards Tumbulgum and a bit further up. Council need to have a closer look at this option. The applicant acknowledged concerns that were raised about using the lower end of the river near Fingal for a coaching clinic. The primary intent of ProWake is to hold coaching clinics. Council still have questions to be answered to understand ProWake's proposal better. The applicant will get information to Council in the next few weeks. This application may go back to Council to give further consideration to the proposal.

Leweena Williams asked if this triggers a new Development Application (DA). Vince said it depends. A new application may be required for change of route. Council need to get through issues and identify new ones before determining whether a new DA is required. Vince will keep AAC posted.

*Action:* Vince Connell will advise AAC of the outcome of the Applicant's revised, or if required, new Application. Vince Connell has provided a further update that the current DA has since been called up by Councillor Polglase for further consideration at the May Council Meeting.

(c) Charles Street (New Item)

Vince advised that Development Assessment is underway by planning staff. Vince has read AAC's Minutes from the March meeting and noted the AAC had left the matter open to consider it further but there appeared to be no significant issues identified for that site to date. Jackie advised that Ian Fox also spoke about it at the last AAC meeting. Jackie advised that there is plenty of cultural material in the next block from the Charles Street school site. Jackie would like to know whether the sand bridge extends into that area or not. Vince replied Council could mention this to Everick Heritage Consultants. Anne McLean advised that Tim Robins is attending the AAC meeting later this afternoon and we can raise this with him then.

Jackie asked if one metre of soil has been removed from the site and do we know for sure that this has occurred. Vince said he was not aware of any removal of soil from the site. Jackie asked if that is the information provided by Tim Robins. Anne said this is from Tim Robins and Des Williams. Jackie asked do we look for evidence that one metre of soil has been removed. Anne suggested asking Tim.

Aunty Joyce Summers read the Minutes from the last AAC meeting and advised AAC that Des mentioned that nothing is there. Jackie advised if something is found they need to stop works. Jackie asked who the developer is. Vince replied that the Proponent of the DA is the Roman Catholic Archdiocese of Lismore. Jackie advised we could ask that their workers have a cultural induction of some sort. No one on site would be able to identify a relic without this induction and given the evidence of what is nearby, this should be done.

*Action:* Workers on the site are to receive a cultural induction to enable them to identify relics.

Fred Gesha advised Ian Fox is running workshops with the Kirkwood Road Project and will borrow items from Tweed and Byron Local Aboriginal Land Council to show the workers what relics look like. Jackie advised monitors are not always on site so this is a good idea. Jackie advised that at Cobaki workers did not recognise relics and just saw relics as stones.

*A quorum was achieved at 10.10am and the meeting officially began.*

Chair: Jackie McDonald

Moved: Leweena Williams

Seconded: Garth Lena

RESOLVED that the Chair was declared vacant and nominations were called. Jackie McDonald was nominated and was unanimously elected to Chair the meeting.

Jackie McDonald opened the meeting with a welcome to all present and paid respect to Elders past and present.

Apologies:

Moved: Garth Lena

Seconded: Councillor Dot Holdom

RESOLVED that Des Williams and Desrae Rotumah were not in attendance at the meeting.

Minutes of Previous Meeting:

Moved: Aunty Joyce Summers

Seconded: Garth Lena

RESOLVED that the Minutes of the Aboriginal Advisory Committee meeting held Friday 2 March 2012 be accepted as a true and accurate record of the proceedings of that meeting.

A2 Terry Watson (Building Australia's Future Workforce) and Kerry Liddell (Department of Education, Employment and Workplace Relations)

Indigenous Employment and Federal Government grant opportunities

Terry Watson advised that he does not work for the Department of Education, Employment and Workplace Relations (DEEWR). Terry works as a Local Employment Coordinator for "Building Australia's Future Workforce". He is only contracted to DEEWR. Kerry Liddell is employed directly by DEEWR.

Terry talked about Building Australia's Future Workforce program. This program was set up in response to the global financial crisis and the "Keep Australia Working" program. The government was looking to address issues that would arise from the global financial crisis. Examples are how organisations could provide assistance to workers at risk of redundancy, local solutions to employment issues and how to maximise spend and local employment opportunities. The program is also about employing local people on projects as opposed to employing contractors from interstate. "Keep Australia Working" program finished in June last year. "Building Australia's Future Workforce" is the new program.

Terry is a Local Employment Coordinator. His territory extends from the New South Wales / Queensland border to Coff's Harbour in the south and out west to Tenterfield. He works with a vast range of different programs and his job is to network and facilitate programs. Terry brings players from the employment skills area and puts teams together to fulfil projects. At the moment Terry is actively involved with 28 projects. A major project is a workforce development program for the New South Wales sugar industry. This deals with apprenticeship issues and tries to overcome skills shortages in sugar mills due to mining.

Terry is also involved in the teatree and macadamia industries. There is a funded consultant to identify skills shortages and develop strategies to address them. Terry also assists with the Green Teams Alliance project. There is an integrated approach by the Green Teams Alliance to generate a natural resource management project and also a separate project to develop 20 Aboriginal enterprises from the New South Wales / Queensland border south to the Hawkesbury area.

Terry has been heavily involved with the Banora Point Bypass project. 15 Aboriginal trainees were employed originally but that 12 were retained for the life of the project. Jackie thought that only 10 Aboriginal trainees were employed and asked why she was not told this as she attends the Aboriginal Focus Group for the project. Terry responded that all trainees were originally employed through Skilled. Some are employed now through Abigroup but that to the best of his knowledge there are 12 Aboriginal trainees still employed. Terry will check on the exact figure and get back to Jackie with this information.

*Action:* Terry Watson is to advise Jackie McDonald on the exact number of Aboriginal trainees employed on the Banora Point Bypass project.

Jackie asked to what extent was Terry involved with trainees on the Banora Point Bypass project. Terry said he worked on the early design of the project with Employment Plus. Auntie Joyce asked if Terry builds programs. He replied sometimes. He will work with a concept and then put a steering committee together.

Jackie asked if there are any other projects that Terry can assist AAC with. Jackie asked if the Clarie Hall Dam project is big enough for Terry to be involved. Terry responded that he deals with both big and small jobs. He does not do event projects. David advised that the Clarie Hall Dam project is to improve safety of the spillway by widening the throat. Terry stated it is a big project. Terry asked David what type of workers would be required. David replied that concreters, mobile plant excavators, form workers, plant operators and truck drivers would be needed. Terry advised his role, if invited, would be to work with the contractor to see if there are any skills shortages. He may be able to address skills shortages and provide training opportunities. Terry advised the Banora Point Bypass project was done through the IEP (Indigenous Employment Program). Terry highlighted the main concern was skill shortages due to people working on the mines instead of working in their locality.

Jackie advised that wages for first and second year apprenticeships are low and it is difficult to communicate to apprentices that their wage will increase each year. Terry advised this has always been the case with apprenticeships however the Australian Government is planning to raise wages of apprentices. Terry also noted that a serious skills shortage will prompt a change in the remuneration of apprentices. In the next few years employers will have to pay more for apprentices. Building Australia's Workforce program is traditionally supply driven and has had a greater impact in the indigenous community than other communities.

Jackie asked David if there are any other major projects in the Shire. David advised that the two major projects are Kirkwood Road and Clarie Hall Dam.

Terry said his approach to meetings such as this is to "plant a seed". Terry asked AAC if at any time they think of a project that Terry could be involved with to please contact him. It does not have to be a big project.

Job Services Australia are looking at early school leavers and re-engaging them with education and working towards a different approach with employers. They will specifically target areas where there are skill shortages such as aged care.

Terry discussed the PACE program where Aboriginal children are re-engaged with education and elders are used as mentors. Auntie Joyce asked who approached Terry for this project. Terry advised that indigenous community volunteers approached him first. Terry advised that he is reactive and not proactive. The community approaches him with requests.

Kerryn Liddell thanked AAC for the welcome and that as a visitor to the country would like to acknowledge the owners of the country and pay respect to elders past and present and Aboriginal and Torres Strait Islanders present. Kerryn advised that Terry is employed in a contract role with a larger vision for building skills in the workforce. Kerryn covers the Tweed Heads to Evans Head area and out west to Lismore. One program she is heavily involved with is the Indigenous Employment Program (IEP).

Kerryn advised that DEEWR wants to assist community and Council increase the number of Aboriginal people who work for Council. This arises from the "Closing The Gap" program. The aim is to halve the employment gap in the next decade and to achieve this 10,000 additional jobs must be created for Aboriginal people in the next 10 years. It is an extremely flexible program. The program can work with employers to design programs. An aim is to skill up the workforce and fulfil places. Another aim is to design employment strategies and encourage and support employers to provide jobs and develop the indigenous workforce.

Kerryn discussed DEEWR funding programs such as the NRL Titans which is designed to encourage kids to stay in school. There are school based traineeships. PACE manage programs differently from DEEWR.

Kerryn advised cross cultural awareness training can be built into projects. DEEWR can arrange pre-skilling, work skilled training and job preparation.

Kerryn is hoping today to "plant the seed" and have dialogue with AAC to get an idea on employment levels within Council and where they can help.

Jackie advised that DEEWR can help with Cobaki Lakes and Kings Forest developments. Employment and training opportunities has been advocated by Aboriginal groups. Jackie asked if AAC need to approach DEEWR to get it done. Terry asked Jackie to send him an email.

*Action:* Jackie McDonald is to ask Terry Watson to assist with employment and training opportunities at Cobaki Lakes and Kings Forest developments.

Terry advised the biggest problem is that the construction industry is flat. Kerryn advised they funded a program for Cobaki. 15 people were put through block laying training from the Tweed area. Three people went into jobs, others door-knocked for work in the construction industry and none was forthcoming. The project is being withdrawn as there is quite simply no demand for work.

Terry asked if Councillor Longland has information about Cobaki Lakes. Councillor Longland advised that the first lot of DA's have been approved. Councillor Longland advised a Section 96 application has been lodged in relation to some of the consent conditions.

David stated the developers are doing work on the road and this is part of the old DA. David advised that the Concept Plan approval is through for the new style of development. Under that Concept Plan, there are DA approvals - one for each precinct. A Section 96 application has been lodged to make modifications to the three precinct approvals. David advised that the only change to the Section 96 application is in relation to wording of some of the conditions.

David Oxenham advised the Construction Certificate application has been lodged. The Construction Certificate application is for the main central park and drainage system. This is separate from the DA for the lots. Building on the lots could be six months or five years away.

Terry asked about the Kings Forest development. David advised that Kings Forest development has obtained Concept Plan approval from the state government. These are the initial stages of development. The Department of Planning have expressed some concerns to the developer.

Terry is involved in a project through NOROC in relation to Aboriginal employment in Councils across the region. Kerryn advised one of issues raised is the use of labour hire companies and screening of the application process. The application process may not be suited to Aboriginal applicants. The group is also discussing Tender Requirements and ways to build Aboriginal employment into sub-contractor engagements and Council procurement processes.

Jackie advised AAC have been discussing Tweed Shire Council's Employment Strategy, training and opportunities for the Aboriginal community. AAC are developing a Reconciliation Action Plan (RAP) and Memorandum of Understanding (MOU) and one of the goals to embed into the document relates to Aboriginal employment. David asked if Kerryn has spoken to Council's Human Resources (HR) Manager, Suzanne Richmond. Kerryn replied no. David advised that the HR Manager did a presentation to AAC several months ago about the percentage of Aboriginal people employed at Council. Anne recommended setting up a meeting.

Anne advised there has been discussion at the AAC in relation to Council's Procurement Process, particularly in relation to sub-contractors. Advice to date is that Council is constrained as it has specific Roads and Maritime Services tender provisions to follow. Terry noted the state government has a whole range of procurement guidelines in place for Aboriginal employment. Terry suggested that someone could review Council's procurement processes.

Kerryn advised that she is working on a project involving the construction of Ballina Family Centre. She worked closely with Public Works on this project and noted Public Works have written into their procurement guidelines if the job is above certain value, they must engage Aboriginal employment.

Anne said that Council has certain constraints on the criteria it can put on tender specifications. It is her understanding that Council cannot have Aboriginal employment as Tender Assessment criteria; they can however request contractors provide an Aboriginal Employment Plan. The problem with this is that if the contractor already has Aboriginal workers, they are meeting the tender requirements but not doing anything for the local Aboriginal community.

*Action:* Fred and Anne are to facilitate a meeting between Council's HR Manager, Contracts Unit, Terry Watson and Kerryn Liddell.

A3 Fred Gesha (Tweed Shire Council)

*(a) RAP/MOU - suspended for following agenda item*

*(b) Tweed Shire Council Employment Strategy*

Fred Gesha advised that Aboriginal employment has been discussed in the 2001 Issues Paper and the Social Plan. Anne and Fred have met with Council's HR Manager, Suzanne Richmond and discussed a number of issues. The application process, specifically the selection criteria, is a daunting prospect. Anne and Fred spoke of dissemination of information into the community. The Tweed Link is not read by everyone, nor can everyone submit online applications. They also discussed the types of positions available and an audit on skills available within the community will be done. Council wants to employ local people with skills instead of outside people.

Fred referred to the Briefing Note; 2.6% of Aboriginal people make up the total population of Australia. Locally, 2.9% of the population are Aboriginal people. Council are working towards 2.9% Aboriginal employment, with assistance from the community.

Anne advised that Council are planning to develop an Equal Opportunity Management Plan which will include targets for Aboriginal employment. HR is working on it now and is prepared to run community information sessions. The logistics have not been worked out; however this may be arranged through job networks.

Fred said Council are looking at targeting school leavers and the long term unemployed. This also ties in with the RAP.



Jackie referred to page 2 of the Equal Employment Opportunity Management Plan Briefing Note and stated that the employment percentages quoted do not include apprentices. David advised that Council employ apprentices through Skilled. Even if a person is employed through Council direct there is no guarantee they would obtain a permanent job at the end of the apprenticeship. Terry advised Council are playing a great role of training young people.

Garth Lena asked if apprentices are given a further hand in gaining future employment after they complete their training. Kerryn advised DEEWR can assist people in setting up their own business through training. Terry advised that Job Services Australia is paid to assist job seekers with job application processes.

Anne advised that the application process at Council has been simplified for positions up to Grade 3. This covers most works/outdoor labour positions.

Terry suggested looking at long-term results. Terry alluded to a joint venture with Connect in Lismore, involving 20 pharmacies and Sydney University where 14 Aboriginal teenagers were put through traineeships as pharmacy technicians while still attending school. Each pharmacy was given \$10,000. The project created pathways for teenagers to enter pharmacies. This project has received funding to start again. This time 20 teenagers will be involved.

Terry asked is there an opportunity at Council for young people to get a graduate position. Kerryn advised there could be a cadetship scheme for people who are doing tertiary study. If Council makes cadetships available there is funding support. While a person goes to university they could work at Council on a part-time basis.

Jackie advised the community aspirations could be embedded into the MOU and RAP. Fred advised he can discuss this on the next agenda item. Fred advised Council are talking to First Sun and Employment Plus and investigating how they can help in this initiative, for example by identifying skills shortages.

Jackie asked when we are going to discuss identified positions.

Anne advised that the briefing note came about following Suzanne Richmond's discussion with AAC in December. An application was submitted to the Anti Discrimination Board to increase Aboriginal positions in Council. The Anti Discrimination Board has provided advice back to Council suggesting one avenue is to develop a comprehensive equal opportunities plan which incorporates designated positions. There are some actions in the briefing note for AAC to provide advice to Council, for example defining positions to target.

Jackie would like to see an Aboriginal face at the front counter of Council. Leweenaa advised it would be useful if someone the Aboriginal community knows is appointed and then they would feel comfortable going to Council.

Jackie asked if only one person works on the front counter at Council. Councillor Holdom advised there is one person on reception and two others at the counter doing invoicing and processing but there are 15 or 16 staff in the whole contact centre and they work in both the Murwillumbah and Tweed Heads Civic Centres.

David advised that at a previous AAC meeting they discussed where the skills are and in relation to young people, where do they want to be and what do they want to do. Anne asked the AAC if their wish is to target only young people or are longer term unemployed to be included in the mix as well. This is the information Suzanne needs from the AAC to begin designing positions.

Jackie suggested Council employ an administration trainee at the front desk. David advised that there is an Aboriginal Skilled employee at the Engineering Services front counter. She is doing a traineeship and is an Administration Assistant. She answers calls, handles complaints and issues that members of the public have and also processes paperwork. She is heading towards the end of her apprenticeship. Jackie asked if she is guaranteed employment at Council. David replied no, she is employed via Skilled as a trainee. A new traineeship will be offered once the current trainee finishes her traineeship.

David advised that without Anti Discrimination Board approval we cannot designate Aboriginal-specific jobs. We want to improve Aboriginal employment levels within Council. An idea from a previous AAC meeting is to find areas where we feel Aboriginal employment is crucial, focus on that and advocate. We can make a strong attempt to employ Aboriginal people within those roles.

Terry advised that this is a perfect example of how DEEWR works. The problem across the board is that supply and demand does not marry up. Most local government organisations are small in size. 85% of organisations employ less than 12 people. 96% of organisations employ less than 5 people. The demand is scattered and hard to identify. However, Tweed Shire Council is a big employer. We need to establish how to develop supply, find people and then help them through the process and assist them in obtaining the skills that they need.

Councillor Holdom has always had a vision that Council becomes a leader with Aboriginal employment and other employers look to emulate Council. There are some young people that finish their schooling without literacy skills. Council can encourage them through a scholarship to stay at school and enter Council to upskill and learn to interact within the office environment. How do we get dignified, proactive literacy education for older people who are unemployed? Terry advised that there is a dedicated program for that under Building Australia's Workforce Program. Statistics show that 65% of people who are long term unemployed do not have the ability to fill the most basic jobs.

Aunty Joyce asked if we have a 'Get Set' program in the area to build up skills and resumes for people hoping to enter the workforce. Kerry advised that different programs are available. Aunty Joyce asked if the local community knows about the program. Jackie asked if different job network companies know about programs. Terry advised that JSAs know about the program.

Anne advised through the chair that there are action items in the Brief that need to be considered. Terry could act as broker and meet Council's HR Manager and start off the conversation. Anne asked if he could facilitate a workshop with AAC and tease out skills shortages. The initial meeting could be with HR and then a workshop could be arranged. Jackie supports this idea. Jackie would like AAC to identify jobs that kids are interested in but this will be a difficult task. Leween advised that statistics takes in everyone, young and old, not just young people.

Terry told the meeting that last week he ran a workshop in Glen Innes. The workshop consisted of service providers, training organisations, schools and Council. They discussed where there are shortages and what jobs are available. The next step is to design a project. State training services have funding to do skill sets. They are funding 60 early school leavers and work experience people. There needs to be an integrated strategy.

Anne requested through the chair that she arranges a meeting with Council's HR Manager and Terry. We can present a model to the HR Manager and see how it works with their plans and development of an Equal Employment Opportunity Plan. Anne asked if this is agreeable with AAC.

Moved: Councillor Holdom

Seconded: Aunty Joyce Summers

RESOLVED that a meeting is arranged between Council's HR Manager, Anne McLean, Fred Gesha, Kerry Liddell of Department of Education, Employment and Workplace Relations and Terry Watson from Building Australia's Future Workforce. Outcomes will come back to AAC. This begins the process of the briefing note.

(a) RAP/MOU

Fred circulated documents and asked if everyone has had a chance to read these. At a previous meeting Fred had shown examples of other RAPs that local Councils have put together. The RAP Template document was downloaded from Reconciliation Australia's website.

Fred explained that the text in red font are examples that organisations should focus on. Text in the blue print is information extracted from Tweed Shire Council's Operation Plan and how it fits into those categories.

RAP is an action plan that turns good intentions into actions. The RAP is a series of actions. One of those actions is the Aboriginal employment initiative as discussed.

The Draft MOU was circulated. Fred advised that this can be included in the RAP. The RAP is an organisational action plan from the Executive Management Team down through the organisation. Fred asked if AAC want to make a decision at this meeting. Grant Paulson from Reconciliation Australia will talk at the next AAC meeting and advise what a RAP is and how to develop one.

Aunty Joyce asked if the MOU has strategies listed. Fred said this is a template and it will take a while to develop the plan. This needs to be done through a RAP group of the AAC and through all levels of Tweed Shire Council.

Jackie feels there might be some key point missing from the Undertakings in the draft MOU. For example, Jackie expressed her disappointment on behalf of the community when people use Community Access to speak in a slanderous way about key members of the community and members of the AAC. She suggested that the MOU includes a statement that recognises the AAC as their peak advisors, and has done since 1996. David was supportive of this.

Des agreed and noted that Jackie is talking about the status of the committee and that recognition is given to the committee by Council. Des wants formal recognition of AAC being chief advisors to Council.

Jackie would like to see the organisation relay this message to each incoming Mayor if there is a change of Mayor each year. Des would like some commitment and that new mayors will be walked through the RAP and MOU documents.

Councillor Longland agreed it is a good idea to have these points included in the MOU. Councillor Longland advised that when he was inducted as a Councillor there was some cultural awareness training, however it was not compulsory for Councillors to attend.

Aunty Joyce asked if it can be placed on Council's Agenda that only people with a known status in the community can speak on behalf of indigenous matters. Councillor Longland advised that the role of Mayor or Chair is to remind people attending Community Access meetings that Council have an AAC and Council recognises that formally as being a peak group for which we will receive advice about cultural issues.

Fred advised that what Councillor Longland said is perfect wording for the MOU. Garth asked why some Councillors do not attend cultural awareness training. Councillor Longland replied that he is unsure.

Councillor Holdom advised Council reviewed its Aboriginal Statement on 21 July 2009. Councillor Holdom wants the Aboriginal Statement reviewed and included in the MOU and suggested it could be included in point 5 under the "Undertakings" heading.

Anne advised through the Chair that we need to be clear on we are doing here. She understood the AAC wanted to move away from the MOU and focus on the RAP and then have objectives of the MOU embedded into the RAP. Anne advised AAC needs to be mindful that it will take up to two years for the RAP to be adopted by Council. A consultative process through the community will need to be followed and then the process will go through the Executive Management Team and Council.

Aunty Joyce wants the MOU embedded into the RAP. Jackie still wants a statement of recognition. Anne said there is a time lag. If an objective in the MOU is required in the RAP it will be a lengthy process.

Jackie also wants an additional point included in the MOU that Tweed Shire Council together with AAC, will develop the RAP. Fred advised it is also stated in the Operational Plan.

David asked what the outcome is. Council were previously working on the assumption that the RAP would be done first and then the MOU. David is now asking if the MOU will be done first and then the RAP done and finalised in the next few years.

Aunty Joyce asked if we should look at the MOU first and sign it off.

Councillor Holdom reiterated that the Aboriginal Statement should be included in the MOU. Councillor Longland asked if it needs to be revised. Councillor Holdom said she was reading the Aboriginal Statement from a Council Policy document. Legally a MOU is not binding and is an act of goodwill. If we only go with the MOU, we can get the long term view and then get the RAP right. MOU is the first step in a long process. If going with the MOU first, Councillor Holdom's thinking is that you need to think holistically and then embed something in Council's policy to back it up. Council are obliged to follow Council Policy documents. Elements of the MOU should be reflected in Council's Policy.

Anne advised through the Chair that there is a requirement through Council's Code of Meeting Practice, for the Aboriginal statement to be read at each Council meeting. However, it does not specify who shall read the statement.

Councillor Holdom noted there are no statements read out at Community Access meetings. Councillor Holdom feels the MOU should come across as an act of goodwill and a genuine attempt to reconcile. Then the RAP can follow as it is a long journey to the RAP stage. Councillor Holdom suggested that as the MOU is not legally binding, in order to bolster that we need to go back to Council's Aboriginal Statement policy and embed something in the fifth dot point that under the review process we recognise AAC as the peak advisory group to Council and it is cross referenced back to the Aboriginal Statement.

David stated that the AAC can create an action to assist with review of the Aboriginal Statement policy. Anne advised that she and Fred can present an updated MOU and Aboriginal Statement Policy at the next AAC Meeting. Council will be in caretaking mode in August. The MOU needs to be completed prior to August.

*Action:* Council's Aboriginal Statement is to be reviewed and presented by Anne McLean and Fred Gesha at the next AAC Meeting

Des asked what the status of the AAC is within Council. Councillor Longland advised it is a Council committee and has to follow the Code of Meeting Practice which applies to all Council committees. David said that in 1996 Council would have made a resolution to create AAC and this is how it exists. Des asked how often the existence of the AAC brought to the attention of Councillors. David replied that every month Councillors see the Minutes and that each term of Council (or earlier if membership changes) Council re-visits the purpose of the committee, including the terms of reference.

Des advised this should be revisited more often so Councillors are aware that AAC does exist. David said they are aware of AAC's existence.

David said the MOU came in two years ago. The Community refused to sign it. Jackie said that she would not sign it on behalf of the community due to an issue at this time stemming from community access issues which made the community feel the AAC was not given enough recognition. Des advised we need to push ahead with MOU.

Jackie restated that these were the reasons why she refused to sign the MOU on behalf of the community. AAC wants recognition as being the peak advisory committee to Council.

Anne asked through the chair that we add into the MOU that with any new Council coming in, it is mandatory for the Councillors to attend Code of Meeting Practice and Cultural Awareness Training. Then discussions can ensue internally regarding the importance of the AAC as a peak advisory body to Council.

Moved: Aunty Joyce

Seconded: Garth Lena

RESOLVED that Tweed Shire Council has an Aboriginal Advisory Committee and formally recognises the Aboriginal Advisory Committee as being the peak advisor to Council on indigenous matters. This needs to be included in the Memorandum of Understanding.

Moved: Aunty Joyce

Seconded: Garth Lena

RESOLVED that Tweed Shire Council's Aboriginal Statement Policy is reviewed and cross-referenced to the Memorandum of Understanding.

Moved: Aunty Joyce

Seconded: Garth Lena

RESOLVED that Tweed Shire Council, together with the Aboriginal Advisory Committee, will develop the Reconciliation Action Plan. This is to be included in the Memorandum of Understanding.

RECOMMENDATION:

Moved: Aunty Joyce

Seconded: Garth Lena

That upon cessation of the Aboriginal Advisory Committee and in preparation for the election in 2012 that mandatory Code of Meeting Practice and cultural awareness training for newly elected returning councillors and committee members is provided and that this requirement be included in the Memorandum of Understanding.

A4 Tim Robins (Everick Heritage Consultants)

*(a) Mooball Residential Rezoning - suspended for following agenda item*

*(b) Wooyung*

Tim advised 80 hectares of land is covered by the existing DA approval. The developer is trying to get community support for a revised concept for the site, starting with a single three-storey house in the top north-east corner of the site. This area of the site is characterised by an extensive midden and a shell scatter running through a SEPP14 rainforest area. The site has previously been sand mined. There may be raw material in the south of the site but due to the impact of sand mining on the coast it could be damaged.

Jackie asked if the developer is planning to build 24 houses or a resort. Jackie asked Tim if there anything from stopping the developer adding another ten houses to the site later on. Tim advised they will add a covenant to the land and restrict zoning of the land. This would be a legal requirement as a condition of developing the site. Tim noted the developer may seek provision to relocate the dwellings in the event of sea level rises.

Jackie noted her concern with the proposal is the proximity to the nearby ceremonial ground, not to mention the protection of the environment in that area where there are many plants traditionally used by Aboriginal people.

Tim identified the known cultural areas of the site for the committee. Jackie noted this is on the basis of a visual inspection only. Tim asked the position of the AAC in relation to the single dwelling.

Councillor Holdom noted the AAC does not need to make a decision today.

Des advised it is a matter for the Land Council to make comment or not. The area has clearly been destroyed by sandmining. There is Aboriginal cultural significance where bodies are buried within the middens. The area is definitely part of a broader landscape used widely by tribal camps, also indicated by the nearby Bora Ring. That is the real significance of the place.

Garth advised it does not take the cultural significance away from the site even though it has been sand mined.

Jackie referred to the marked pine tree in the location and its rarity.

Jackie suggested the AAC may not have a position on the development proposal yet but individuals could form their own opinions as the Land Council has done. Jackie noted individuals can also put forward their opinions outside the AAC.

Aunty Joyce noted she does not support the proposal.

Jackie is concerned about the impact of anything in the vicinity. There are few ceremonial places left in the Shire that have not already been impacted by development and Jackie is not comfortable with the developer wanting AAC to endorse it.

Garth said committee members can always say no. Jackie suggested that Garth sends an email to Council about this.

Tim understands that a report is being prepared for the application. Tim advised if the development is approved, AAC must ensure the community is still an active player and has a voice.

Jackie advised she has mentioned before that the state government would need to be consulted. Jackie asked Tim if there has been precedent where owners have sold land back to the state government, for example to extend a nature reserve next door. Tim was not aware of any cases.

Garth advised he wants his objections to the development noted. Jackie stated she needs to discuss the development with Tweed Wollumbin Aboriginal Education Consultative Group before presenting her opinion. Jackie will present the new information to them. At the last AAC meeting where this matter was discussed the application was for a resort. Jackie reserves her decision. Jackie opposes any development that has an impact on the cultural landscape of the Tweed.

Tim noted the new proposal may not meet the requirements of a cultural place as per State Government regulations. Aunty Joyce noted if that is the case the community will object on environmental grounds.

*Action:* AAC is to provide comment on the Wooyung development in due course.

**(a) Mooball Residential Rezoning**

Tim advised that this is for a proposed residential subdivision. In 2010 Everick surveyed the block next to the proposed development with the Land Council. A result of Everick's survey is that the land was a former banana plantation. It is very steep and has a heavily eroded surface. There was nothing found. Archaeologically, Everick do not believe there is much potential there but would like AAC's opinion. Tim asked AAC if Due Diligence Assessment is sufficient and noted there is nothing on the AHIMS register for the site so it does fit into the parameters of a Due Diligence Assessment.

Jackie advised it does not acknowledge what took place on the land before it was a banana plantation if only a Due Diligence Assessment is undertaken. Tim advised it is up to AAC. Jackie advised AAC would like to ask more questions before they give a decision. Tim asked if AAC wants him to provide an assessment result of the larger lot.

Des advised that Land Council would prefer the sites to be inspected. Jackie advised even if nothing is located, after the initial ground clearance they should have the opportunity to inspect. Jackie asked about the banana plantation. Tim advised they have aerial shots before and after the banana plantation existed. Jackie asked if Tim knows the owners' names. Tim is unaware but will find out. Jackie advised some AAC members have knowledge from other old families. Jackie can name families that had farming properties and remembers artefacts being collected that are still in possession of families. Jackie said a Due Diligence Assessment does not pick up on that. A more thorough assessment can provide information. Tim advised that Cyril and Adrian do not feel that there is any Aboriginal cultural significance there.

Jackie wants a Cultural Heritage Assessment to be done. Garth does not think a Cultural Heritage Assessment is necessary this time. Des spoke on behalf of the Land Council and advised there must be site inspection done. Tim suggested that Everick do a survey and incorporate the adjoining property into the report. Jackie asked if AAC agree. Majority agreed.

*Action:* Tim Robins is to undertake site survey and include results in report for adjoining property.

**(d) Cobaki Lakes**

Tim advised Cobaki Lakes consists of 3 staged developments. Precincts 1, 2, 6 & 3 are the first to come. AAC talked about employment opportunities. Jackie discussed the earlier attendance at the meeting of Terry Watson and Kerry Liddell. Tim will contact them directly.

*Action:* Tim Robins is to contact Terry Watson and Kerry Liddell of DEEWR to discuss employment opportunities at Cobaki Lakes.

Tim advised that the top right part of the land had been heavily disturbed and that 4500 lots have been approved for this subdivision. Tim advised there are monitoring requirements in some areas. The developer, Leda (together with Everick's advice) is putting together monitoring kits for site officers so reminded the AAC to be ready for site monitoring. TBLALC monitor is identified in the Management Plan. Monitoring nominations will be needed from AAC.

*Action:* AAC is to provide Everick with nominations for cultural monitors.



The idea is to conserve as much as possible. The bottom right area is of particular interest. Everick are negotiating with Leda to join up two parks for a bigger conservation area. They had heritage assessments done before Everick were appointed. When Everick arrived the site was very damaged. Everick have now requested that Leda put in place stringent requirements.

(c) Kings Forest

Tim advised the project application going through at this stage is for earthworks. Almost all sites have been cleared by Everick for earthworks except for an area near the proposed golf course. That area is fenced and not being touched. It will be revegetated with assistance of the community. Tim is alerting the community to be ready for site monitoring.

Jackie asked in relation to monitoring, if there are other Aboriginal stakeholders for that project. Jackie asked Tim if Everick will engage known stakeholders from the area. Tim advised that Everick will be engaging with all stakeholders. There are persons who registered as stakeholders that may not have a legitimate knowledge of the site. Jackie asked if Des was aware of this. Des said anyone who has knowledge of a certain area has the right to register as a stakeholder.

Tim advised that in relation to both Cobaki Lakes and Kings Forest developments, AAC need to agree on a keeping place for any relics found. By default the Land Council is the keeping place. Jackie had previously proposed relics be stored in a school in the local area; however Jackie is unsure whether a school would want that responsibility for storing it.

(d) Cobaki Lakes (resumed)

Tim advised there will be a Cobaki Lakes Community Centre. Jackie asked if we can approach Council to have the relics stored in the Community Centre. Councillor Longland stated that the Community Centre is far from being built. Aunty Joyce asked if it would be a secure place. Jackie advised that funding could be sought to house the relics in a secure way. Tim suggested a business case would need to be put together for the developer to consider.

Anne advised that the Community Centre will not be built until Cobaki Lakes reaches 60% occupancy.

Jackie suggested that an alternative solution could be to store artefacts throughout the Shire with an Aboriginal person or a groundsman present who can ensure they are in a secure site. If relics were stored in various locations, local people across the Shire can see the history.

Anne stated that during original discussions between a Community Services representative and Leda it was verbally agreed that once all the lots in a precinct are sold, the sales office is handed over as a temporary Community Centre. This was a good outcome but as discussions were informal, the agreement seems to have fallen by the wayside. There is concern in the Community Services Unit that the permanent Community Centre would not be built for many years due to the requirement of 60% occupancy being fulfilled. Tim will make enquiries and help AAC to submit a business case.

*Action:* Tim Robins will liaise with Leda in relation to the timing of the Community Centre construction and possibility of constructing the Community Centre up-front to house relics and conduct community cultural awareness meetings.

*Action:* AAC to bring business paper proposal to Tim to present to developer

Councillor Holdom advised given that Leda were taking on two huge precincts that as an act of goodwill and in recognition of the significance of the two sites, they might fund or build a place that recognises the importance of Aboriginal history and houses the artefacts and sets up funding. There could also be an avenue to produce income on site, for example musicians can perform there or artists can display work there. The greatest gift to give the Tweed would be an exhibition at the art gallery of artefacts for a limited period of time that traces the history of the two sites. Councillor Holdom advised that we will never see a development like this in the Tweed again.

Aunty Joyce suggested we should try to enhance the existing Minjungbal Museum at Tweed Heads South. Des advised that workers at the Museum are worried that when artefacts come into the area the spirits will not allow the artefacts into that area. Garth asked if Murwillumbah Museum will have an Aboriginal section. Councillor Longland replied that the Museum is being extended but he is not sure if there will be an Aboriginal section. Des feels it is not appropriate to house Aboriginal culture at Murwillumbah Museum as this will conflict with Minjungbal Museum.

Jackie suggested that all the artefacts for the Cobaki development should be housed together at one site. Garth enquired how this will work. Jackie feels that someone should be employed to give information talks and guide people around the museum.

Aunty Joyce asked if the artefacts need to be housed near to where they are dug up. Jackie advised it is a moral and cultural obligation. Des advised people apply to NSW Office of Environment (previously named NSW National Parks & Wildlife Service) for approval to take artefacts off site.

Des advised now is the time to do it. Tim asked how do AAC wish to proceed? Tim would prefer that the community comes forward with a proposal. Des advised there needs to be an interim keeping place. Tim asked if this can be Land Council. Des agreed to accept artefacts at the Land Council offices until a permanent keeping place is identified. Tim asked if the Land Council has humidity issues as he is concerned about the deterioration of paper tags on the bags.

Jackie asked Tim to provide dates of how old the relics are. Tim advised carbon dating for relics taken from the top 30cm is 1000 years. Relics taken from the 1m sand layer are still being dated. There is difficulty in dating the sand layer. Artefacts move when heavy machinery goes on top.

(e) Charles Street (New Item) [Also Outstanding Matter 30]

Jackie asked Des if it is correct that approximately 1m of soil has already been removed from the site. Des confirmed that at least a metre has been removed. Jackie asked if inspection after grubbing is needed. Des said it is not required at low level but on higher ground a site inspection is warranted. Des advised anywhere where there is disturbance and traffic on the site it will be monitored by the site officer.

*Action:* Tim to put forward recommendation to developer for workers to receive a cultural induction in the event that artefacts are found when a site monitor is not on hand.

*Action:* Tim to put forward a recommendation to the developer that a cultural monitor is required on the site

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(f) Tringa Street (New Item) [Also Outstanding Matter 19]

Tim advised that Section 96 application area was not part of Everick's assessment. Jackie asked if Tim has seen the map. Jackie asked Des if they can do a walk over. Anne asked if AAC want to include in the Cultural Heritage Assessment Report the suggestion that site workers have a cultural induction. Jackie said yes as only a worker who has undergone induction training would know how to identify a relic and what it signifies. Des advised there must be an Aboriginal person on site to ensure there is no artefact exposed during excavation. Tim noted the site is a former melaleuca swamp, and it is unlikely that Aboriginal artefacts would be located there. Monitoring would be a waste of time.

*Action:* Tim Robins to add into the Cultural Heritage Assessment Report that site workers have a cultural induction.

Jackie noted that providing a cultural induction to site workers does not replace the need for site monitors. It just maybe is another way to protect artefacts that might be uncovered during construction.

*A5 Indigenous Public Placemaking Project - "3 Brothers" - Anne McLean (Tweed Shire Council) deferred for next Agenda item.*

A6 Tim Gall (Converge)

(a) Limpinwood Telstra Tower Cultural Heritage Assessment (New Item)

Tim Gall relayed information from Ian Fox that the site has been surveyed in the area proposed for the pad to support the tower. Telstra has now advised they need to dig a fibre optic cable from the road to go to the tower. The proposed cable route area (from Zara Road for a distance of 1km) was not included in the original assessment.

Tim asked if AAC agree to include an additional assessment in the one report. Members agreed. Tim will recommend to Telstra that AAC go back with an archaeologist to assess the entire route.

*Action:* Additional Cultural Heritage Assessment is to be done and added into the original report.

Jackie asked if that site will require monitoring too. Des said yes. Jackie asked if members want to go with the same people that did the original assessment. Des is happy with this. AAC agreed.

*Action:* New site is monitored by same people who undertook original assessment.

(b) Aboriginal Cultural Heritage Management Plan (ACHMP)

On the Thursday before Easter Robyn Eisermann from Council and Ian Fox and Tim Gall from Converge met with the NSW Office of Environment & Heritage (OEH), previously named NSW National Parks & Wildlife Service, to discuss mapping. Council need to be compliant with state legislation and OEH is a significant stakeholder. Representatives in attendance from OEH were happy with the proposed mapping process which is ahead of OEH's. OEH currently records sites as a fixed point. This misses the opportunity to record larger areas of land, for example pathways. OEH will be watching the ACHMP with interest. It was a very constructive meeting.

Another outcome since AAC last met is that Tim has worked on a draft MOU. Tim confirmed his understanding that all three parties are represented in the MOU being AAC, Tweed Shire Council and Converge. An important notation for Converge and Tweed Shire Council is how the information provided through the course of the project is held. Ownership of particular information is important and so is authorisation and acknowledgment of certain information. Ian explanation of the mapping elements at the workshop did alleviate concerns.

Tim advised the MOU should complement but not replicate existing AAC protocol and relationships. It should embrace existing things. Fred advised that he is adding ACHMP to the RAP template.

Tim proposes to have a Draft MOU ready to discuss as an Agenda Item at the next AAC Meeting. Tim and Ian will both attend.

*Action:* Tim Gall and Ian Fox from Converge are to present a Draft MOU at the May AAC Meeting.

Des noted the ACHMP when complete does not take away from developer responsibility to come to OEH, Tweed Shire Council and the AAC. It is Important that the ACHMP does not become a 'tick the box' exercise for developers to bypass further consultation.

A5 Indigenous Public Placemaking Project - "3 Brothers" - Anne McLean (Tweed Shire Council)

Anne advised she was going to get a recommendation however it is not appropriate for Garth to vote on this and as Leweenah has left the meeting there is no quorum. Matter deferred.

#### Outstanding Matters Report

##### O7 Pacific Highway, Banora Point Upgrade

Discussions ensued about the "3 Brothers" artwork on the Bridge and appropriate story to use in interpretive signage at Wilsons Park.

Des relayed two stories to the committee.

Aunty Joyce advised we have to work out who is telling the story. Aunty Joyce wants it told from the book by Vincent Vesper.

Des advised that the story in the Minjungbal Book is not about the "3 Brothers". It is a dreamtime story about their grandmother that relates to the Clarence River area.

Jackie asked if the version of the '3 Brothers' story used for the Tweed LEP Vision document would be appropriate.

Jackie advised that she is attending an Aboriginal Focus Group meeting for the Banora Point Upgrade on 8 May. Jackie needs to take the story to this meeting to have it ready for interpretive signage panels for terraces.

Discussion ensued about the "3 Brothers" artwork. Jackie suggested that everyone communicates over email and aims to get a final version done in the next few days. Jackie showed the images that have already been approved for the screen. Des suggested some changes which Aunty Joyce mocked up on the printout.

The committee approved the addition of an additional brother to the artwork as shown by Aunty Joyce. Jackie advised that it may be too late to make any changes to this artwork as it was previously approved by the AAC in August 2011 but she will take it to the meeting.

*Action:* Jackie McDonald will provide revised artwork to AFG meeting prior to 8 May 2012.

*Action:* Anne McLean to forward Jackie, Aunty Joyce and Des a copy of the Tweed LEP Vision statement '3 Brothers' story and a copy of Aunty Joyce's edits to the proposed artwork.

### O32 Churaki Stone Sculpture

Jackie advised that she took photographs to the last AAC Meeting. Jackie showed Des a photograph of the proposed wording. The sculpture is currently housed in the Surf World Gold Coast (surfing museum) at Currumbin. Jackie wants to find a suitable place on Greenmount Hill for the sculpture.

### O10 AHIP Application for Kirkwood Road Project

Jackie advised the proposed wording for the plaque that was discussed at the March meetings was put to the AECG. There was a change proposed being the addition of the words continuing or enduring as shown in italics below:

"This site marks and recognises the location of a registered Aboriginal scarred / marked tree and acknowledges its *continuing or enduring* cultural and spiritual significance to the local Aboriginal people."

### Inwards Correspondence

1 "Investing in Sustainable Futures" Working Group  
Deferred to next meeting.

2 "NAIDOC Week 2012"  
Deferred to next meeting.

3 "NAIDOC Week School Initiative Competitions"  
Deferred to next meeting.

4 School World Environment Day  
Deferred to next meeting.

Outwards Correspondence  
Nil.

### General Business

1 Fingal Head Cemetery Vandalism  
Deferred to next meeting.

2 ATSI Police Support Persons (Fred Gesha)  
Deferred to next meeting.

3 Cultural Exchange Program (Councillor Holdom)  
Deferred to next meeting.

4 ATSI Issues Paper Update (Fred Gesha)  
Deferred to next meeting.

Next Meeting:

The next meeting of the Aboriginal Advisory Committee will be held on Friday 4 May 2012.

The meeting closed at 3.03pm.

**EXECUTIVE MANAGEMENT TEAM COMMENTS:**

***Reconciliation Action Plan (RAP) and Memorandum of Understanding (MOU)***  
**Nil.**

**EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:**

***Reconciliation Action Plan (RAP) and Memorandum of Understanding (MOU)***

**That upon cessation of the current Aboriginal Advisory Committee and following the Council Election in September 2012 that:**

- 1. Mandatory Code of Meeting Practice training be provided for all Aboriginal Advisory Committee members;**
  - 2. Cultural Awareness training be conducted for all newly elected and returning councillors; and**
  - 3. These requirement be included in the draft Memorandum of Understanding between Council and the Aboriginal community.**
-

**38 [SUBCOM] Minutes of the Tweed Coast Koala Advisory Group Committee Meeting held Tuesday 17 April 2012**

Venue:

Out-of-session meeting held via Email response.

Time:

3:30pm

Present:

Cr Dot Holdom (TSC), Anita Mudge (community rep), Lorraine Vass (Friends of the Koala Inc.), Rhonda James (community rep), Jenny Hayes (Team Koala), John Turbill (OEH), Mark Kingston (TSC), Sally Jacka (TSC), Sandy Pimm (TSC).

Apologies:

Ralph Kraemer (community rep), Steve Jensen (DoP)

1. Minutes of Previous Meeting:

Two minor amendments to the previous minutes were advised and the Minutes revised accordingly.

Moved: Cr Dot Holdom

Seconded: Anita Mudge

RESOLVED that the Minutes of the Tweed Coast Koala Advisory Group Committee meeting held Tuesday 14 February 2012 be accepted as a true and accurate record of the proceedings of that meeting (subject to adoption at next Council meeting).

**BUSINESS ARISING:**

2. Endangered Population Nomination

As discussed at the last meeting the Endangered Population nomination has been finalized and is now considered ready for submission to the NSW Scientific Committee. Many thanks go to Biolink for their work on the nomination.

The final nomination was circulated to members for consideration prior to the out-of-session meeting. Positive responses and endorsement was received from six of the eight voting members, with apologies from the other two.

Some comments and questions on the nomination were raised and will be discussed at the next meeting. With regard to the suggestion to include a section on Koala disease (being a major reason for Koalas coming into care), this section was included.

RECOMMENDATION:

Moved: Cr Dot Holdom

Seconded: Anita Mudge

That Council endorses the Endangered Population nomination for the Tweed-Brunswick Coast population of the Koala (*Phascolarctos cinereus*) and forwards it to the NSW Scientific Committee for their consideration.

3. Koala Plan Implementation Funding

At Council's March meeting Cr Holdom successfully sought \$120,000 per year from existing Council funds to implement the Tweed Coast Comprehensive Koala Plan of Management once completed. With existing recurrent funding of \$30,000 per year this will allow a part-time officer to be appointed and approximately \$100,000 per year to implement the recommendations of the Plan. A number of positive replies were received from Committee members in response to this news.

Meeting Closed

The out of session email meeting closed on 20 April 2012.

Next Meeting

Date to be advised once revised TCKPoM provisions received.

**EXECUTIVE MANAGEMENT TEAM COMMENTS:**

***Endangered Population Nomination***

Nil.

**EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:**

***Endangered Population Nomination***

**That Council endorses the Endangered Population nomination for the Tweed-Brunswick Coast population of the Koala (*Phascolarctos cinereus*) and forwards it to the NSW Scientific Committee for their consideration.**

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**39 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 19 April 2012**

VENUE:

Mt Warning Meeting Room

TIME:

Commencing at 10.00am

PRESENT:

Committee Members: Cr Kevin Skinner, Ms Liz Smith, Roads and Maritime Services of NSW, Snr Constable Ray Wilson, NSW Police, Mr Geoff Provest MP, Member for Tweed.

Informal: Mr Ray Clark (Chairman), Mr Leon McLean, Mr Paul Brouwer, Ms Judith Finch (Minutes Secretary).

APOLOGIES:

Mr Danny Rose, Cr Barry Longland (Mayor), Mr Thomas George MP, Member for Lismore, Mr Col Brooks (alternate member for Mr Thomas George MP).

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED that the Minutes of the Local Traffic Committee Meeting held 22 March 2012 be adopted as a true and accurate record of proceedings of that meeting.

SCHEDULE OF OUTSTANDING RESOLUTIONS

[LTC-SOR] Schedule of Outstanding Resolutions - 19 April 2012

1. [LTC] Chinderah Bay Drive, Chinderah (Item B4)

ORIGIN:

Planning & Infrastructure

FILE NO: ECM33214307; Traffic - Committee; Speed Zones; Chinderah Bay Drive

SUMMARY OF REPORT:

From Meeting held 19 May 2011 (Item B4)

Request received for a reduction in the speed limit to 50km/h on Chinderah Bay Drive, Chinderah.

*"Speed Limit is currently 60kph and is too high with the pedestrian traffic at the Fish Shop, slow-moving tourist traffic, continued accidents on Jenner's corner."*

The Chairman advised that this be listed on the Schedule of Outstanding Resolutions.

COMMITTEE ADVICE:

That the RTA be requested to conduct a speed zone review of Chinderah Bay Drive, Wommin Bay Road, Waugh Street and Phillip Street with a view to reducing the 60kph zones to 50kph.

*Current Status: That Item 1 from Local Traffic Committee meeting held 22 March 2012 remain on the list of Outstanding Resolutions.*

*(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 19 May 2011- Item B4).*

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2. [LTC] Kennedy Drive, Tweed Heads - Tweed Street Audit (Item B5)

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 19660428; Traffic - Committee; Pedestrian Crossings; Traffic - Safety; Kennedy Drive, Tweed Heads

SUMMARY OF REPORT:

From Meeting held 23 September 2010 (Item B5):

Request received for the provision of a safe crossing for people near Kennedy Plaza. It is reported that "*since the opening of the new bypass the traffic is horrific and pedestrians can wait up to 15 minutes*". It is also reported that "*motorists making illegal right hand turns into Kennedy Plaza also contribute to traffic congestion*".

Kennedy Drive near Kennedy Plaza carries over 20,000 vehicles per day, which is significant. A marked pedestrian crossing was located in this vicinity prior to the installation of the traffic signals at Ducat Street. This crossing was removed on request from the Roads and Traffic Authority of NSW as the signals provided a much safer crossing point for pedestrians. The signals are located approximately 200m west of the middle of the shopping centre. There is also a pedestrian underpass connecting residents on the southern side of Kennedy Drive to the shopping centre.

The pedestrian warrant for a marked or signalised pedestrian crossing would not be met at this location.

Council's crash database shows 6 reported crashes occurred in the vicinity of Kennedy Plaza between 2004 and 2009, none of which involved a pedestrian.

The Roads and Traffic Authority of NSW Representative advised that the Roads and Traffic Authority of NSW were investigating the Ducat Street/Kennedy Drive signals which will include the Kennedy Plaza area. It was suggested that this matter be listed as an Outstanding Resolution until the Roads and Traffic Authority of NSW have finalised their investigation. This investigation may include the possibility of the inclusion of a pedestrian refuge, which is the subject of concern.

COMMITTEE ADVICE:

That Kennedy Drive, Tweed Heads South be listed on the Outstanding Resolutions report.

*Current Status: That Item 3 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 22 March 2012 remain on the list of Outstanding Resolutions.*

*(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 23 September 2010 (Item B5).*

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3. [LTC] Clothiers Creek Road, Clothiers Creek (Item B4)

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 37021766; Traffic - Committee; Traffic - Speed Zones; Access to Property - Driveways; Directional Signs; Clothiers Creek Road; Raven Place; Condor Place

SUMMARY OF REPORT:

Request received in relation to the speed of vehicles travelling on Clothiers Creek Road, Clothiers Creek in particular between Raven Place and Condor Place.

*"Lately we've seen many vehicles overtaking over double unbroken lines in front of our property and also between Raven's Place and Madura Tea. This practice is a recipe for disaster as the sections of road where this occurring are only short and have restricted vision because of blind corners.*

*There are four road intersections, in excess of forty private driveways, two major businesses between Farrant's Hill Road and the Pacific Hwy interchange.*

- 1. We'd like to see the speed limit dropped to 70km/h between Nunderi and the Highway which could possibly bring the majority of motorists down to 80km/h.....*
- 3. Some signage erected to alert motorists of concealed driveways (at present there's only one.....)*

*.... We believe the existing speed limit on our section of road excessive due to the amount of traffic that travels, exits and enters every day."*

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On 25 November 2010 the Committee considered an item that related to various speed zoning issues across the Shire, including Clothiers Creek Road. The Committee advised as follows:

*"That speed zone reviews for the following roads be referred to the Roads and Traffic Authority of NSW:*

1. *Fraser Drive (between Botanical Circuit and Terranora Road)*
2. *Clothiers Creek Road*
3. *Tomewin Road, the 100km/hr zone just outside of Murwillumbah"*

The outcomes of a speed zone review on Clothiers Creek Road has yet to be received from the Roads and Traffic Authority of NSW.

#### COMMITTEE ADVICE:

That the speed zone review request for Clothiers Creek Road of 25 November 2010 for the Roads and Traffic Authority of NSW be placed on the Schedule of Outstanding Resolutions.

*Current Status: That Item 4 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 22 March 2012 remain on the list of Outstanding Resolutions.*

*(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 22 September 2011 (Item B4).*

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#### BUSINESS ARISING

Nil.

#### A. FORMAL ITEMS SECTION

##### DELEGATIONS FOR REGULATORY DEVICES

A1 [LTC] Minjungbal Drive intersection with Heffron and Water Streets, Tweed Heads South

#### ORIGIN:

Planning & Infrastructure

FILE NO: ECM 48373158; Traffic - Committee; Traffic - Safety; Traffic - Directional Signs; Traffic - Linemarking; Minjungbal Drive; Heffron Street; Water Street

#### SUMMARY OF REPORT:

Request received for installation of directional arrows on the cross road surfaces at the intersection of Minjungbal Drive with Heffron and Water Streets.

*"It is particularly important that this be undertaken on the Heffron St surface as many close calls are being witnessed with vehicles in the right hand turn lane failing to turn and proceeding across to Water Street at speed. As the left hand turn lane also contains vehicles wishing to proceed to Water Street, those exiting are faced with two oncoming vehicles."*

Traffic turning counts will be provided at the meeting. Initial observations are that the priority movement is the right turn from Heffron Street into Minjungbal Drive.

The Committee was informed that the majority of vehicles travelling eastbound on Heffron Street were turning right on Minjungbal Drive.

COMMITTEE ADVICE:

That directional arrows on Heffron Street for east bound traffic be installed as follows:

1. Left lane - left and straight ahead.
2. Right lane - right turn only.

RECOMMENDATION TO COUNCIL:

That directional arrows and appropriate lane signage be installed on Heffron Street for east bound traffic be installed as follows:

1. Left lane - left and straight ahead.
2. Right lane - right turn only.

*FOR VOTE - Snr Const Ray Wilson, Ms Liz Smith, Mr Geoff Provest, Cr Kevin Skinner*

A2 [LTC] Leisure Drive, Banora Point

ORIGIN:  
Planning & Infrastructure

FILE NO: ECN 47737364; Traffic - Committee; Traffic - Pedestrian Crossings; Traffic - Safety; Leisure Drive; Advocate Place

SUMMARY OF REPORT:

Request received in relation to the provision of a safe crossing on:

*"Leisure Drive in the vicinity of Advocate Place to enable residents from the retirement villages to safely cross the road to get to the bus stop. Although I appreciate that pedestrian numbers make this an unlikely spot for another crossing, is it feasible to install a pedestrian safety island in this vicinity?"*

There is an existing refuge 100m east of Advocate Place and a splitter island at the Greenway Dr roundabout 200m to the west and 400m to the east there is the traffic signals at Winders Place. The lane width adjacent to the bus shelter westbound is less than desirable and it is proposed to relocate the shelter further east to enable the left turn lane into Advocate Pl to be used as a bus set down/pick up area. The shelter would then be adjacent to the refuge. This is subject to available road verge for shelter placement.

Further discussion on the relocation of the pedestrian refuge has led to the need for further community consultation. Council officers should further consider the provision of an additional refuge between Advocate Place and Greenway Drive.

COMMITTEE ADVICE:

That the existing bus shelter on west bound Leisure Drive west of Advocate Place be relocated east of Advocate Place adjacent to the dedicated left turn lane, subject to available road verge being available.

RECOMMENDATION TO COUNCIL:

That:

1. No further action be taken in relation to Leisure Drive and Advocate Place until community consultation has taken place.
2. This item be placed on the list of Outstanding Resolutions.

*Present: Snr Const Ray Wilson, Ms Liz Smith, Mr Geoff Provest, Cr Kevin Skinner*

B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE

B1 [LTC] Caloola Drive, Tweed Heads

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 47737364; Traffic - Committee; Traffic - Linemarking; Caloola Drive

SUMMARY OF REPORT:

Request received in relation to advice that residents in Caloola Drive have:

*"Complained that since the university opened its Lakeside campus the volume of traffic along this road has increased and cars are driving round the curves on the wrong side of the road. It was suggested that centre lines be painted on the road way to encourage motorists to stay on the correct side of the road."*

Council officers have been liaising with the university to address the parking issues associated with the Lakeside Campus and Council expects a development application to be submitted addressing the issues.

The University needs to be reminded of its requirements to minimise traffic impacts on adjacent roads and residents.

COMMITTEE ADVICE:

That Council officers write to the Southern University reminding students of their obligations under the Australian Road Rules.

B2 [LTC] Pearl Street, Kingscliff

ORIGIN:  
Planning & Infrastructure

FILE NO: ECM 4773764; Traffic - Committee; Traffic - Linemarking; Traffic - Pedestrian Crossings; Traffic - Safety; Traffic - School Zones; School - St Anthony's Primary Kingscliff; Pearl Street

SUMMARY OF REPORT:

It has been reported that the pedestrian crossing in Pearl Street, Kingscliff outside St Anthony's Primary School needs repainting. It is claimed that the crossing is difficult to see.

The crossing in Pearl Street outside St Anthony's school is a "Children's Crossing" not a "zebra crossing" and only requires the painted stop lines and the flags to be displayed when operational during school zone times. The RMS also provides a school crossing supervisor.

The request for a marked zebra crossing at this location has been to the LTC previously and the warrants for numbers of people crossing was not met. About 2 years ago there were complaints about the coloured (red) background causing some confusion so the crossing was painted to be the same colour as the road.

COMMITTEE ADVICE:

That no further action be taken on provision of a marked pedestrian crossing on Pearl Street Kingscliff outside St Anthony's school.

B3 [LTC] Kyogle Road and Thomas Street, Bray Park

ORIGIN:  
Planning & Infrastructure

FILE NO: ECM 48763101; 48763105; Kyogle Road; Thomas Street; Traffic - Committee; Traffic - Parking Zones

SUMMARY OF REPORT:

Request received for advice in relation to turning out of Thomas Street Bray Park on to Kyogle Road.

*"....this morning there was a small white or cream truck (pantec) parked on Kyogle Rd too close to the corner of Thomas St.*

*I need to turn right out of Thomas St onto Kyogle Rd. It is totally impossible to see oncoming traffic. The truck also obscures the view turning left.*

*As there is a huge volume of traffic on Kyogle Rd heading into town it is an extremely dangerous situation.*

*Is it possible to have no parking signs installed please?"*

It is reported that the parking of the truck is an irregular occurrence and the vehicle is parked legally. An estimation of sight distance will be submitted to the Committee for consideration.

The Committee was advised that the Rangers have spoken previously to the truck driver and he has agreed not to park in this vicinity. The sight distance issue is only of concern when a large vehicle is parked on the approach to the intersection.

#### COMMITTEE ADVICE:

That no further action be taken in relation to vehicles turning out of Thomas Street on to Kyogle Road.

B4 [LTC] Numinbah Road, Crystal Creek

#### ORIGIN:

Planning & Infrastructure

FILE NO: ECM 48228380; Traffic - Committee; Traffic - Safety; Pedestrian - Safety; Numinbah Road, Crystal Creek; Pty: 83280

#### SUMMARY OF REPORT:

Request received for the provision of a convex mirror on Numinbah Road, Crystal Creek.

*"Would it be possible for the committee to visit and assess the urgent requirement of a convex mirror to the eastern side of our driveway as I feel it will only be a matter of time until myself or my neighbors are seriously injured or killed in a car accident due to lack of vision to oncoming traffic.*

*There are three houses off this one common driveway and all up we have six adults and six children at risk.....as the traffic on this particular bend have no warning at all that we are exiting our driveway. We have had too many close calls already and i am of the opinion that once our predicament is assessed you will agree with us entirely."*

Traffic speed data is not available in this vicinity however it is estimated to be in excess of the 50km/hr 85<sup>th</sup> percentile speed as recommended in the RMS Guidelines to the Installation of Convex Safety Mirrors. The placement of a mirror is not considered desirable as its distance from the driveway would render it unusable. Placement of 'Concealed Driveway' signs may be of some benefit.



The Committee was informed that the speed limit on Numinbah Road has recently been reduced to 80km/hr.

COMMITTEE ADVICE:

That the new RMS 'Concealed Driveway' sign be installed on Numinbah Road, Crystal Creek south of the driveway at No. 799.

B5 [LTC] Murwillumbah Primary School - Parking

ORIGIN:  
Planning & Infrastructure

FILE NO: ECM 5758792; Schools - Murwillumbah Primary; Traffic - Committee; Traffic - General; Traffic - Parking Zones; Traffic - School Zones; Parking - Infringement Notices; Eyles Avenue; Condong Street; Prince Street; Riverview Street

SUMMARY OF REPORT:

Request received in relation to the difficulty with parking in and around the Murwillumbah Primary School, particularly for people with large families and young babies.

It has also been reported that:

*"buses park in a car park zone in Eyles Avenue in front of the "No Parking" zone. In the morning it is a Bus Zone but not in the afternoon. Two buses can fit in this zone so you can imagine how many cars would be the equivalent. This week in our school newsletter parents were warned by the bus companies not to park in their Bus Zones because it is dangerous and fines are heavy. I also think having buses through Eyles St is very congested and dangerous. What about disabled car parking for that matter?"*

A plan of the existing parking and bus zones associated with the school was submitted to the meeting.

COMMITTEE ADVICE:

That:

1. Council officers initiate further consultation with the school principal, P & C and bus operators regarding traffic movements around Murwillumbah Primary School.
2. Murwillumbah Primary School be placed on the list of Outstanding Resolutions.

B6 [LTC] Cooley Street, Bogangar

ORIGIN:  
Planning & Infrastructure

FILE NO: ECM 46772205; Traffic - Committee; Parking - Illegal; Directional Signs; Pedestrian Safety; Driveways; Traffic - Parking Zones; Traffic - Safety; Traffic - School Zones

SUMMARY OF REPORT:

Request received in relation to parking congestion and infringements in Cooley Street, Bogangar.

*"I am writing in regard to the continual congestion and blatant disregard for the road rules and safety of both children and adults in Cooley Street, Bogangar on school days. The Bogangar Primary School has a "walk-through" gate access at the end of Cooley Street but due to the fact that many residents with children at the school would have to traverse the Coast Road to the roundabout at Sandalwood Rd and then return Coast Road to access the school parking bays, a large majority has decided that Cooley Street is a much better option for the drop off and pick up of their children.*

*....There appears to be a large majority that insists on parking in the cul-de-sac section of the street and leaving the vehicle to either pick up or drop off their child, which action poses a considerable safety and illegal parking situation. I have also witnessed vehicles parking across all driveways in the street blocking access and exit to the occupiers of the properties. As there is a large majority of parents driving large 4WD vehicles I feel this is also a considerable safety issue, as Cooley Street is a narrow street and the capacity of these vehicles to turn at the cul-de-sac is nearly impossible thus presenting a situation where the 4WD must reverse towards the entrance/exit gate of the school, at which time many children are entering or exiting."*

Council officers have visited the site on similar occasions and reported that there is no significant issue in regard to parking associated with the school.

COMMITTEE ADVICE:

That:

1. Parking issues associated at Bogangar School on Cooley Street continue to be monitored and the school be consulted on the issue of pedestrian access.
2. This item be listed on Outstanding Resolutions.

NEXT MEETING:

The next meeting of the Local Traffic Committee will be held 17 May 2012 in the Mt Warning Meeting Room commencing at 10.00am.

There being no further business the Meeting terminated at 11.50am.

**EXECUTIVE MANAGEMENT TEAM COMMENTS:**

- A1**     *[LTC] Minjungbal Drive Intersection with Heffron and Water Streets, Tweed Heads South*  
Nil
- A2**     *[LTC] Leisure Drive, Banora Point*  
Nil

**EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:**

- A1**     *[LTC] Minjungbal Drive Intersection with Heffron and Water Streets, Tweed Heads South*

That directional arrows and appropriate lane signage be installed on Heffron Street for east bound traffic be installed as follows:

1.       Left lane - left and straight ahead.
2.       Right lane - right turn only.

- A2**     *[LTC] Leisure Drive, Banora Point*

That:

1.       No further action be taken in relation to Leisure Drive and Advocate Place until community consultation has taken place.
  2.       This item be placed on the list of Outstanding Resolutions.
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**40 [SUB-LTC-BDR] Minutes of the Local Traffic Committee - B-Double Route Meeting held 19 April 2012**

Venue:

Mt Warning Meeting Room

Time:

11.55am

Present:

Cr Kevin Skinner, Mayor, Snr Constable Ray Wilson, NSW Police, Mr Geoff Provest MP, (Member for Tweed), Ms Liz Smith (Roads and Maritime Services of NSW Representative).

Informal:

Mr Ray Clark (Chairman), Mr Leon McLean, Ms Judith Finch (Minutes Secretary).

Apologies:

Mr Danny Rose; Cr Barry Longland, Mr Thomas George MP (Member for Lismore), Mr Col Brooks, alternate member for Mr Thomas George MP, Mr Paul Brouwer.

Minutes of Previous Meeting:

RESOLVED that the Minutes of the Local Traffic Committee - B-Double Route Meeting held 22 March 2012 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

Agenda Items:

**1. Chinderah Bay Drive and Waugh Streets, Chinderah**

Request received for review of the time limited curfew for B-Double access on both Chinderah Bay Drive and Waugh Streets, Chinderah.

On the remaining section of Chinderah Bay Road and Waugh Street there remains a time curfew condition:

*"No travel permitted 8:00-9:30am and 2:30-4:00pm"*

It is advised that the RMS is concerned that the current restriction may lead to vehicle concentration during these periods and undesirable driver behaviour to get in and out to avoid the curfew.

The time limitations would have been in place to limit the impact of B-Doubles mixing with peak hour traffic including school buses.

**RECOMMENDATION TO COMMITTEE:**

That the time limitations on the B-Double route approval for Chinderah Bay Drive and Waugh Street be removed.

**RECOMMENDATION TO COUNCIL:**

That the time limitations on the B-Double route approval for Chinderah Bay Drive and Waugh Street be removed.

General Business:

Next Meeting:

The next meeting of the Local Traffic Committee - B-Double Route Meeting will be held as and when required.

The meeting closed at 12.05pm.

**EXECUTIVE MANAGEMENT TEAM'S COMMENTS:**

1. Chinderah Bay Drive and Waugh Streets, Chinderah  
Nil.

**EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:**

1. Chinderah Bay Drive and Waugh Streets, Chinderah

That the time limitations on the B-Double route approval for Chinderah Bay Drive and Waugh Street be removed.

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**41 [SUBCOM] Reports from Subcommittees and/or Working Groups**

1. [SUBCOM] Minutes of the Tweed Coastal Committee Meeting held Tuesday 10 April 2012 (ECM 49795634).
  2. [SUBCOM] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 18 April 2012 (ECM 49844892).
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## ORDERS OF THE DAY

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## Civic Leadership

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

- 1 *Civic Leadership*
- 1.2.1 *Council will be underpinned by good governance and transparency in its decision making processes*
- 1.2.2.1 *Priority decision making*
- 1.2.2.1.1 *Council decisions will be in accordance with the Community Strategic Plan*

### **42 [NOM-Cr K Milne] Farmer's Market Tweed/Murwillumbah**

#### **NOTICE OF MOTION:**

Councillor K Milne moves that Council brings forward a report on the possibility of establishing a Farmer's market in Tweed Heads and an update on the Caldera Farmer's Market including numbers of stall holders any options to support/expand this operation.

---

### **43 [NOM-Cr K Milne] Viability of the Tweed Road Network**

#### **NOTICE OF MOTION:**

Councillor K Milne moves that Council brings forward a report on the Tweed Road Contribution Plan in relation to the breakdown of this model as outlined in the Council report on the Cost of Cobaki Infrastructure, Item 32 of the April 2012 agenda. The report to include:

- a) A discussion on these charges for small businesses in the Tweed and any disincentives this may create to the establishment of small businesses and roadside stalls.
  - b) Any financial burden that is placed on the community from large developments due to unfunded works.
  - c) A discussion of alternative options to the current model ie that is based on consumption of the road network eg as opposed to the road network that is required to be built.
-

**44 [NOM-Cr K Milne] Jack Evans Boat Harbour Markets**

**NOTICE OF MOTION:**

Councillor K Milne moves that Council brings forward a report on progressing the Jack Evans Boat Harbour market opportunity and the option of Council establishing and operating this market or assisting in the initial establishment.

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**45 [NOM-Cr K Milne] Coal Seam Gas Information and Policy**

**NOTICE OF MOTION:**

Councillor K Milne moves that Council

1. Develop a page on Council's website to assist the community to access relevant information on Coal Seam Gas (CSG) issues and updated information on Council's and the State governments actions in relation to CSG such as the web pages provided by Lismore and Moree Councils; and
2. Bring forward a report on appropriate means to protect the Shire from the potential for Coal Seam Gas Mining activities, including those that have been implemented by other councils such as the Moree Council's 'Draft Seismic Survey Standard Conditions Policy'.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

1. Moree Plains Shire Council's Draft Seismic Survey Standard Conditions Policy (ECM 48534525).
- 

**46 [NOM-Cr K Milne] Optimum Outcomes for Extending Bikeways**

**NOTICE OF MOTION:**

Councillor K Milne moves that Council brings forward a report to outline the best outcomes for extending the Tweed Shire bike network in relation to either commuter or transit options, including investigation of where the greatest numbers of residents or tourists could be serviced; the report to consider undertaking community consultation on this matter.

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**47 [NOM-Cr B Longland] Cycleways**

**NOTICE OF MOTION:**

Councillor B Longland moves that Council officers bring forward a report which details the feasibility, funding and possible implementation arrangements for a cycleway connection which links the village of Uki through Murwillumbah to Tweed Heads, with a connection to the existing coastal cycleway.

---

**48 [NOM-Cr D Holdom] Commercial Area Review Outdoor Dining**

**NOTICE OF MOTION:**

Councillor D Holdom moves that the General Manager investigates and reports back to Council on the following:

1. Council obtains current relevant valuations for commercial areas in all Commercial Business Districts (CBDs) providing outdoor dining and a report to Council on any need to review outdoor dining fees based on the new valuations; and
  2. The report to also consider and report back on a perpetual review period of five (5) years for outdoor dining so that valuations remain generally current.
- 

**49 [NOM-Cr D Holdom] Byrrill Creek Dam Site - Moratorium**

**NOTICE OF MOTION:**

Councillor D Holdom moves that Council places a moratorium on any dam proposal at Byrrill Creek for a period of the next twenty (20) years, effective from 15 May 2012.

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## **QUESTIONS ON NOTICE**

### **50 [QoN-Cr D Holdom] Koala Listing as Vulnerable by the Federal Government 30 April 2012**

#### **QUESTION ON NOTICE:**

Councillor D Holdom asked:

Given the Community interest within the Tweed Shire and beyond regarding Koalas and the recent announcement by the Federal Minister, Mr Tony Burke (30 April 2012), to list the Koala as Vulnerable in NSW and Qld, can the Director of Community and Natural Resources provide advice on the following:

1. what the listing means to Tweed shire Council and our Koalas?; and
  2. how will this affect any legislation in NSW?
- 

### **51 [QoN-Cr K Milne] Kings Forest Referral to the Federal Government on Koalas**

#### **QUESTION ON NOTICE:**

Councillor K Milne asked:

Now that the Federal Government has classified Koalas in NSW as a Vulnerable Species will Council be making a submission to the current Kings Forest EPBC referral process on the impact to Koalas from this development, noting advice from the department that they will now take the Koala issues for Kings Forest into consideration and that there is provision in the process for further information to be provided as the developer has not yet provided all the required information?

---

### **52 [QoN-Cr K Milne] Cobaki Referral to the Federal Government on Koalas**

#### **QUESTION ON NOTICE:**

Councillor K Milne asked:

What stage are the Cobaki subdivision at in relation to the construction certificates and is it possible for Council to request the Federal Government that Cobaki Koalas are also considered under the Federal Government EPBC Act now that Koalas are listed as vulnerable?

---

**53 [QoN-Cr K Milne] Tweed Road Contributions**

**QUESTION ON NOTICE:**

Councillor K Milne asked:

What is the unfunded cost of roadworks required to facilitate the major developments in Tweed ie that are not funded by developers contributions, and what is the total amount the community could be expected to be burdened with for these works?

---

**54 [QoN-Cr K Milne] Total Cost of Dam Options**

**QUESTION ON NOTICE:**

Councillor K Milne asked:

Can Council provide an estimate of what the final end cost of the three (3) different dam options would be including interest payments ie not net present values?

---

**55 [QoN-Cr D Holdom] Rollout of National Broadband Network (NBN) - Concerns Raised by Arts Northern Rivers (ANR) regarding the Creative Industries**

**QUESTION ON NOTICE:**

Councillor D Holdom asked:

Given the concern raised in the letter (as an attachment) from Arts Northern Rivers (ANR) regarding the National Broadband Network (NBN) rollout can the General Manager or his delegate please advise Council as to the expected or announced timing of the NBN to the Northern Rivers Region and specifically when Tweed residents can expect to enjoy the benefits of the NBN?

**UNDER SEPARATE COVER**

1. Letter from Arts Northern Rivers to the Deputy Premier dated 27 April 2012 (ECM 49892025).
-

**56 [QoN-Cr D Holdom] Link to Coal Seam Gas Interim Committee Federal Government**

**QUESTION ON NOTICE:**

Councillor D Holdom asked:

Could the link to the recently established Interim Committee on Coal Seam Gas and the link to FAQs on Coal Seam Gas be provided on Council's website to assist in the provision of information and provide access to other levels of government for residents and ratepayers of this shire?

<http://www.environment.gov.au/epbc/about/coal-seam-interim-committee>  
<http://www.environment.gov.au/epbc/coal-seam-gas/faq>

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## CONFIDENTIAL ITEMS FOR CONSIDERATION

### REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

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

- 1 [PR-CM] New Kingscliff Police Station Development Application (DA11/0257) Third Party LEC Appeal

#### REASON FOR CONFIDENTIALITY:

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



**Caring for the Environment**

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### REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

- 2 [EO-CM Tweed Roads Contribution Plan - Application of Section 94CA of the Environmental Planning and Assessment Act 1979

#### REASON FOR CONFIDENTIALITY:

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

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



**Supporting Community Life**

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**3 [EO-CM] Response to Notice of Motion - Council Land Review for Future Sale**

**REASON FOR CONFIDENTIALITY:**

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

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



