



TWEED
SHIRE COUNCIL

Mayor: Cr B Longland (Mayor)

Councillors: M Armstrong (Deputy Mayor)
G Bagnall
C Byrne
K Milne
W Polglase
P Youngblutt

Agenda

Ordinary Council Meeting Thursday 15 November 2012

held at Murwillumbah Cultural and Civic Centre
commencing at 6.00pm

COUNCIL'S CHARTER

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

Tweed Shire Council has the following charter:

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

Items for Consideration of Council:

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CONFIRMATION OF MINUTES

- 1 [CONMIN] Confirmation of the Minutes of the Ordinary and Council Meetings held Thursday 25 October 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 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 Thursday 25 October 2012 (ECM 58390540).
2. **Confidential Attachment** - Minutes of the Confidential Council Meeting held Thursday 25 October 2012 (ECM 58387414).

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held Thursday 25 October 2012 be adopted as a true and accurate record of the proceedings of that meeting subject to amendment of Minute Number 608 referring to Item 13 [PR-CM] Development Application DA11/1527 for an attached dual occupancy at Lot 21 DP 1124438; No 27 Charles Street, Tweed Heads as follows:

Condition 1 to now read:

1. *The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos:*
 - *DA 1.01 Revision 1 (Site Plan);*
 - *DA 2.01 Revision 1 (Level 1 Floor Plan);*
 - *DA 2.02 Revision 1 (Level 2 Floor Plan);*
 - *DA 2.03 (Level 3 Floor Plan);*
 - *DA 2.04 (Roof Plan);*
 - *DA 3.02 Revision 1 (East Elevation, West Elevation);*
 - *DA 4.01 Revision 1 (Section A-A, Section D-D);*
 - *DA 4.02 Revision 1 (Section C-C, Section B-B);*
 - *DA 6.01 (Impervious area, DSZ & Landscape Concept Plan);*
 - *DA 3.01 Revision 1 (North Elevation, South Elevation).*

All prepared by Pat Twohill Designs and dated 24 July 2012, except where varied by the conditions of this consent.

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SCHEDULE OF OUTSTANDING RESOLUTIONS

2 [SOR-CM] Schedule of Outstanding Resolutions



Civic Leadership

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

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: Meeting conducted with the Chief Executive Officer of Destination Tweed and it was noted that Destination Tweed interacts with commercial operators who are interested in operating appropriate markets in the Tweed. This interaction ranges from development assistance through to marketing support. These markets provide opportunity for many small, creative, epicurean or relevant business to

the market type, a platform for sales and promotion. Destination Tweed also provides assistance with Farmer's Markets in development and marketing.

26 June 2012

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

27 [CNR-CM] Management and Dedication of Environmental Lands at Kings Forest and Cobaki

364

**Cr K Skinner
Cr W Polglase**

RESOLVED that this item be deferred for a Workshop to include the proponent, Council officers and Councillors.

Current Status: A Workshop has been held and Council continues to negotiate with the proponent and the Department and a final report will be considered by Council in the forthcoming months.

ORDERS OF THE DAY

74 [NOM-Cr D Holdom] Promotional Banners Concept

NOTICE OF MOTION:

418

**Cr D Holdom
Cr K Skinner**

RESOLVED that the General Manager investigates and reports back to Council on the concept of promotional banners being utilised to promote events/festivals within selected areas of the Tweed as suggested by the Tweed Chamber of Commerce.

Current Status: Investigations were undertaken in conjunction with Destination Tweed and it is noted that banners have certain limitations and it is not feasible within budgets to enable all events and festivals within the Tweed to have bannerling. Appropriate bannerling is better suited for multi-use across a number of events and festivals and aimed at raising the awareness of the destination.

21 August 2012

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

38 [SUB-EAAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 20 June 2012

542

Cr D Holdom
Cr J van Lieshout

RESOLVED that the:

1. Minutes of the Equal Access Advisory Committee Meeting held Wednesday 20 June 2012 be received and noted; and
2. Director's recommendations be adopted as follows:

General Business Items

1. Regional forum for Equal Access Committees, 7 May

- 1) *That as part of the ongoing official Tweed Shire Council induction process (which new and returning Councillors will undergo post elections on September 8):*
 - *An induction workshop on Access and Inclusion is held.*
 - *The workshop be scheduled and conducted no later than the end of February 2013.*

Current Status: Access and inclusion training to be conducted at a suitable time.

25 October 2012

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

6 [PR-CM] Compliance Issues - Unauthorised Works in Outdoor Dining Footpath Blister Area at Nos. 60 - 62 Murwillumbah Street, Murwillumbah, Courthouse Hotel

Cr G Bagnall declared a pecuniary interest in this item, left the Chamber at 06:15 PM and took no part in the discussion or voting. The nature of the interest is that Cr Bagnall has a competitive business in the same industry.

595

Cr P Youngblutt

Cr M Armstrong

RESOLVED that Council, in respect of the unauthorised weather protection structures installed in association with the outdoor footpath dining and road blister area of the Courthouse Hotel, located on the premises Nos. 60-62 Murwillumbah Street, Murwillumbah supports that the officers bring back a further report to Council on a suggested policy framework for developments within the footpaths and road reserves of the business centres within the Tweed Shire.

Current Status: Report to be prepared.

47 [NOM-Cr K Milne] Greenfield Policy Implications

NOTICE OF MOTION:

621

Cr K Milne

Cr G Bagnall

RESOLVED that Council brings forward a report in regard to enhancing Council's policies for major Greenfield developments to improve outcomes for:

1. Ecological sustainability appropriate to Tweed Shire's nationally and internationally significant environment and its current environmental stress,
2. Community health planning, including meeting the needs of seniors and children,
3. Planning for green spaces, community gardens, edible landscapes and wild places,
4. Reduced carbon emissions, energy efficiency, and potential for greater on site waste management, and
5. Opportunities to promote and facilitate a more localised economy through appropriate planning.

Current Status: Report to be prepared.

48 [NOM-Cr W Polglase] Fingal Rovers Surf Life Saving Club

NOTICE OF MOTION:

622

Cr W Polglase

Cr P Youngblutt

RESOLVED that Council gives consideration in its 2013-2014 Budget to providing an additional \$200,000 for the completion of the Fingal Rovers Surf Life Saving Facilities renovations.

Current Status: For consideration in 2013/2014 Budget.

50 [NOM-Cr W Polglase] Memorandum of Understanding with Leda Developments

NOTICE OF MOTION:

624

Cr W Polglase

Cr P Youngblutt

RESOLVED that Council bring forward a report with regards to the Memorandum of Understanding with Leda Developments. The report is to indicate:

- what costs have been incurred?
- does Council still have a contractual arrangement with the facilitator?
- has the Memorandum been signed, and if not signed, what are the hold ups?

This report to be tabled at the November 2012 meeting.

Current Status: Tweed Shire Council has not proceeded with the Memorandum of Understanding with the Leda Property Group. The total funds paid to Blackadder Associates for the preparation of draft documentation and attendance at meetings equated to \$5,585.97

Tweed Shire Council does not have a contractual agreement with the facilitator, Blackadder and Associates, correspondence was sent to Mr Stephen Blackadder on 31 May 2012 indicating that the matter was to be deferred and that Tweed Shire Council may revisit utilising Blackadder at some stage in the future, however this was unlikely to occur until a number of matters had been clarified.

The proposed Memorandum of Understanding with the Leda Property Group has not been signed by either party. The main reasons for the delay in the finalisation of the Memorandum relate to the proposed terms of reference and recent compliance issues.

51 [NOM-Cr W Polglase] Council Contributions Fees and Charges

NOTICE OF MOTION:

625

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Council:

1. Brings forward a report identifying the number of small businesses that were approved in the last 12 months and the income generated to Tweed Shire Council for the Section 94 contributions. The report to indicate what implications would be to the Council budget if these charges were reduced by 50%. This report to be presented to Council at the December meeting.
2. Determines at the December 2012 meeting if to discount the Section 94 charges for small business applicants by 50% for a period of twelve (12) months beginning from 1 January 2013 to 31 December 2013.
3. Consults with the combined Chambers of Commerce and other industry groups before the report is tabled at the December meeting.

Current Status: Report to be prepared for December 2012 meeting.

MAYORAL MINUTE

3 [MM-CM] Mayoral Minute - Period from 6 October to 1 November 2012

SUBMITTED BY: Cr B Longland, Mayor



Civic Leadership

Councillors,

COMMITTEE MEETINGS

Attended by the Mayor

- 12 Oct 2012 - Arts Northern Rivers Board Meeting - Old Tintenbar Chambers, Unit 2/5 Bruxner Highway, Alstonville.
 - 17 Oct 2012 - Destination Tweed Board Meeting - Tweed River Art Gallery, 2 Mistral Rd, Murwillumbah.
-

INVITATIONS:

Attended by the Mayor

- 9 Oct 2012 - Tweed Chamber of Commerce Business Breakfast - Tweed Heads Bowls Club, Wharf Street, Tweed Heads.
 - 10 Oct 2012 - 4CRB Radio Talkback with the Mayor - 4CRB, 8 Stevenson Court, Burleigh Heads.
 - 12 Oct 2012 - Private Citizenship Ceremony, 2 new citizens - Murwillumbah Civic Centre, Tumbulgum Road, Murwillumbah.
 - 13 Oct 2012 - Rock the Gate Concert and Rally against Coal Seam Gas - Murwillumbah Showgrounds, Queensland Road, Murwillumbah.
 - 14 Oct 2012 - Stokers Siding / Dunbible Community Hall Centenary Celebrations and Morning Tea, Mayor's Speech & presentation of life membership awards to volunteers - 244 Stokers Road, Stokers Siding.
 - 15 Oct 2012 - Gold Coast Sevens, Fever Pitch hosted by Gold Coast Airport - Skilled Park, Stadium Drive, Robina QLD.
-

- 16 Oct 2012 - Kingscliff & Districts Chamber of Commerce Breakfast - Kingscliff Beach Bowls Club, Marine Parade, Kingscliff.
- 16 Oct 2012 - Tweed Education Industry Forum Meeting Notice - Tweed River High School, Heffron Street, Tweed Heads South.
- 23 Oct 2012 - Murwillumbah Show Sponsors' night (hosted by the Tweed River Agricultural Society) - Function Room, Murwillumbah Showground, Queensland Road, Murwillumbah.
- 24 Oct 2012 - Wollumbin BUG (Bicycle Users Group) Presentation, Support for Cycleways - Imperial Hotel Main Street, Murwillumbah.
- 27 Oct 2012 - Margaret Olley Art Centre Cocktail Party Fundraiser - Tweed River Art Gallery (TRAG), Mistral Rd, Murwillumbah (Warren Polglase also attended as President of the TRAG Foundation).
- 29 Oct 2012 - Tweed Youth Forum - Murwillumbah Golf Club, 233 Byangum Road, Murwillumbah.
- 29 Oct 2012 - Mayor's talk to Year 4 and 5 Students about Democratic Government - Tweed Heads South Primary School, 10 Heffron Street, Tweed Heads South.
- 29 Oct 2012 - Murwillumbah Rotary Club - Greenhills on Tweed, River Street, Murwillumbah.
- 31 Oct 2012 - Official Opening of the NSW SES Tweed Coast Unit Headquarters by Mr Geoff Provest MP - SES Tweed Coast Unit Headquarters, Centennial Drive, Pottsville.
- 01 Nov 2012 - Tweed Shire Housing and Homelessness Network Meeting - Coolamon Cultural Centre, Tumbulgum Rd, Murwillumbah.

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

- 19 Oct 2012 - Margaret Olley Art Centre Steering Committee - Tweed River Art Gallery (TRAG), 2 Mistral Rd, Murwillumbah (attended by Cr Warren Polglase as TRAG Foundation President).
- 20 Oct 2012 - Tyalgum Digger's District Sports Association Inc - Tyalgum Showground (attended by Cr Michael Armstrong).
- 26 Oct 2012 - Care Connect's 'DisabiliTEA' - part of a nationwide tea party to call on the Government to introduce the National Disability Insurance Scheme (NDIS) - The Palmy café, 75 Wharf Street, Tweed Heads - Cr Byrne attended.

Inability to Attend by or on behalf of the Mayor

- 8 Oct 2012 - Lismore Community Consultation Forum, Review of the NSW Mental Health Act 2007 - Lismore Workers' Club, 231 Keen Street, Lismore.

- 19 Oct 2012 - The 8th Annual Salt Surf Lifesaving Club Sportsman's Lunch - Saltbar Beachbar and Bistro, Salt Village.
 - 23 Oct 2012 - Carers Day - Tweed-Gold Coast Community Hub, 100 Blundell Blvd, Tweed Heads South.
 - 26 Oct 2012 - Tweed Theatre Company's "FIND the LADY" - Tweed Heads Civic Centre, Corner Brett St and Wharf St, Tweed Heads.
-

REQUESTS FOR WORKSHOPS:

Councillors did not request any new workshops in the period from 6 October to 1 November 2012, beyond what was scheduled by the Executive Management Team.

CONFERENCES:

Conferences attended by the Mayor and/or Councillors

- 11 Oct 2012 Division of Local Government Councillor Workshop - Achieving Outcomes for your Community "Hit the Ground Running" - Lismore (Crs Longland, Armstrong, Bagnall attended).

Information on Conferences to be held

- 26 Nov 2012 - Effective Chair in Local Government, LGSA Councillor Development Program - Sydney venue to be advised - *This half day evening program will cover different leadership styles when chairing meetings, skills to facilitate a rigorous debate, approaches to create a good meeting ambience, how to reduce distractions at meetings, how to maintain control and keep order, ways to avoid defaming fellow councillors and other parties* - Half Day Registration \$440, plus flights and 1 night's accommodation - Refer [Effective Chair in Local Government course flyer \(PDF.143KB\)](#) or www.lgsa.org.au/events-training/course-councillors (Note:- Cr Byrne was endorsed to attend this training at the 25 September Council meeting).
-

SIGNING OF DOCUMENTS BY THE MAYOR:

- 10 Oct 2012 - Licence Agreements - Berths 15, 16 and 19 - Southern Boat harbour Tweed Heads.
 - 12 Oct 2012 - Transfer Granting Easement Lot 3 DP 1066634 Tweed Heads South.
 - 24 Oct 2012 - Deed of Lease - Murwillumbah Community Print Makers - Bray park Community Centre.
-

- 24 Oct 2012 - Licence Agreement - Berths 9,10,21 and 22 Southern Boat harbour Tweed Heads.
- 25 Oct 2012 - Deposited Plan Administration Sheet - Creation of Lot 9 as a Drainage Reserve in DP 615053.
- 25 Oct 2012 - Withdrawal of Caveat document - Lot 409 DP 1162588 - Kingscliff.

RECEIPT OF PETITIONS:

Any petitions received either by Councillors or Council will be tabled.

COUNCIL IMPLICATIONS

a. Policy:

Code of Meeting Practice Version 2.2.

b. Budget/Long Term Financial Plan:

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

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

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 6 October to 1 November 2012 be received and noted.**
 - 2. The attendance of Councillors at nominated Conferences be authorised.**
-

3. Any petitions received by Councillors or Council be tabled.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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ORDINARY ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

- 4 [GM-CM] Destination Tweed Quarterly Performance Report - July to September 2012

SUBMITTED BY: Business and Economic Development



Strengthening the Economy

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 Destination Tweed's quarterly reports for the quarter 1 July to 30 September 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 1 July to 30 September 2012 quarterly report from Destination Tweed.

RECOMMENDATION:

That Council:

1. **Endorses Destination Tweed's Quarterly Report for the quarter July to September 2012.**
2. **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:-**
 - (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:



Quarterly Report to Council July to September 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 NSW in the Australia's Green Cauldron (AGC) National Landscapes Programme (NLP)
- Regular meetings with Destination NSW & Tourism Australia
- Regular communications with Department of Resources, Energy and Tourism
- Relationship development with travel trade (retail, wholesale, ITA's, airlines, ITO's & DMC)
- Regular communication and attendance of industry forums such as ATEC and RTO
- Ongoing marketing, product development and PR with members

Further engagement with industry has been through the product development workshops designed to provide a platform for businesses to work towards becoming internationally ready. Destination Tweed (DT), in partnership with Northern Rivers Tourism (NRT), was successful in gaining state funding to undertake these industry activities.

DT continues its close working relationship with Australian Tourism Export Council (ATEC) in providing inroads in to the emerging markets of South East Asia as well as the traditional markets of China, Singapore and Malaysia.

Survey Members & Operators

DT surveyed its members and operators to ascertain current barriers and constraints to marketing and development. A number of factors were identified, primarily that members wished for a lower cost user pays membership base to access tools and skills as they need, as opposed to a higher cost all inclusive style membership.

This reflects the varying stages of development the local tourist industry is in. More in-depth and comprehensive surveys will be carried out through the Business Retention and Expansion Survey.

Tourism Update

- Network News sent to membership and stakeholders
- Individual member meetings and updates provided by CEO
- Small group updates conducted by CEO

Identify Product / Experience / Infrastructure Gaps

Through continued engagement with industry and by conducting research, DT have identified a number of gaps in service and product delivery of tourism and tourism related experiences infrastructure, as well as demand building activities.

DT is working with individual operators to further develop their product offer or range of experiences with which to match the gaps. This is ongoing work and is labour intensive and sees DT act as a business leader/consultancy for operators.

By working with regional councils, operators and industry groups DT hopes to be able to bridge these gaps. A good example is the bike and walking trails that will traverse the region. Development work that has gone in to this planning will facilitate product or experience outcomes in the future.

Projects such as Australia's Green Cauldron (AGC) provide the platforms for product development under the Experience Development Strategies (EDS). The EDS also assists in identifying a number of gaps in infrastructure which are issues in relation to cross border promotion and delivery. The Strategic Tourism Investment Grants (STIG) program will facilitate a set of working tools that will enable products to align themselves and develop in a more homogenous path for service delivery under the banner of the AGC National Landscapes Program.

Greater partnerships with NSW Parks & Wildlife and Parks Australia are required in order to deliver the required experiences in the natural environment. This is an ongoing process and will take a number of years to achieve.

Engage with Private Sector

Through the course of daily operations such as marketing and product development, DT are engaged with members and the broader tourism and tourism related businesses.

Develop Tweed Tourism Brand

Development of the summer campaign has facilitated a review of the Tweed brand. The concept work that has been undertaken provides a stronger experiential positioning with which to support the region as well as integrate the various elements into the marketing collateral.

The "Tweed Naturally" brand that has been used in the past was dropped or faded in to the background over time. This brand identity has a strong fit and resonance with operators and the region. The "Tweed Naturally" positioning links cleanly in to the new design elements and provides a clean and simple brand proposition that will fit and apply across a number of elements and experiences.

The upcoming visitor guide and web site will effectively use and launch the new or revitalised brand and associated elements.

DT currently have a destination awareness campaign targeting the South East Queensland (SEQ) regions. This campaign is designed to reinforce and promote the regions experiences. Emotive imagery and a smile message is being utilised and promoted on the side of busses in the Brisbane bay side area and the Gold Coast, along with billboards at Brisbane central station, and radio sponsorship on the Gold Coast. All are designed to reinforce the destination to those that know about it and to introduce the destination to new consumers. This is phase one of the overall campaign and is in support of the product and destination advertising that has been taken in selected magazines and through various media activities.

A similar campaign is also being rolled out in Sydney with industry partners and operators. Like SEQ, DT seek to promote the regions identity and experiences with a simple message and imagery. Billboards have been placed in Wynyard and Town Hall stations and signs are on buses in the Eastern Suburbs. These, along with industry advertising, help pitch and promote the region. Future activity will be as a cooperative Northern Rivers campaign, followed in February by a strong Gold Coast campaign. DT will release product based marketing activities in to the target markets at that time.

Develop Print Advertising

DT continues to undertake print advertising in conjunction with marketing campaigns and cooperative marketing opportunities. This type of marketing is about developing the regions destination profile and the experiences contained within to the various target markets.

- Holidays with Kids (magazine)
- Holidays for Couples (magazine)
- The Legendary Pacific Coast (magazine)
- Byron Bay and Beyond (brochure)
- Out & About With Kids (magazine)
- Australian Traveller (magazine)
- Traveller (magazine)
- Backpacker Essentials (magazine)
- Make Tracks (magazine)

Develop & Produce Maps

Through the design of the visitor guide DT will be producing regional, local and town maps to be included in the publication. At present the concept is for the maps to be the centre spread over four pages which will allow the centre pages only to be printed on map quality papers.

The new website will use series of interactive maps online which will be supplied by Google Maps.

DT currently stocks a number of maps on the region which are retailed through the VIC's.

Website Development

DT website has been delivered. The integration into third party domains remain a source of concern, this relates to the querying of data from the Bookeasy data base via the Evolved API. This will be resolved within a few weeks of writing this report. Then the site will be live.

The full website which will complement and match the visitors guide will be launched in late November.

Develop and Produce Visitors Guide

The Tweed Visitors Guide (TVG) is now underway. The production of this has been pushed back so that the brochure life covers the tourist season and is better aligned to the industry brochure year.

Develop and Produce Relevant Brochures

DT is in the process of consolidating content and designing a Tweed Touring Guide that includes experiences such as food, art, history and scenic trails into one brochure.

DT are in the process of producing a suite of brochures along with the above that provide a full range of promotional material for the regions key experiences. This will be matched in the TVG and on the website.

Fam Tris

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

Editorial / PR

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

Social Media

This continues to be an area that DT are expanding into with a redesign of the social media sites. The current sites are being integrated into the DT website to provide greater functionality and sharing of content. These social media channels are used to promote the regions community events, markets, activities, networking opportunities and business chamber functions. DT currently has 4780 Facebook friends.

TOURISM MARKETING & PROMOTION TIMELINE

| Action | Jul | Aug | Sept |
|--|-----|-----|------|
| 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 | | | |

Tweed Tourism/Destination Tweed Website Analytics

Tweed Tourism/Destination Tweed website analytics for the July, August, September quarter:

| Site Usage | July | August | September | Total / Average |
|----------------------|--------|--------|-----------|-----------------|
| Number of visits | 5104 | 4902 | 5811 | 15817 total |
| Unique visits | 3980 | 3971 | 4760 | 12711 total |
| Time spent per visit | 3.16 | 2.38 | 2.39 | 2.64 average |
| Page views per visit | 3.71 | 3.50 | 3.51 | 3.57 average |
| Bounce rate | 49.92% | 50.86% | 50.56% | 50.45% average |
| New visits | 71.75% | 74.91% | 76.60% | 74.42% average |

2. BUSINESS ATTRACTION

Engage with Local Business

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

Out of these meetings there is a clear need for a more formalised approach of collective communication with Council from Tweed industry as a whole, beyond the joint chambers. As such, DT have facilitated and are now providing the secretariat for the Tweed Business Advisory Board (TBAB).

The formation of TBAB is an important step in providing Council with a unified and informed view of the regions business needs.

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. However, now that the region is on the waiting list, this has been moved backwards as a priority, but still in the planning.

Raise the Profile of Destination Tweed

DT, through working with AGC development (STIG Program), Destination NSW, RDA and other local and state organisations, has been promoting the region as a place of business, growth and opportunity.

Develop a Tweed Business Website

The site for Tweed Business is active and live.

Develop and Maintain Marketing Material & Develop Customised Marketing Packages

Collateral is completed and being distributed to relevant parties.

Collateral is effective to a point, DT have the 'hook' with nice imagery, good words that position the Shire as a potential place to invest or set up business. However DT does not have the 'drivers' that turn that interest in to a real prospect. These are outside of the control of DT and reside within Council. Without these 'drivers' such as business start-up incentives, offsets, rebates or whatever mechanism is available for Council to offer, the DT collateral has only the ability to inspire people but not necessarily motivate them to move or invest in our region.

There is not a once size fits all, development of incentives that appeal and attract key markets that were identified in the Business Attraction Strategy adopted by Council, would enable DT to play a more effective role.

Develop and Promote News Stories

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

Produce Annual Update on Tweed Economy

This is underway and will be made available to Council upon completion.

Hold Annual Economic Summit/Business Forum

Discussions were held with TBAB committee for their input and it was agreed to delay the timing of the forum to coincide with the 2012 Council Candidate announcements. Tweed Shire Council will be updated when this occurs.

Attend Trade Shows & Networking Events

- Country & Regional Living Expo in August 2012
- Chamber Networking Events
- Industry Forums

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 has approached existing business within and outside of the region to set up and invest in expanding their operations to include the Tweed or to based their operations in the Tweed.

DT assists business in their application process for grant funding, and where appropriate will review grant funding applications. DT also assists in referring business to the NSW Government for relocation assistance packages and other business grants. However, since the closure of the NSW Trade & Investment office in Tweed Heads this partnership has slowed.

Provide Customised Information to Investors

DT continues to work with individuals and businesses interested in investing in the region or developing their existing business. Individuals are provided information based on their needs and requirements.

Hold Regular Meetings with State, RDA & Industry Representatives

Regular meetings have been held with various government departments and offices such as:

- ATEC
- Dept. Resources, Energy, Tourism
- Dept. Industry & Innovation
- EDA
- NSW Chamber
- Austrade

BUSINESS ATTRACTION TIMELINE

| Action | Jul | Aug | Sept |
|---|-----|-----|------|
| Subscribe to industry publications | | | |
| Engage 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/business forum | | | |
| Attend trade shows and networking events | | | |
| Meet with media from trade publications | | | |
| Identify and engage with potential investors | | | |
| Maintain Tweed business website | | | |
| Hold regular meetings with Tweed Shire Council | | | |
| Provide customised information to investors | | | |
| Hold regular meetings with state, RDA and industry reps | | | |

3. OPERATE VISITOR INFORMATION CENTRES

Provide Visitor Information Services At Tweed Heads & Murwillumbah VIC's

It is important to note the visitor numbers listed below are taken from only two areas of the Shire and register only those that come into the VIC. These figures should not be used to judge or compare effectiveness of marketing, they are a snap shot of a section of the market that travel to the region. Statistically sound data can be drawn from the NVS, IVS and room occupancy.

Even if visitor numbers are down at information centres there are still people coming to visit the Tweed — even if they are turning to social media, the Internet and electronic direction-finders to find their way here.

That might mean fewer actual physical visits to information centres, but staff at those facilities are tapping into the online market to get the word out about the greater peninsula area. Visitors, should they decide to pass on these centres, are missing out on a lot of local flavour by not dropping in to the local Visitor Information offices.

Not only are there a treasure-trove of publications (local and regional), maps that are accurate (some GPS systems are a little behind, according to staff, based on customer comments) and friendly advice, but they can also provide people with a little more colour about local destinations.

It is this local knowledge that can point visitors in the right direction — or at least in the direction of the goal of their trip. As a central meeting place for visitors, VIC's are a great place for bumping into people, either locals and staff who can give you the what's what in town or other insight that can be found on social media or the web.

DT understand the values of the VIC and surveys continue to indicate that some our visitors best experiences can come from meeting new people and embarking on an adventure which starts by talking to a person in a VIC.

DT seeks to open a level 3 VIC (subject to DA approval and Aurora certification) in Kingscliff as part of the existing Water Sports Guru shop. A level 3 VIC is not operated as such by DT but by the business that is within. As such the high costs of running the VIC are negated as it is a partnership with Water Sports Guru.

This VIC will provide information to visitors in Kingscliff and surrounds and forms part of the strategy to have visitors stay another day. The VIC will also be a booking office for tours, attractions and accommodation.

Movement in Visitor Numbers:

| | 2012/13 | 2011/12 | Variance | 2012/13 | 2011/12 | Variance |
|-----------------|---------|---------|----------|-------------|---------|----------|
| | WHRC | | | Tweed Heads | | |
| Sept Qtr | 6493 | 7238 | -10.29% | 10717 | 8721 | 22.89% |

- Murwillumbah had a slight decrease in visitor numbers this quarter in comparison to same quarter last year by 10.29% and an increase of 10.92% compared to last quarter

Feedback by visitors to the Murwillumbah centre outlines issues in identifying the building as the VIC. Visitation increased when the trees were removed a few years ago which increased the visibility of the centre. Now many other bushes have grown up and they obscure the building. DT will be putting to TSC some recommendations on increasing the visibility of the building by removing more bushes, painting and better signage.

There are continuous comments by visitors with trailers or caravans in relation to the inappropriate parking. This is an issue that has been raised previously and needs to be considered. Currently travellers with caravans and trailers park in the bus stop or on the grass in Budd Park, neither of which are appropriate. The road from the coast in to Murwillumbah and down to Moobal is part of a Scenic drive route that in the near future will be promoted by main roads, DT and DNSW. With the increased awareness will come an increase in traffic flow. This issues needs to be discussed and will be raised by DT with TSC.

- Tweed Heads had a slight increase in visitor numbers by 22.89% in comparison to the same quarter last year and a huge increase of 54.20% compared to last quarter - which could be due to Gold Coast Tourism moving their visitors information from Coolangatta to the Airport.

Visitor Number Comparisons

| | Sept Quarter 2012 | June Quarter 2012 | Sept Quarter 2011 |
|-------------------|-------------------|-------------------|-------------------|
| WHRC | | | |
| TOTALS | 6493 | 5854 | 7238 |
| Local | 1009 | 1152 | 1100 |
| INTERSTATE | | | |
| NSW | 1573 | 1333 | 1773 |
| QLD | 1909 | 1670 | 2133 |
| VIC | 676 | 443 | 855 |
| ACT | 62 | 47 | 73 |
| WA | 116 | 101 | 126 |
| TAS | 104 | 72 | 99 |
| SA | 192 | 98 | 147 |
| NT | 13 | 3 | 10 |
| INTL | | | |
| US/Canada | 65 | 93 | 77 |
| NZ | 171 | 88 | 164 |
| UK | 100 | 136 | 98 |
| Europe | 337 | 350 | 338 |
| Africa | 5 | 6 | 4 |
| Japan/Asia | 142 | 242 | 142 |
| Other | 19 | 20 | 45 |

| | Sept Quarter 2012 | June Quarter 2012 | Sept Quarter 2011 |
|-------------------|-------------------|-------------------|-------------------|
| TWEED | | | |
| TOTALS | 10717 | 6950 | 8721 |
| Local | 888 | 744 | 943 |
| INTERSTATE | | | |
| NSW | 1998 | 1558 | 1772 |
| QLD | 1148 | 1138 | 1135 |
| VIC | 2834 | 1107 | 1975 |
| ACT | 122 | 46 | 84 |
| WA | 223 | 240 | 241 |
| TAS | 253 | 97 | 239 |
| SA | 725 | 242 | 532 |
| NT | 19 | 18 | 22 |
| INTL | | | |
| US/Canada | 148 | 189 | 136 |
| NZ | 795 | 393 | 604 |
| UK | 265 | 274 | 235 |
| Europe | 642 | 635 | 474 |
| Africa | 8 | 22 | 32 |
| Japan/Asia | 394 | 262 | 261 |
| Other | 41 | 7 | 65 |

Commissions Earned

- Commission revenue for the 1st quarter of the 2012/13 financial year totalled \$12,647 which is over the budgeted figure of \$11,000. It is less than the same period last year by \$607
- Commission revenue represents 10% of total booking value made
- 46% of bookings through the website were made online, an increase of 17% in comparison to the previous quarter. Once again the higher online bookings can be attributed to theatre company ticket sales.

Retail Revenue

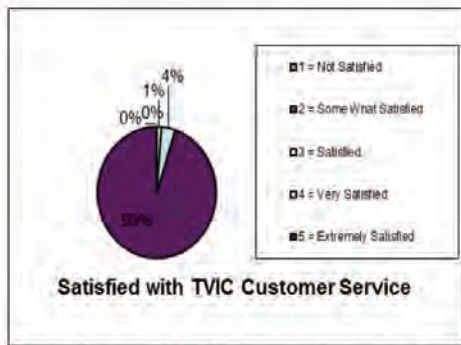
| July - Sept 2012 | | | | | | | | |
|-------------------------|-----------|--------|----------|--|--------|-----------|--------|----------|
| 1 st Quarter | Last Year | Budget | Variance | | YTD | Last Year | Budget | Variance |
| 15,186 | 14,425 | 15,500 | -314 | | 61,422 | 61,434 | 62,000 | -578 |

- Retail was up by 2.4% in Tweed Heads VIC compared to last year – and up by 66.93% compared to previous quarter
- Murwillumbah retail was down by 7.29% on last year’s figures – and up down by 2.74% on previous quarter

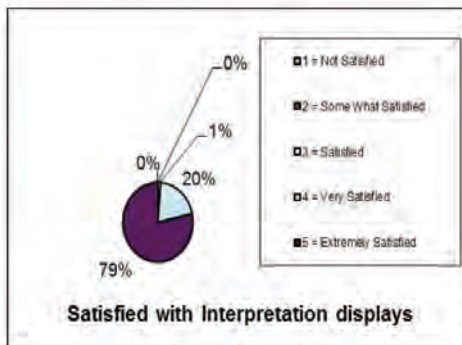
Quality of Service at Visitor Information Centres

Surveys for the last quarter, results show that 95% of visitors to the VIC’s were extremely satisfied, 4% very satisfied and 1% 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

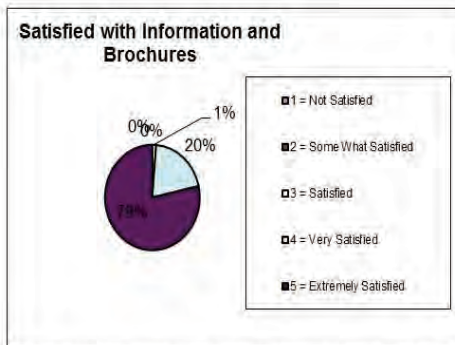
Most of the feedback was very positive this month with comments such as “stunning”, “beautiful”, “very nice landscape”, “excellent staff help”, “staff so friendly and helpful”. The negative comments were surrounding lack of transport to Nimbin and Blue Rock lack of dog friendly accommodation.



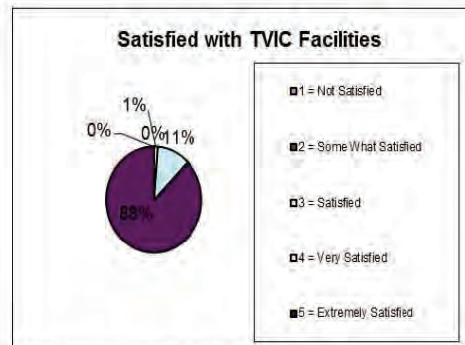
Were visitors satisfied with our customer service



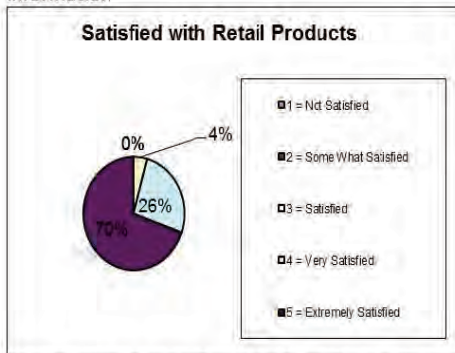
Were visitors satisfied with our displays



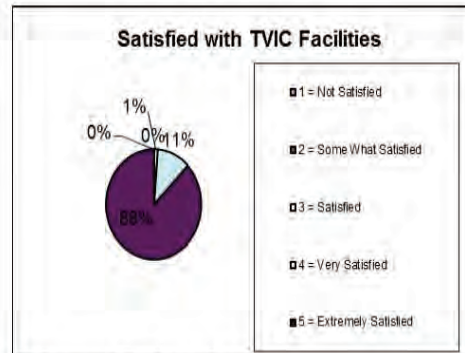
Were visitors satisfied with our range of information



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.

Prepare and Submit Annual VIC Accreditation Reports

The renewal for the Murwillumbah accreditation was sent to Aurora in May 2012.

Deliver In-House Staff Training Via Weekly SMOT Modules

Training covered in the July to September quarter included:

- Murwillumbah VIC 360 degree Panorama
- Surfside Buslines
- Tips for Fantastic First Impressions
- Knowing About Your Destination
- Knowing Everything
- Pet Friendlies
- Coolangatta Whale Watch
- Opportunity Shops
- Tropical Fruit World
- Speaking Effectively
- O'Reilly's & Binna Burra
- Go Card
- Mt Warning

Organise Monthly Operator Famils for VIC Staff And Volunteers

Famils conducted in the April to June quarter were to:

- Tweed river Regional Museum
- Best Western Kennedy Drive Motel
- Ilnam Winery
- Tweed Endeavour Cruises

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

OPERATE VISITOR INFORMATION CENTRES TIMELINE

| Action | Jul | Aug | Sep |
|---|-----|-----|-----|
| 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 SMOT 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

VERVE CONSULTING/DESTINATION TWEED Inc
QUARTERLY PUBLIC RELATIONS & MARKETING REPORT – JULY TO SEPTEMBER 2012

TOURISM PRODUCT DEVELOPMENT

| INITIATIVE | ACTION |
|--|--|
| TWEED TOURING: FOOD TRAIL BROCHURES | <ul style="list-style-type: none"> • Researched and wrote copy for two food trail brochures: Tweed Coast Food & Wine Trail and Tweed Valley Food Trail • Developed maps and completed graphic design of brochures • Compiled online Google maps with detailed driving directions and descriptives • Researched and wrote copy for Tweed Coast & Country touring route • Graphic design of brochure in progress • Revised existing copy for Historic Pub Tour touring route • Graphic design of brochure in progress • Amended copy for Border Ranges Circuit |
| TWEED TOURING BOOKLET | <ul style="list-style-type: none"> • Met with Joanne Gurney to discuss project • Assisted with development of booklet content • Met with Bill and Joanne to discuss content • Wrote additional copy as required |
| INDIGENOUS PRODUCT DEVELOPMENT | <ul style="list-style-type: none"> • Made contact with Shane Dredge from DNSW who works with indigenous operators state-wide |
| UKITOPIA | <ul style="list-style-type: none"> • Met with Natascha and Bill to discuss how Destination Tweed can assist with promotion of the event • Asked Natascha to send me details of the event but have not received any information as yet |

TOURISM MARKETING

| INITIATIVE | ACTION |
|---------------------------------|--|
| TRAVEL AGENT FAMILS | <ul style="list-style-type: none"> • Liaised with NRT to set up famil itinerary for TA UK representatives Nadine Christensen and Glen Davis - famil carried out on July 20 and included Kingscliff, WHRC, Chillingham, Tyalgum and Mt Warning • Worked with DNSW famil coordinator to prepare famil itinerary for a group of agents touring the region on behalf of Scoot Airlines • Liaised with Northern Rivers Tourism to recommend self-drive itinerary for QAS Holidays – The Netherlands manager |
| 4WD TOURING BOOK | <ul style="list-style-type: none"> • Liaised with author of south-east Queensland 4WD touring book to incorporate Tweed drives • Mapped out three potential 4WD itineraries in the Tweed region (Border Ranges, Mt Jerusalem and Mebbin NP) • Arranged accommodation for author and two assistants to test drive our 4WD routes |
| FOOD TRAIL BROCHURES | <ul style="list-style-type: none"> • Forwarded completed Food Trail touring packages (brochures and online Google map links) to Peppers/Mantra PR, Destination NSW Publicity Unit and DNSW Famil Coordinator • Peppers/Mantra General Manager has forwarded maps through to chefs and all front office staff for distribution to guests and use in possible food trail packaging • DNSW will use the brochures to pitch Tweed food famils to relevant media, particularly during the upcoming Sydney Crave Festival |

| | |
|---|--|
| DAY TRIP BROCHURES | <ul style="list-style-type: none"> Forwarded all other completed touring brochures to DNSW Publicity Unit for use in future famil pitching |
| ADVERTISING COPY | <ul style="list-style-type: none"> Wrote feature-style advertising copy for Holidays with Kids ad Wrote feature-style advertising copy for Holidays for Couples ad Supplied advertorial feature for retirement publication |
| NATIONAL LANDSCAPES – VIDEO PRODUCTION | <ul style="list-style-type: none"> Attended phone conference with other AGC representatives to pitch Tweed ideas for use in a proposed video production which will see three 2.5 minute videos filmed for each NL Tweed operator and DT member, Tim Jack Adams was selected to appear in one of the three AGC videos |
| NATIONAL LANDSCAPES – ART TRAILS | <ul style="list-style-type: none"> Review and amendment of art trails marketing copy Review and amendment of camping media copy |

TOURISM PUBLIC RELATIONS

Regional, National & International Media:

| INITIATIVE | ACTION | OUTCOME |
|---|--|--|
| Art & Music themed famil / feature | <ul style="list-style-type: none"> Further liaison with operators and media Prepared detailed itinerary and media kit Ended up with confirmed representation from APN Newspapers and promised representation from Gold Coast Bulletin Both publications cancelled at the last minute but indicated that they would run a travel story that we supply I attended Saturday night concert myself and brought 5 paying customers Researched and wrote travel style feature focussing on art and music experiences in the Tweed Valley Forwarded, with images, to the GC Bulletin and APN features editor for consideration Also forwarded to News Limited's Escape travel editor | <p>Sunshine Coast Daily – 18 August, 2012 <i>On the Art & Music Trail</i></p> <p>The Morning Bulletin (Rockhampton) – 18 August <i>On the Southern Trail</i></p> |
| SUN-HERALD/THE AGE/ BRISBANE TIMES FEATURE | <ul style="list-style-type: none"> Supplied Fairfax photo editor with pics on request for story resulting from last year's Tweed Coast famil | <p>Sun Herald Travel section – 16 September 2012 <i>The Coast Really Rocks</i></p> <p>The Age Travel section – 15 September, 2012 <i>The Coast Really Rocks</i></p> |

| | | |
|-----------------------------------|--|--|
| | | Brisbane Times – 16 September, 2012 <i>The Coast Really Rocks</i> |
| GETAWAY | <ul style="list-style-type: none"> As a result of our getting the <i>Getaway</i> crew up to the Tweed several months ago | Channel 9's <i>Getaway</i> – 29 September, 2012 <i>Feature story on Silk Pavilions</i> |
| OCEAN ROAD MAGAZINE | <ul style="list-style-type: none"> Organised for celebrity chef, Simon Grigalius, to tour the Tweed's food trail visiting various farms, providores and dining outlets for a major feature article on the region in Ocean Road Magazine Liaised with various participants Escorted Simon and ORM's Brian Usher on a full-day photo shoot Wrote article | Tweed Food Trail article to appear in the next issue of Ocean Road Magazine Simon also forged links with suppliers, using their produce at Bond University's Long Lunch on 13 October, which focussed on regional cuisine Simon promoted Tweed food suppliers and trails in an ABC Coast FM interview with Peter Scott on 13 October |
| HOLIDAYS FOR COUPLES | <ul style="list-style-type: none"> Supplied information and images for feature story on the Tweed | |
| ESSENTIAL KIDS WEBSITE | <ul style="list-style-type: none"> Supplied images to Essential Kids for Tweed story written by Sheridan Rhodes from previous famil | Tweed story published on Essential Kids: http://www.essentialkids.com.au/family-life/family-travel/coasting-on-tweed-time-20120806-23pgi.html |
| Jetstar Inflight Magazine | <ul style="list-style-type: none"> Contacted Steve Snow at Fins Restaurant on behalf of journalist researching information for a round-up article on Fine Dining on a Budget Steve has forwarded his details to the journalist, along with a relevant package deal for inclusion | |
| Member Liaison: Peppers/Mantra PR | <ul style="list-style-type: none"> July 19 – Met with Peppers/Mantra group public relations coordinator to discuss future joint media pitching opportunities | |

Local Media:

| | | |
|---|--|--|
| EVENT PR: Tyalgum Festival of Classical Music & lead-in concerts | <ul style="list-style-type: none"> Assisted in organising event launch, writing press releases, liaising with media, etc Generated \$42,000+ worth of media coverage for this year's event | Tweed Sun – 12 July, 2012 <i>Repertoire to cover a musical journey</i> Tweed Coast Weekly – 26 July, 2012 <i>Journey through time at Tyalgum</i> Daily News – 1 August, 2012 |
|---|--|--|

Classical Star Headlines Festival

Tweed Coast Weekly – 2 August, 2012
Contest Winner opens festival

Tweed Sun – 9 August, 2012
Drama & Merriment as Life Imitates Mozart

Limelight Magazine – 13 August, 2012
Tyalgum Festival of Classical Music 2012

Daily News – 21 August, 2012
Festivals Join Forces to Promote Art

Daily News – 23 August, 2012
Theatre Piece Stars in Festival

Tweed Sun – 23 August, 2012
Festival Keys in Master Pianist

Tweed Coast Weekly – 23 August, 2012
Youth Lead the Way at Tyalgum Festival

Northern Rivers Echo – 29 August, 2012
Volcanic Festival a Classical Hit

Tweed Coast Weekly – 30 August, 2012
Listen Back Through Time with Pastance

Tweed Sun – 30 August, 2012
Talented Duo have strings attached

ABC Classic FM –
Interview arranged with David Pereira

Daily News – 5 September, 2012
School Fair to Ring in Spring

Tweed Sun – 6 September, 2012
Fair Springs to Life with Something for all the family

Tweed Valley Weekly – 6 September, 2012
Uki Bright Spark to light up local music festival

Daily News – 6 September, 2012
Kids Put Twist on Shakespeare

Northern Rivers Echo – 6 September, 2012
Canadian Pianist at Tyalgum

Tweed Coast Weekly – 6 September, 2012
Festival is a classic

Daily News – 8 September, 2012
Avan Yu Opens Music Festival

Daily News – 10 September, 2012
Classic Moment as Festival Draws 1000

| | | |
|--|---|--|
| <p>EVENT PR: Tim Draxl: Live in Tyalgum</p> | <ul style="list-style-type: none"> Assisted in organising event launch, writing press releases, liaising with media, etc Generated \$10,000+ worth of media coverage for the year's event | <p>Tweed Sun – 5 July, 2012 <i>Tyalgum Woos Cabaret Star for one-off concert</i></p> <p>Tweed Valley Weekly – 5 July, 2012 <i>Tim Draxl at Tyalgum</i></p> <p>ABC North Coast radio – Joanne Dodgson: 20 July <i>10 minute interview with Tim Draxl</i></p> |
| <p>EVENT PR: Burringbar Cooking Classes Month</p> | <ul style="list-style-type: none"> Liaised with Deb Allard who is organising a month of cooking classes at Burringbar Hall featuring Tweed chefs and producers Forwarded final program to all local and regional food media | <p>Tweed Valley Weekly – 27 September, 2012 included in <i>Market News</i> section</p> |
| <p>EVENT PR: Challenge Carnival</p> | <ul style="list-style-type: none"> Reviewed release promoting Destination Tweed's sponsorship of Challenge Carnival | <p>Netball QLD website – 25 September, 2012 <i>Destination Tweed Supports Challenge Carnival</i></p> |
| <p>EVENT PR: MACS LAUNCH</p> | <ul style="list-style-type: none"> Liaised with Tim Jack Adams, providing various advice on launch of MACS Advised all media of delay – launch will now be held on October 18 to attract better media coverage | |
| <p>EVENT PR: Tyalgum Dance Spectacular</p> | <ul style="list-style-type: none"> Wrote press release to promote upcoming Dance Spectacular Provided media contacts for Solar to distribute release while I was away | |
| <p>EVENT PR: All other events</p> | <ul style="list-style-type: none"> Distributed a monthly Calendar of Events to all local media Secured regular monthly column to promote events in Tweed Coast Weekly Other media regularly pick up story leads and ideas from the monthly Calendars | <p>Tweed Coast Weekly – 19 July, 2012 <i>July Events in the Tweed</i></p> <p>Daily News – 2 July, 2012 <i>50 Ideas to Beat Holiday Boredom</i></p> <p>Daily News – 10 July, 2012 <i>Curtain draws on Murwillumbah Festival</i></p> <p>Tweed Coast Weekly – 2 August, 2012 <i>August Events in the Tweed</i></p> <p>Tweed Coast Weekly – 30 August, 2012 <i>September Events in the Tweed</i></p> <p>Daily News – 20 August, 2012 <i>Arts Café delights the Senses</i></p> <p>Tweed Valley Weekly – 16 August, 2012 <i>Antique Fair is a blast from region's past</i></p> <p>Tweed Coast Weekly – 16 August, 2012</p> |

| | | |
|-------------------------------------|---|--|
| | | <p><i>Prepare to Burlesque with bubbles</i></p> <p>Tweed Valley Weekly – 20 September, 2012</p> <p><i>The Nature of Art</i></p> <p>Daily News – 27 September, 2012</p> <p><i>Caldera Festival Getting Closer</i></p> <p>Tweed Valley Weekly – 13 September, 2012</p> <p><i>Festival just keeps getting better</i></p> <p>Tweed Valley Weekly – 6 September, 2012</p> <p><i>Mumz and Bubz are abuzz</i></p> |
| MEMBER PR: Watersports Guru | <ul style="list-style-type: none"> Distributed news re turtle rescue to all local media | <p>Daily News – 30 July, 2012</p> <p><i>Turtle Rescued after Bag Swallow</i></p> <p>Tweed Coast Weekly – 2 August, 2012</p> <p><i>Fisherman Rescues Turtle</i></p> |
| MEMBER PR: Madura Tea | <ul style="list-style-type: none"> Provided their PR consultants with media contacts for gathering to celebrate their recent medal win | <p>Daily News – 10 August, 2012</p> <p><i>Tweed Company Brews Top Cup of Tea</i></p> <p>Daily News – 15 August, 2012</p> <p><i>Madura has Good Taste to a Tea</i></p> <p>Tweed Coast Weekly – 16 August, 2012</p> <p><i>Front page: Tweed's top tea</i></p> |
| MEMBER PR: Mavis' Store Opening | <ul style="list-style-type: none"> Researched and wrote release to promote opening of Mavis' Store Sent invitation to media for 'soft' opening event Sent release and generic images to all local and relevant media | <p>Daily News – 31 August, 2012</p> <p><i>Mavis' Kitchen Cooks Up Crafts</i></p> |
| DESTINATION TWEED PR: Various | <ul style="list-style-type: none"> Appointment of Anne Duke as new Chair of DT | <p>Tweed Valley Weekly – 12 July, 2012</p> <p><i>New Head appointed to Destination Tweed</i></p> <p>Tweed Coast News – 19 July, 2012</p> <p><i>New Chair for Tweed tourism</i></p> <p>Daily News – 26 July, 2012</p> <p><i>New Head for Tourism Table</i></p> <p>Tweed Sun – 26 July, 2012</p> <p><i>Duke elected to top role</i></p> |
| | <ul style="list-style-type: none"> Volunteer famils | <p>Daily News – 14 August, 2012</p> <p><i>TIC Volunteers Go On Tour</i></p> |
| GENERAL TOURISM ISSUES | <ul style="list-style-type: none"> Liaised with media to interview Bill on various subjects | <p>Gold Coast Bulletin – 14 July</p> <p><i>Longland touts Tweed's natural attractions</i></p> <p>Gold Coast Bulletin – 16 July</p> <p><i>Coast planning to welcome world's largest cruise liners</i></p> <p>ABC North Coast radio – News: 16 July</p> <p><i>Interview re proposed Tugun cruise</i></p> |

| | |
|--|--|
| | <p><i>terminal</i></p> <p>Daily News – 20 July, 2012 <i>Group Seeks Surf Safety Funds</i></p> <p>Tweed Sun – 26 July, 2012 <i>Connect with public online</i></p> <p>Daily News – 14 August, 2012 <i>New Flights Open Airport to World</i></p> <p>Tweed Sun – 6 September, 2012 <i>Tourism Concern over new scheme</i></p> <p>Tweed Coast Weekly – 13 September, 2012 <i>Tourism Centre</i></p> |
|--|--|

BUSINESS MARKETING

| INITIATIVE | ACTION |
|---|--|
| COUNTRY & REGIONAL LIVING EXPO | <ul style="list-style-type: none"> • Researched and wrote copy for Business Marketing kit • Researched and wrote copy for individual Industry Marketing kids • Reviewed and amended layouts • Attended Expo to man site for three days |

BUSINESS PUBLIC RELATIONS

| INITIATIVE | ACTION | |
|--|--|---|
| STRATEGY MEETING | <ul style="list-style-type: none"> • July 16 – Met with Bill to discuss PR strategy for promoting Destination Tweed’s activities in the Business Attraction sector | |
| FOOD OPERATORS: Cheeses Loves You | <ul style="list-style-type: none"> • Liaised with Deb Allard who is running cheese making classes at Burringbar • Pitched story on her business to all local media and regional food media | |
| GOLD COAST BULLETIN: Destination Tweed business focus | <ul style="list-style-type: none"> • Set up interview with Bill and Mayor Barry Longland with GC Bulletin to discuss Destination Tweed’s business attraction initiatives | <p>Tweed Sun – 9 August, 2012 <i>New Board to Advise on Tweed Business</i></p> |
| TWEED FRESH LAUNCH | <ul style="list-style-type: none"> • Forwarded invitations to all local and regional food media • Prepared launch press release • Assisted Tweed Sun in arranging pre-event photo opportunity Distributed press release to all media • Supplied generic photo on request to Tweed Coast Weekly | <p>Tweed Valley Weekly – 1 August, 2012 <i>Initiative targets Tweed Fresh food</i></p> <p>Daily News – 3 August, 2012 <i>Fresh Food from Paddock to Plate</i></p> <p>Tweed Sun – 2 August, 2012 <i>Tweed Gets Fresh with Locals</i></p> <p>Tweed Valley Weekly – 9 August, 2012 <i>Fresh Idea for the Tweed</i></p> |

| | | |
|---|--|---|
| | | <p>Tweed Valley Weekly – 9 August, 2012 <i>Launch pics included in The Social Scene</i></p> <p>Tweed Valley Weekly – 2 August, 2012 <i>Initiative markets fresh Tweed food</i></p> |
| BUSINESS RETENTION & EXPANSION SURVEY LAUNCH | <ul style="list-style-type: none"> Prepared press release for BRE launch to Murwillumbah & District Chamber of Commerce | <p>Tweed Sun – 9 August, 2012 <i>Survey Results will Help Businesses Plot their future</i></p> <p>Tweed Valley Weekly – 16 August, 2012 <i>Survey seeks to measure health of local economy</i></p> |
| TWEED BUSINESS ADVISORY BOARD | <ul style="list-style-type: none"> Wrote and distributed release re Tweed Business Advisory Board Wrote and distributed release announcing Tweed Business Advisory Board members | <p>Daily News – 29 August, 2012 <i>Tweed Business Unites Under TBAB</i></p> <p>Tweed Sun – 9 August, 2012 <i>Shire Gets Down to Business / New Board to Help Steer Shire through Hard Times</i></p> <p>Tweed Coast Weekly – 30 August, 2012 <i>New United Voice</i></p> <p>Gold Coast Bulletin – 19 September, 2012 <i>New Board aims to help economy</i></p> <p>Daily News – 20 September, 2012 <i>Industry groups form business board</i></p> <p>Tweed Coast Weekly – 20 September, 2012 <i>New Tweed Business Board</i></p> <p>Daily News – 24 September, 2012 <i>New Chairwoman for advisory board</i></p> <p>Tweed Valley Weekly – 27 September, 2012 <i>Taking Care of Business</i></p> |

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:

(Confidential) Attachment 1. Confidential Attachment Destination Tweed Quarterly Financial Report – July to September 2012 (ECM58680556)

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5 [GM-CM] Economic Development

SUBMITTED BY: General Manager



Strengthening the Economy

SUMMARY OF REPORT:

This report seeks to advise Council with regard to the most appropriate mechanism to deliver economic development, including tourism and major events to the Tweed businesses and the Tweed community, as well as those parties seeking to visit or invest in the region. The report seeks to identify how these services are being delivered by other local government authorities in New South Wales and across Australia and ascertain whether the current arrangement with Destination Tweed is the most effective way of delivering these services. It is important to determine how these services will be delivered as the General Manager is required to deliver a revised organisational structure to the new Council and the potential mechanism or method of delivering these services has an impact on the organisational structure that is presented to Council.

RECOMMENDATION:

That Council, in relation to Contract AC2010-073 Provision of Economic Development and Tourism Promotion Services:

- 1. Seeks to make a variation to the existing contract with Destination Tweed to allow for the internalised delivery (delivery by Council) of business attraction and investment functions (B1) as specified in the contract;**

Council continues the remaining components of the contract being delivered by Destination Tweed allowing for the management of the visitor information centres (A2), the development of tourism product and marketing (A1) and Preparation and Delivery of Tourism Marketing and Promotion Strategies, Plans and related Public Relations Activities (A3);

or

- 2. Seeks to make a variation to the existing contract with Destination Tweed to allow for the internalised delivery (delivery by Council) of business attraction and investment functions (B1), as well as the management of the visitor information centres (A2), as specified in the contract;**

Council continues the remainder of the contract with Destination Tweed allowing for the development of tourism product and marketing (A1) and Preparation and

Delivery of Tourism Marketing and Promotion Strategies, Plans and related Public Relations Activities (A3);

or

3. Seeks to make a variation to the existing contract with Destination Tweed to allow for the internalised delivery (delivery by Council) of business attraction and investment functions (B1), as well as the development of tourism product and marketing (A1) and Preparation and Delivery of Tourism Marketing and Promotion Strategies, Plans and related Public Relations Activities (A3) as specified in the contract;

Council continues the remainder of the contract with Destination Tweed allowing for the management of the visitor information centres (A2);

or

4. Terminates the contract with Destination Tweed and delivers all services contained within the contract internally;

or

5. Continues the existing contract with Destination Tweed;

and/or

6. Establishes an Economic Development Advisory Committee, with the General Manager to determine the appropriate selection criteria for membership for consideration by Council and seek through an Expression of Interest process, potential members.

REPORT:

There is often also significant debate over what "economic development" is and what it includes. A recent survey involving economic development practitioners from across Australia reached consensus of the following definition:

"Economic Development' is the process of expanding the size of the economy (increasing an area's level of income and capital / wealth) and distributing that wealth (through local expenditure and employment) to the community."

The majority of professionals involved in the delivery of economic development services to the community and businesses believe that "economic development" includes and encompasses activities such as:

- Business and investment attraction
- Local business facilitation, training and networking
- Local business expansion
- Place making and design
- Product development
- Tourism
- Marketing and branding
- Event management
- Event attraction
- Cluster development
- Advocacy and regionalisation
- Grants and funding applications
- The development of economic infrastructure, such as business accelerators, industrial or business parks, tourism facilities (including caravan parks and visitor information centres), airfields and saleyards as well as cultural facilities, such as art galleries and museums
- Sustainability, including lean production and resource utilisation

Over the past few years there have been many different mechanisms by which economic development, including tourism and major events have been delivered. Local government authorities in New South Wales have often struggled with how these services are delivered, or whether in fact local government should be involved in delivery of such services.

Delivery of Economic Development in other Regions and States

There is not a requirement under the New South Wales Local Government Act for the delivery of these services, specifically economic development, which is in contrast to other Australian States where the delivery of economic development is a requirement under legislation. Therefore, the delivery of these services has been often been fragmented and has not been considered in a comprehensive or co-ordinated manner, linked in to other services.

The economic development function and associated services is far more formalised in Victoria and Queensland as in each State the delivery of economic development is a requirement under the relevant Local Government Act.

In the majority of other States, the economic development and tourism functions are delivered internally by council, rather than through an external body, as is the case in the Tweed Shire. In the Victorian scenario the majority of councils locate the economic development and tourism function within the Strategic Planning or Sustainability Directorates or Planning Divisions. In some situations the function may report to the Chief Executive Officer, or the Chief Executive Officer may be involved indirectly through various associated committees. This scenario is similar for Western Australia and South Australia.

Within New South Wales there are a number of models that are used by the various different local government authorities for the delivery of economic development related services. The location within the organisation and the level of resources that are dedicated to the delivery of these services differs across the State. It would appear though on the surface that the majority of local government authorities that do deliver these services do so internally.

| Council | Internal/External | Location of Service | Number of Staff |
|-----------------------------------|---------------------------------|--|--|
| Leeton (12,000) | Internal | General Manager | 5 EFT 2 PT Plus Visitor Information Centre (VIC) |
| Nambucca (19,000) | Internal | General Manager | 2 EFT (Effective Full Time) 1 PT (Part Time) |
| Port Stephens (64,000) | Internal Local Tourism Board | Development Services (Planning) | 5 EFT Plus VIC |
| Lake Macquarie (200,849) | Internal | City Strategy Directorate (Planning) | 6.4 EFT Plus VIC |
| Upper Hunter Shire (14,043) | Internal | Corporate Services | 4 EFT 5 Casuals |
| Ballina (45,000) | Internal | General Manager (Tourism) Strategic and Community Services (Economic Development) | 3 EFT 3 PT |
| Parramatta (176,000) | Internal | City Strategy (Planning) | 11 EFT (Eco Dev) 25 Tourism/Events |
| Greater Hume (11,000) | Internal | General Manager | 2 EFT |
| Canada Bay (60,000) | Internal | Community Development | 1 EFT |
| Griffith (35,800) | Internal | Sustainable Planning | 4 EFT 4 Casuals |
| Sutherland (220,000) | Internal | Property Division | 3 EFT (Eco Dev) 2 EFT (Tourism) 6 EFT (Business Accelerator) |

| Council | Internal/External | Location of Service | Number of Staff |
|-------------------------------------|---|--|--|
| Coffs Harbour (65,000) | Internal | Corporate Services | 6 EFT (Eco Dev) 5 EFT (Tourism) |
| Marrickville (75,000) | Internal | General Manager | 2 EFT (Eco Dev) |
| Wollondilly (45,000) | Internal Advisory Board | General Manager | 4 EFT Plus VIC |
| Albury (48,000) | Internal | Economic Development and Tourism Division | 2 EFT (Eco Dev) 4 EFT (Tourism) 4 EFT (Events) |
| Cessnock Council (46,141) | Internal Local Tourism Board | General Manager Strategy and Sustainability Division | Economic Development Manager Community Grants Officer Integrated Planning and Strategic Property Manager Events and Placemaking, |
| Hawkesbury City Council (62,000) | Internal | General Manager | Manager Cultural services devotes part time to VIC management |
| Tweed Shire (90,000) | External Economic Development and Tourism outsourced to separate organisation | General Manager | |

Many local governments seek to have their economic development, including tourism and major events supported by an Economic Development Advisory Committee. It is common practice for these Committees to be made up of people such as large employers, infrastructure providers, primary producers, educational providers, Chambers of Commerce and State and Federal Government representatives. The Committees usually include the Mayor or a portfolio Councillor, with the General Manager, and staff from the economic development department. The Committees are established to provide advice to Council and often meet on a quarterly or bi-monthly basis.

Economic Development Provision in Tweed

Tweed Shire Council is currently the only local government authority in New South Wales that outsources both economic development and tourism functions and services to an external body, that being Destination Tweed. The value of this contract is approximately \$1 million per annum. Dubbo City Council had outsourced these functions to a body separate of Council for over a decade, however two years ago these services were internalised and the Dubbo City Council is now responsible for the delivery of these services and activities.

The table below outlines the history of the outsourcing of economic development in the Tweed over the past 3 years.

| | |
|-------------|---|
| 2007 - 2010 | Tweed Economic Development Corporation (TEDC) contracted by Council to: <ul style="list-style-type: none"> • Prepare an Economic Development Strategy • Promote the Tweed for Business • Undertake specific projects to enhance economic development • Lobby for Economic Development |
| 2007 - 2010 | Tweed Tourism contracted by Council to: <ul style="list-style-type: none"> • Operate VICs • Undertake tourism promotion |

| | |
|------------------|---|
| | <ul style="list-style-type: none"> • Produce 'The Guide' tourism marketing publication |
| January 2007 | TEDC prepared and Council adopted Economic Growth Management Strategy - 2007-2010. |
| August 2009 | Extension to both contracts from 2009 to 2010 to review Council's position on the delivery of economic development. |
| August 2009 | Council engaged Centre for Local Government to undertake independent review of delivery of economic development. |
| 16 March 2010 | <p>Department of Local Government determined that the provision of outsourced functions over \$150,000 should not be funded under S.356 ("Can A Council Financially Assist Others") Local Government Act (LG Act) and should be undertaken through the tender provisions (S.55 LG Act)</p> <p>Council decided which functions it wished to outsource (under S. 355 & 377 LG Act) and those it did not;</p> <p><i>Tenders were invited for the delivery of the following economic development and tourism services:</i></p> <ol style="list-style-type: none"> <i>Investigate and develop tourism product</i> <i>Marketing and promotion of Tweed for business investment</i> <i>Demographic and statistical research</i> <i>Operate Visitor Information Centres</i> <i>Prepare strategic tourism marketing and promotion plans (4 years)</i> <i>Detailed tourism marketing and promotion plan (1 year)</i> <i>Maintain and enhance tourism PR function.</i> <p><i>Commission the projects listed below at a time Council considers appropriate, with delivery being in accordance with Council's procurement policy:</i></p> <ol style="list-style-type: none"> <i>Health and ageing strategy</i> <i>Telecommunications infrastructure strategy</i> <i>Tweed agriculture and food production strategy</i> <i>Other industry development initiatives</i> <i>Skills development strategy</i> <i>Other projects identified from time to time.</i> |
| | <p><i>Council then delegated to the General Manager responsibility for conducting the tender process, including but not limited to:</i></p> <ol style="list-style-type: none"> <i>Preparation of tender specifications</i> <i>Preparation of draft contracts</i> <i>Conduct of the tender process</i> <i>Establishment of a panel to evaluate tenders received</i> <i>Engagement of external probity and other advice if necessary.</i> |
| 17 August 2010 | <p>Council resolved to award tender to Tweed Tourism for provision of economic development and tourism promotion services commencing on 1 October 2010 for 4 years with a 4 year option for Council to renew.</p> <p>Note: The organisational structure of Tweed Tourism presented in tender documentation had a Manager Economic Development reporting to the CEO of Tweed Tourism</p> |
| 15 December 2010 | Tweed Tourism changed its name to Destination Tweed |
| June 2011 | Destination Tweed, Economic Development Coordinator resigned |
| 16 August 2011 | <p>Council endorses the 4 year strategies prepared by Destination Tweed:</p> <ul style="list-style-type: none"> • Tweed Business Attraction Marketing Strategy • Tweed Tourism Marketing Strategy |

| | |
|------------------|--|
| December 2011 | Destination Tweed CEO, Phil Villiers, resigns |
| January 2012 | New Destination Tweed CEO, Bill Tatchell commences |
| 14 February 2012 | Destination Tweed Board introduced new CEO to Council. Destination Tweed presents first 1 year Operation Plan outlining how strategies will be delivered in Council Workshop |
| 15 May 2012 | First Destination Tweed Quarterly Report to Council reporting on progress of Operational Plan |
| 21 August 2012 | Second Destination Tweed Quarterly Report to Council reporting on progress of Operational Plan |

It is difficult to assess how Destination Tweed has performed under the existing contract as with the change of staff at both Destination Tweed and Tweed Shire Council, a new set of defined key performance indicators has not been presented. It is also appropriate to observe that the current structure and make up of Destination Tweed does not reflect the submission that was put forward by Tweed Tourism which resulted in the contract being awarded.

Whilst, the quarterly reports have been put forward and received by Council, there has been no detailed level of scrutiny placed on the performance of the organisation. There are specific functions and activities within the contract that have not been actively pursued by Destination Tweed.

From a Tweed Shire perspective the following statements can be made about the local economy and current economic conditions.

- Unemployment levels remain above the State and National averages.
- The number of people accessing benefits or pensions is above State and National averages.
- The Tweed labour force has not grown significantly over the past 3 years, although population has.
- There is a relatively high percentage of the labour force that is under employed.
- Youth unemployment is very high.
- There are a number of areas of the Tweed that score highly in relation to the level of social disadvantage (SIEFA) indicators.
- The number of people received at the Tweed Visitor Information Centres has declined over the past 3 years, whilst the number of passengers arriving at the Gold Coast Airport has increased.
- The number of large to medium businesses in the Tweed has decreased, whilst the number of small businesses has remained steady.
- There have been few new businesses that have come to the Tweed Shire in the last 3 years and very few local businesses have expanded over that period of time.

- The percentage of people working outside the Shire has increased, raising the level of escape expenditure and increasing journey to work times.
- The number of major events in the Tweed Shire has declined over the past 3 years.
- The local economy is heavily exposed to the tourism and retail sectors that rely on the generation of capital in other parts of the economy, the building and construction component of the economy is one of these parts, which is also under pressure due to constraints on accessing finance to support residential and commercial development.
- Other factors influencing the Tweed economy include the high Australian dollar, making overseas travel more affordable and a gradual decline in both agricultural production and manufacturing outputs.

Tweed Shire Unemployment Rates and Labour Force Size

| Year | Quarter ending | Tweed | | | NSW |
|------|----------------|------------|--------------|-------------------|-------------------|
| | | Unemployed | Labour force | Unemployment Rate | Unemployment Rate |
| | Sep-08 | 1,897 | 35,263 | 5.4 | 4.6 |
| | Dec-08 | 1,948 | 35,562 | 5.5 | 4.8 |
| | Mar-09 | 2,330 | 36,221 | 6.4 | 5.3 |
| 2009 | Jun-09 | 2,262 | 36,086 | 6.3 | 5.7 |
| | Sep-09 | 2,155 | 35,714 | 6 | 5.9 |
| | Dec-09 | 2,227 | 35,269 | 6.3 | 6.1 |
| | Mar-10 | 2,092 | 34,693 | 6 | 5.9 |
| 2010 | Jun-10 | 2,148 | 34,855 | 6.2 | 5.7 |
| | Sep-10 | 2,258 | 35,574 | 6.3 | 5.5 |
| | Dec-10 | 2,320 | 36,558 | 6.3 | 5.3 |
| | Mar-11 | 2,243 | 37,554 | 6 | 5.1 |
| 2011 | Jun-11 | 2,284 | 38,138 | 6 | 5.1 |
| | Sep-11 | 2,369 | 38,471 | 6.2 | 5.1 |
| | Dec-11 | 2,272 | 38,550 | 5.9 | 5.2 |
| | Mar-12 | 2,206 | 38,053 | 5.8 | 5.2 |
| 2012 | Jun-12 | 2,099 | 38,673 | 5.4 | 5.2 |

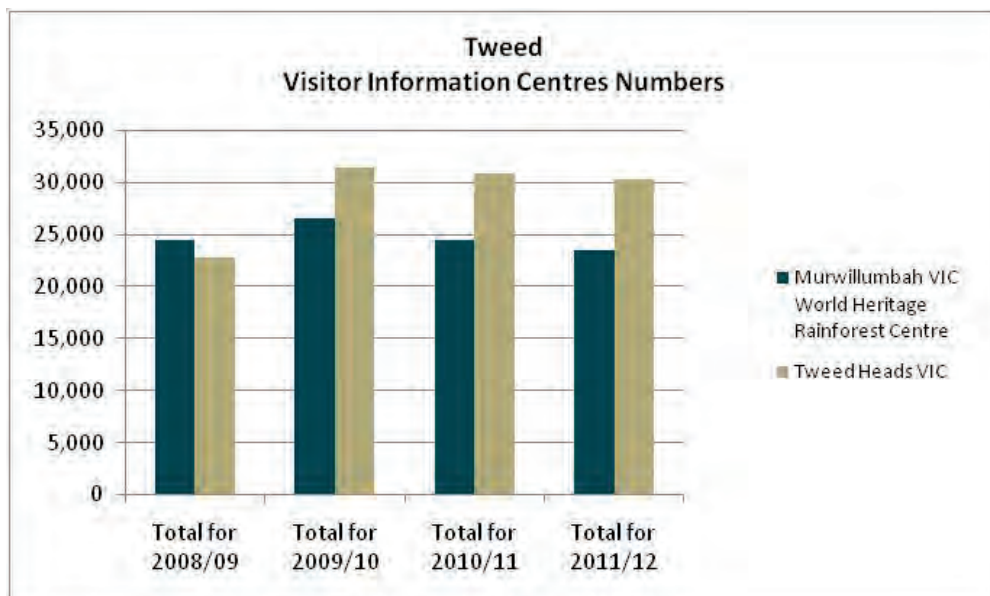
Source: Australian Bureau of Statistics, Labour force survey catalogue number 6202.0, and DEEWR, Small Area Labour Markets - Australia

Counts of Australian Businesses, including Entries and Exits, ABS Cat: 8165.0

| | Tweed | | | | | | | Australia |
|-----------------------------|---------------|---------------------------|----------------------------|----------------------------|--------------------------|--------------|-------|-----------|
| | Zero to \$50k | \$50k to less than \$100k | \$100k to less than \$200k | \$200k to less than \$500k | \$500k to less than \$2m | \$2m or more | Total | Total |
| 2010/11 | 2,029 | 1,395 | 1,245 | 1,264 | 836 | 213 | 6,982 | 2,132,556 |
| 2009/10 | 2,093 | 1,459 | 1,252 | 1,216 | 780 | 259 | 7,059 | 2,124,480 |
| 2008/09 | 1,984 | 1,373 | 1,341 | 1,199 | 859 | 250 | 7,006 | 2,050,121 |
| % Change 2008/09 to 2010/11 | 2.3% | 1.6% | -7.2% | 5.4% | -2.7% | -14.8% | -0.3% | 4.0% |

| Visitor Numbers | | | |
|-----------------------------------|-------------------|-----------------|----------------|
| Tweed Visitor Information Centres | | | |
| Murwillumbah VIC | | | |
| World Heritage | | | |
| | Rainforest Centre | Tweed Heads VIC | TOTAL |
| Sep-08 | 6,471 | 6,750 | 13,221 |
| Dec-08 | 6,029 | 5,304 | 11,333 |
| Mar-09 | 6,142 | 5,462 | 11,604 |
| Jun-09 | 5,813 | 5,319 | 11,132 |
| Total for 2008/09 | 24,455 | 22,835 | 47,290 |
| Sep-09 | 6,840 | 7,007 | 13,847 |
| Dec-09 | 6,162 | 8,991 | 15,153 |
| Mar-10 | 6,996 | 7,676 | 14,672 |
| Jun-10 | 6,514 | 7,702 | 14,216 |
| Total for 2009/10 | 26,512 | 31,376 | 57,888 |
| Sep-10 | 7,680 | 9,792 | 17,472 |
| Dec-10 | 5,748 | 7,362 | 13,110 |
| Mar-11 | 5,211 | 6,765 | 11,976 |
| Jun-11 | 5,843 | 6,916 | 12,759 |
| Total for 2010/11 | 24,482 | 30,835 | 55,317 |
| Sep-11 | 7,238 | 8,721 | 15,959 |
| Dec-11 | 5,442 | 7,507 | 12,949 |
| Mar-12 | 5,003 | 7,142 | 12,145 |
| Jun-12 | 5,854 | 6,950 | 12,804 |
| Total for 2011/12 | 23,537 | 30,320 | 53,857 |
| Total | 98,986 | 115,366 | 214,352 |

New Tweed Heads VIC opened 2 Nov 2009



With regard to visitor information centres, a significant majority are directly operated and managed by local government authorities, in conjunction with local tourism associations and volunteers. Best practice in visitor information centres management has them physically located near tourism product, or has visitor services combined with other services that are delivered by a local government or a tourist attraction.

With regard to the cost of operating a visitor information centre, the average cost per visitor should be less than \$5 per person. In some visitor information centres where numbers are high, such as the Great Ocean Road facility in Victoria, the cost is as low as \$0.50 per visitor, whilst some extreme cases can see this rising to \$15 per visitor.

In the Tweed Shire scenario, the average cost per visitor at the Tweed Heads Visitor Information Centre is \$5.15, whilst at the Murwillumbah Centre it is \$8.17, meaning that the average cost between the two centres is \$6.47 per visitor.

Retail sales and booking systems in the centres rarely make a profit but require significant on costs. Nationally, visitors entering visitor information centres are declining by 10-15%, with much of this decline being attributed to the increased effectiveness of on line marketing and social media. Many regions are investing more in their on line presence, rather than their physical presence.

It is with the above context that Tweed Shire Council needs to consider the level of resources and commitment that is allocated towards economic development and the mechanism by which these services are delivered.

Tweed Shire Council has no dedicated human resources allocated to the function of economic development. Many members of the business community believe that there are human resources within Council. Tweed Shire employs a Manager who supervises the contract with Destination Tweed and is the primary conduit between the two organisations. The Manager also has responsibility for six tourist parks, the Murwillumbah Airfield and Murwillumbah Saleyards.

Tweed Shire Council has an Events Officer that is employed 3 days per week to support local organisations running events, as well as supporting other organisations seeking to operate major events, such as the Battle on the Border.

The Mayor sits on the Board of Destination Tweed to represent the interests of Tweed Shire Council in relation to the contract.

In relation to the funds allocated to Destination Tweed, the following table outlines the levels of funding that are provided under the current contract.

| Deliverables: | Tourism | 2010 Cost inc GST | 2011 Cost inc GST (2.37% CPI) | 2012 Cost inc GST (3.2% CPI) |
|----------------------|---|----------------------------------|--|---|
| | A1 - Investigate and develop tourism product | \$165,000 | 168,910.54 | 174,315.68 |
| | A2 - Operate Tweed Heads and Murwillumbah Visitor Information Centres | \$352,000 | 360,342.22 | 371,873.17 |
| | A3 - Preparation and Delivery of Tourism Marketing and Promotion Strategies, Plans and Related Public Relations Activities, 4 year and 1 year plans | \$275,000 | 281,517.37 | 290,525.93 |
| | Total Tourism | \$792,000 | 810,770.13 | 836,714.78 |
| | Economic Development | | | |
| | B1 - Market and promote Tweed for Business investment | \$165,000 | 168,910.54 | 174,315.68 |
| | Total Contract value at start | \$957,000 | 979,680.67 | 1,011,030.46 |

In addition to these funds, \$100,000 has been allocated by Council as part of the budget process earlier this year to further support economic development initiatives. This was in direct response to the business community seeking to have an economic development resource located within Council.

Delivery of Economic Development

Local governments have the choice of five basic options for the delivery of economic development, including:

- Internal Provision
- Service Providers (Contractor)
- Economic Development Corporation
- Public-Private Partnership
- Economic Development Board or Committee

Local government may choose to use one or a combination of these options to deliver this service to businesses and the community. These choices will be impacted upon by the appetite of the elected officials and administration to be involved in economic development activities, which may in turn be impacted by the economic conditions at the time. It would be accurate to suggest that the Tweed economy requires significant support at this point in time.

Internalised Provision

The first mechanism by which economic development services can be delivered is through the internal delivery of services, meaning that economic development is a formal part of Council. This means that it is a standalone unit or department within the organisation. In the majority of cases in the New South Wales scenario the function either reports to the General Manager or the Planning Division, as indicated in the previous table. All employees are employed by Council and reporting and activities occur within Council's normal operating structures. Budgeting occurs as part of Council's annual budget cycle.

There are a number of advantages with economic development being delivered internally by a local government authority. The Council has complete control of economic development activities and the level of resources that are allocated to the delivery of these services. It is suggested that it is relatively easy to align economic development objectives with Council strategic planning objectives, especially in relation to land use planning.

There is usually a higher level of certainty for employees in relation to their employment tenure within an internalised model.

The internalisation of services means that there are greater levels of communication between Council Departments that have a role in the stimulation of the economy and leveraging off new and upgraded infrastructure.

Internalised services mean that there is more of opportunity for staff to assist businesses going through often complex and time consuming planning approval processes.

Internalised services also allows for the potential preparation of special rates and levies that may relate to economic development, tourism and major events.

Additionally, local government is often seen as unbiased and as the "honest broker" having the potential to advocate on behalf of businesses and the community to the other levels of government.

Local government also has the capacity to fund and construct infrastructure that will facilitate economic development, tourism and major events. This infrastructure may be in the form of business parks, museums or tourist parks, as well as providing funding to start up and major or Hallmark events.

In the majority of circumstances local government has the ability to access funds from the other tiers of government, as well as from philanthropic sector and private sector.

Local government also has the ability to enter into public private relationships on major development projects, subject to approval from State Government. There are many examples of businesses incubators or community infrastructure being established through such partnerships, often with developers and universities.

Most importantly local government has the ability to change the regulatory system to support businesses and events, as well as tourism ventures and activities. This predominantly occurs in the planning field but is also equally applicable in relation to developer contributions and charges for water and sewer. Local government has the opportunity to

respond to the changing business environment, but needs to have the appropriate linkages into business.

There are some disadvantages however with operating services internally. Perhaps the biggest constraint in working directly under Council is when there are changed priorities or undue influence on specific directions or initiatives from the elected representatives or the administration. It is also argued that having economic development under Council means that the role is limited by bureaucracy and the ability to respond to urgent issues is slowed.

Service Providers (Contracting to a Third Party)

The second mechanism or option involves the contracting out of the economic development function to a third party. This is the use of a service provider or contractor essentially out-sources economic development to a private sector company or individual. This company or individual has a specific contract with Council to carry out economic development. The local government authority funds 100% of economic development, however, these funds are provided directly to the service provider. This model or mechanism attempts to access specialist skills and capabilities of a service provider while maintaining control (through the contract) and accountability (through established reporting protocols and milestones of the contract). This is a variation on the type of agreement that Tweed Shire Council has with Destination Tweed.

The advantage of this type of mechanism is that the contractor is independent of Council and should ideally possess specialist skills and experience. In the majority of instances the contract allows Council to hypothetically control outcomes from economic development through the management of the contract. It is argued that as an independent body, the contractor can encourage greater engagement with stakeholders and private sector businesses.

The perceived disadvantages of this mechanism are that Council staff are required to manage the contract and develop policy. There is often a duplication of expenses, such as corporate overheads and the servicing of meetings.

Often specific and detailed contracts do not allow for flexibility in delivery of service and can be a prescriptive tool to control economic development, which is often a changing environment. This also has a financial impact, as the contractor often seeks financial recompense for variations. In many situations, contractors have limited access to grants, with the majority of grants requiring the endorsement of Council as a minimum or with the contractor seeking Council to write and submit the applications on their behalf.

Perhaps the final disadvantages of this model are that it is always difficult for the contractor to properly represent Council, and the contractor has limited capacity to support or facilitate development applications through the other arms of Council.

Economic Development Corporation

The third option for Tweed Shire could be the establishment of an Economic Development Corporation. Similar to a service provider, an Economic Development Corporation represents an outsourcing of the economic development activities. However, an Economic Development Corporation is a separate legal entity, which is 100% owned by Council. Council funds 100% of activities. As a separate entity, an Economic Development

Corporation can also access grant funding for activities and provide a platform for significant private sector input. Depending on the governance structure, Council can still retain a high level of control. Economic development corporations provide a very flexible model for conducting economic development.

There are a number of advantages with the establishment of an Economic Development Corporation. The Corporation is an independent body, which can provide greater flexibility and efficiency in delivery of services and activities. It has the potential to supplement Council funding with grants, should it be successful and it allows for private sector involvement.

Some of the disadvantages of this mechanism are that as with the previous model there is duplication of corporate overheads and expenses and depending on the type of legal entity established additional financial and governance reporting is required. Furthermore there is a requirement that the Division of Local Government approves the establishment of the Corporation and clearly the Corporation is reliant of the funds provided to it to succeed. In many instances these types of Corporations will either operate on a regional basis or if focussed on a single local government area be supported by a special rate or a levy.

The former Tweed Economic Development Corporation was an example of the Economic Development Corporation model.

Public Private Partnership

The fourth option for the delivery of economic development is the Public Private Partnership model. This is the model that best represents the current relationship with Tweed Shire Council and Destination Tweed.

A Public Private partnership is similar to an Economic Development Corporation and usually takes the form of a separate legal entity, normally a proprietary limited company. It allows for both public and private funding to occur and includes strong leadership from the private sector. Council funding is only part of the overall budget with the remainder of the budget being supplied through subscription or membership fees. An Independent Private-Public Partnership can be in the form of an association, not-for profit organisation, or other business entity.

The Partnership has its own independent board of directors, though Council usually would have representation on the board. In the Tweed situation this is the Mayor.

The most significant aspect of this model is the ability to supplement government funds with private sector funding through membership. Private sector funding allows for public funds to be maximised and leveraged for greater results, achieving a 'bigger bang for the buck'.

In the Destination Tweed model there are approximately 200 members, each member pays a membership fee that is proportional to the size of their business. The funds generated under this model equate to in the order of \$55,000. Often under this model there is an expectation that significant income will be generated through fees and memberships, however in most cases the income generated appears to be less than forecasted. This is usually because businesses are required to pay membership fees to their peak organisations as well.

Under this model the advantages are that the Partnership is seen as an independent body, which can provide greater flexibility and efficiency in delivery of services and activities. An additional advantage is that it combines public and private sector funding and has significant input from private sector.

The disadvantages of this model or mechanism are there is a duplication of corporate overheads, additional financial reporting is required and approval is required from the Division of Local Government to allow the services to be delivered. In the case of Destination Tweed, this has already occurred.

There is also a limit between what can be delivered on behalf of local government and what can be delivered in the member's interests as often these objectives are not shared.

This model also limits involvement within the Council in relation to supporting applications through the process or bureaucracy. In a number of situations these types of organisations operate in conjunction with established economic development departments within local government authorities. Examples include organisations such as Invest Brisbane and Advance Townsville.

Economic Development Board or Advisory Committee

The final model or mechanism for the delivery of economic development is the utilisation of an Economic Development Board or an Economic Development Advisory Committee. These types of Boards or Committees are common place across local government in all parts of Australia. In the vast majority of cases, the Boards or Committees are not used to undertake the direct delivery, rather their function is to guide Council on strategic policy development and provide advice on opportunities emerging from the private sector.

A traditional Economic Development Board or Advisory Committee seeks to access private sector leadership through the use of a volunteer board or committee. Members of the private sector join the committee to provide private sector input to the economic development process. Under this model, economic development is provided from within Council; however, the Board or Committee provides leadership and advice and in many instances a level of advocacy.

The advantages of utilising this type of model is that it accesses private sector leadership and input without the need to establish separate bodies with distinct reporting requirements, thereby creating removing the need for the duplication of corporate overheads.

The use of Economic Development Boards or Advisory Committees usually facilitates a greater alignment of Council's objectives and the private sector's goals. There is also a high level of transparency as the minutes of each of the Committee's meetings are received by Council.

The disadvantages of this model are that the Board or Advisory Committee must operate under Council bureaucracy, although this is consistent for all other Advisory Committees of Council. It can be argued that this model is less flexible than independent models, although it is argued the influence of the private sector representatives creates a higher level of flexibility.

Many local governments seek to have their internalised economic development, tourism and major events functions supported by an Economic Development Board or Advisory Committee. It is common practice for these committees to be populated by large employers, infrastructure providers, primary producers, educational providers, Chambers of Commerce and State and Federal Government representatives. The committees usually include the Mayor or a portfolio Councillor, with the General Manager, and staff from the economic development department. The committees are established to provide advice to Council and often meet on a quarterly or bi-monthly basis.

Summary

In the Tweed scenario it is important to review and question whether the outsourcing of these functions has been of benefit to the Shire and the community, most specifically the business community.

It would appear over the last few years there have been very few new industries that have been attracted to the Tweed Shire. Over that same time frame there would also appear to be very few local businesses that have expanded to create additional employment opportunities. One sector that has continued to expand is the retail sector, but it could be that this catchment has been under serviced in the past. There also appears to be significant growth in the number of home based businesses.

Most recently the business community has been seeking more resources to be allocated within Council. The expectation from the business community is that there should be a resource that supports business in liaising with the various local government departments that deal with planning issues, developer contributions and licensing approvals, funding or grants and the co-ordination of Council resources to support major events.

There is also an expectation that Council has a suite of incentives to encourage investment and business attraction to sustain employment.

If Council is to be successful in its role in facilitating all aspects of economic development, then this is most likely to be achieved through the internalisation of the economic development functions. This potentially includes bringing Visitor Information Centres back under the auspice of Council and the tourism function, whether that be in the short term or the medium term.

Given the above models and the economic conditions, it is submitted that the best option for Tweed Shire Council in relation to the delivery of economic development would be to internalise the services and have them overseen by an Economic Development Advisory Committee. There is an urgent need to coordinate the services that are delivered by Council and establish a one stop shop for economic development, tourism and major events.

The internalisation of economic development will allow for resources to be allocated more strategically and thereby obtaining a more significant benefit for businesses and the community.

The establishment of an in house economic development service will allow for corporate knowledge to be retained and for expertise to be developed. It will allow for strategic

planning to be undertaken and reduce the costs of the duplication of services and corporate overheads.

An in house service delivery model will create accountability and increase levels of transparency, with formal reporting lines to Council and a potential Economic Development Advisory Committee. It will also create a single point of contact for the business, tourism and major events stakeholders, rather than the situation that exists at present where stakeholders are only taken part of the way by representatives of different organisations, especially from a planning perspective.

The in house model will allow the alignment of infrastructure projects with economic development outcomes, as well as promoting employment generation and the needs of business across the organisation.

It is likely that the in house model will increase the level of grants, as there will be a greater awareness of the Council budget and long term financial plan, meaning that there is the opportunity to reduce ratepayers' funds into specific initiatives or projects.

The in house model will allow Council to undertake more comprehensive marketing and promotions. For example, at present Council undertakes its own marketing and promotions for the Regional Art Gallery, the Tourist Parks and the Museum, as well as the various sporting and recreation facilities. Council also undertakes marketing and promotions for local and major events. This remains separate and distinct from the marketing and promotions that are currently undertaken by Destination Tweed.

The in house model will allow for more to be undertaken in relation to place management in the business districts of the Shire, as well as the networking and training of businesses, although it is envisaged that the Chambers of Commerce have a major role to play in these activities.

It is also envisaged that an in house economic development function will be able to drive reform from a planning perspective, providing feedback and being actively involved in the development of policies that support business and encourage employment and investment. The proposed in house function will also have the capacity and expertise to participate in the review of the level of contributions associated with development applications.

A potential Economic Development Advisory Committee would be integral to providing direction and input to Council. The Committee needs to represent all aspects of the Tweed business community. The Committee will ensure that there is a high level of transparency and accountability to Tweed Shire Council, as well as establishing a group that can provide quality advice to Council.

It is important that Tweed Shire Council review its commitment to economic development given the current state of the local economy and the expectations of the local business community.

Options for Staged Internalised Provision

There are a number of options that Council could consider in relation to the staged internalisation of the delivery of economic development services.

Firstly, Council could look to resuming the Business Attraction and Investment role from Destination Tweed. This has an estimated contract value of \$174,315 per annum plus on costs. With this option it would require a resolution of Council to amend the contract and undertake an execution of a Deed of Variation to Contract. It would also presume that Destination Tweed would seek to continue to deliver tourism services and manage the two Visitor Information Centres.

A second option would be for Tweed Shire Council to cancel the existing contract and deliver all the services internally. This would require Council to identify the appropriate clauses within the existing contract by which it wishes to terminate the agreement. Council would also need to be aware of the financial implications that may result from this action, as well as the issues in the management of the volunteers and staff.

Contract

There are a number of parts of the contract that allow for the full or part termination of the agreement.

Of particular relevance are the following clauses:

9. Variation of Order and Specifications

- a. The Council is entitled to cancel an Order or modify the Specifications at any time during the provision of the Services. If this occurs:
 - the Service Provider must take all necessary steps to mitigate any losses which it may suffer as a result of the cancellation; and
 - the Council's liability to the Service Provider is limited to direct costs incurred by the Service Provider up to the date of cancellation and in no circumstances will the Council be liable for indirect or consequential losses or more remote loss (including any loss of profits or opportunity).

Note: This provision does not apply if the Council cancels this Contract because of the Service Provider's default. Please read 'Cancellation of Contract' below.

- b. The Council may direct the Service Provider to:
 - alter the extent of the Services;
 - alter the character, quality or mode of performance of the Services; or
 - carry out any work of a character similar to the Services.
- c. The value, if any, of any variation must be added to or subtracted from any payment to the Service Provider under clause 14. The value of each variation must be determined by applying:

- any relevant rates or prices contained in the Schedules which are expressly stated to be provided for the purposes, or partly for the purposes, of this clause;
- reasonable rates or prices as agreed between the Council and the Service Provider if there are no relevant rates or prices contained in the Schedules which are expressly stated to be provided for the purposes, or partly for the purposes, of this clause; or
- if no agreement can be reached the rates or prices will be determined by an independent Quantity Surveyor or Valuer.

17. Cancellation of Contract

a. The Council may cancel this Contract if:

- the Services or any part of the Services are not performed or provided within the time specified in the Specifications; or
- the Service Provider does not comply with this Contract; or
- if the Service Provider becomes insolvent or is subject to any form of external administration; or
- if, in the Council's view, the Service Provider, its Designated Contractors holds a conflict of interest which prevents the proper performance of the Contract.

b. On cancellation, the Council:

- may refuse to accept any undelivered Services;
- may reject any delivered Services;
- is not required to make any payment to the Service Provider;
- may recover from the Service Provider all costs incurred by the Council in obtaining other services, in replacement of the Services; and
- may recover from the Service Provider any other losses incurred by the Council as a result of the Service Provider's default.

32. Termination for the Principal's Convenience

- a. The Principal may terminate the Contract by giving notice with effect from the date stated in the notice, for its convenience and without the need to give reasons.
- b. If the Contract is terminated for the Principal's convenience, the Principal must pay the Contractor:

- the value of all work carried out (as determined in payment clause 14) up to the date of the termination notice takes effect; plus
 - 2% of the difference between the Contract Sum, adjusted by any amounts agreed or assessed under clause 9c. or finally determined under clause 31, and the total of all amounts paid and payable to the contractor for payment claims.
- c. The payments referred to in this Clause are full compensation under this Clause, and the Contractor has no claim for damages or other entitlement whether under the Contract or otherwise.
- d. The Contractor must, wherever possible, include in all subcontracts and supply agreements an equivalent provision to this Clause.

In summary, the contract between Destination Tweed and Tweed Shire has a number of clauses that allow for the termination or variation of the contract.

OPTIONS:

That Council, in relation to Contract AC2010-073 Provision of Economic Development and Tourism Promotion Services:

1. Seeks to make a variation to the existing contract with Destination Tweed to allow for the internalised delivery (delivery by Council) of business attraction and investment functions (B1) as specified in the contract;

Council continues the remaining components of the contract being delivered by Destination Tweed allowing for the management of the visitor information centres (A2), the development of tourism product and marketing (A1) and Preparation and Delivery of Tourism Marketing and Promotion Strategies, Plans and related Public Relations Activities (A3);

or

2. Seeks to make a variation to the existing contract with Destination Tweed to allow for the internalised delivery (delivery by Council) of business attraction and investment functions (B1), as well as the management of the visitor information centres (A2), as specified in the contract;

Council continues the remainder of the contract with Destination Tweed allowing for the development of tourism product and marketing (A1) and Preparation and Delivery of Tourism Marketing and Promotion Strategies, Plans and related Public Relations Activities (A3);

or

3. Seeks to make a variation to the existing contract with Destination Tweed to allow for the internalised delivery (delivery by Council) of business attraction and investment functions (B1), as well as the development of tourism product and marketing (A1) and

Preparation and Delivery of Tourism Marketing and Promotion Strategies, Plans and related Public Relations Activities (A3) as specified in the contract;

Council continues the remainder of the contract with Destination Tweed allowing for the management of the visitor information centres (A2);

or

4. Terminates the contract with Destination Tweed and delivers all services contained within the contract internally;

or

5. Continues the existing contract with Destination Tweed;

and/or

6. Establishes an Economic Development Advisory Committee, with the General Manager to determine the appropriate selection criteria for membership for consideration by Council and seek through an Expression of Interest process, potential members.

CONCLUSION:

Tweed Shire Council is one of a few local government authorities to outsource economic development. Economic development is often seen as being most effectively delivered internally, given the importance of the relationships between the different parts of local government that impact on all aspects of an existing business seeking to expand or a business considering relocation or establishment in an area. There is also a major role for local government to play in the areas of tourism and major events, both in relation to the creation of infrastructure and the delivery of services.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The current Destination Tweed contract is valued at \$1,011,030 per annum. A further \$100,000 was allocated from the current Roads budget to support economic development issues.

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:

Nil.

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

SUBMITTED BY: Director



Civic Leadership

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 October 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.

| | |
|---|--|
| DA No. | DA12/0418 |
| Description of Development: | Dwelling, attached double garage and 1.5m high front fence |
| Property Address: | Lot 43 DP 1031933 No. 35 She-Oak Lane, Casuarina |
| Date Granted: | 4/10/2012 |
| Development Standard to be Varied: | Clause 32B(4)(b) - overshadowing |
| Zoning: | 2(e) Residential Tourist and 7(f) Environmental Protection (Coastal Lands) |
| Justification: | An objection has been lodged under SEPP No. 1 to vary the development standard provided by Clause 32B (4) of the NCREP 1988, which prohibits overshadowing of the coastal reserve at the times of 3pm mid winter and 7pm mid summer. The shadow diagrams submitted show that the building will overshadow the coastal reserve to the east only in mid summer. Whilst the dwelling will overshadow the coastal reserve, the area of the coastal reserve that will be affected comprises a grassed area and coastal dune vegetation and a cycle way. The shadow will not impact on areas used for formal recreational activities. It should be noted that the shadows cast by the trees in the reserve located immediately behind the subject property will have a greater impact on the beach than the dwelling under consideration and in the most part intercept the dwelling shadows. The beach is over 100m from the rear of the property. Council has granted many other approvals for dwellings along the Tweed Coast, particularly in the Salt and Casuarina subdivision that have similar minor overshadowing encroachments into the coastal foreshore and it is considered that in this instance the request is supported. |
| Extent: | The development overshadows the adjoining coastal reserve (being Lot 83 in DP1031933 and Lot 500 in DP 1095235) before 3pm mid winter and before 6.30pm midsummer as stipulated by the Regional Environmental Plan. The reserves are so large that the areas of encroachment are relatively small and accordingly a SEPP1 is considered justified. |
| Authority: | 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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7 [PR-CM] Development Application DA11/0230 for a Seven Lot Subdivision at Lot 2 DP 626198; No. 178 Byangum Road, Murwillumbah

SUBMITTED BY: Development Assessment

FILE REFERENCE: DA11/0230 Pt2



Civic Leadership

SUMMARY OF REPORT:

Council is in receipt of an application for a seven lot subdivision at the above address.

The application was originally lodged as an eight lot subdivision and was recommended for refusal by Council officers at the June Council Meeting due to concerns with stormwater drainage, geotechnical stability and flora and fauna which were not considered to be adequately addressed in the application. It was resolved at this Council meeting that:

'this item be deferred to allow the proponent meet with Council staff to discuss possible alternative plans for this site and that a report be brought back to the July Council Meeting.'

Subsequent to this Council meeting the applicant has met with Council officers and submitted revised information which has addressed Council officers concerns with respect to the proposed development, and includes the deletion of one of the allotments.

This land is located within a 1.322ha allotment, which is zoned 2(a) Low Density Residential. The proposed development is defined as a 'subdivision' which is allowable with consent in this zone.

It is considered that the application is suitable for approval, subject to conditions.

RECOMMENDATION:

That Development Application DA11/0230 for a seven lot subdivision at Lot 2 DP 626198; No. 178 Byangum Road, Murwillumbah be approved subject to the following conditions:

GENERAL

- 1. The development shall be completed in accordance with the Statement of Environmental Effects and the following Plans;**
 - **Plan of Proposed Subdivision of Lot 2 in DP 626198 being No. 178 Byangum Road at Murwillumbah, Drawing No. 2821PR7A/1 prepared by N.C. White and Associates, dated 10 September 2012; and**
 - **Drawing No. Sk 15 Rev A prepared by Cozen Regan Williams Prove, dated 22 August 2012;**

except where varied by the conditions of this consent.

[GEN0005]

2. Any proposed future dwelling or ancillary structure must be the subject of a separate development consent where statutorily required and does not form part of this consent.

[GEN0035]

3. The subdivision is to be carried out in accordance with Tweed Shire Council Development Control Plan Part A5 - Subdivision Manual and Councils Development Design and Construction Specifications.

[GEN0125]

4. 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]

5. Sewer manholes are present on this site. These manholes are not to be covered with soil or other material.

Should adjustments be required to the sewer manhole, then this shall be detailed within the Construction Certificate application for approval of such works.

[GEN0155]

6. The approved subdivision shall not result in any clearing of native vegetation without prior approval where required from the relevant authority.

[GEN0290]

7. The subdivision sh

all be developed in three (3) Stages as detailed in the Statement of Environmental Effects.

Stage 1 shall include:

- The creation of Lots 6 and 7;
- Lot 6 will be independently accessed and serviced from Byangum Road;
- Lot 7 will be independently accessed and serviced from Tombonda Road; and
- The proposed stormwater drainage line through Lot 7 is intended to be constructed as part of Stage 1 (including the appropriate easement) but connection of the stormwater line to the existing system in Tombonda Road would not occur until Stage 3.

Stage 2 shall include:

- The creation of Lot 1; and
- This lot incorporates the existing dwelling house and it is proposed that the existing access driveway, water supply, sewer connection, power and telephone services would be retained. Any necessary changes to access or servicing would occur with Stage 3.

Stage 3 shall include:

- The creation of Lots 2, 3, 4 and 5; and

- This includes the construction of the reciprocal right of carriageway and all necessary permanent services.

All conditions applicable to each stage of development must be addressed to the satisfaction of Council, prior to the release of the Subdivision Certificate for that stage of the development. This may require the creation of easements that will have to be released in later stages.

[GENNS01]

8. Geotechnical investigations and assessment of the subject site shall be undertaken in accordance with the recommendations and requirements as specified in the Geotechnical Stability Assessment, prepared by Geotechnical Investigations Pty Ltd, dated 17 July 2012 and the supplementary letter (from Geotechnical Investigations Pty Ltd, dated 16 October 2012), except where varied by the conditions of this consent.

All individual house sites are subject to further geotechnical testing at time of building approval.

[GENNS02]

9. The developments stormwater drainage network shall be generally in accordance with Sk 15 Rev A prepared by Cozen Regan Williams Prove, dated 22 August 2012, except where varied by the conditions of this consent, including:
 - The referenced drainage line 11 (including the proposed detention basin and level spreaders) within Lot 8 is not supported by Council.
 - Referenced Lot 8 should reference Lot 5.

[GENNS03]

10. Compensatory planting and restoration works must be undertaken in accordance with an approved Habitat Restoration Plan.

[GENNS04]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

11. Prior to the issue of a Construction Certificate, a Cash Bond or Bank Guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works as set out in Council's fees and charges at the time of payment.

The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the General Manager or his delegate.

The bond will be refunded, if not expended, when the final Subdivision Certificate is issued.

[PCC0275]

12. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

13. Where earthworks result in the creation of batters and/or cuttings greater than 1m high and/or slopes within allotments 17⁰ (1:3.27) or steeper, such slopes shall be densely planted in accordance with a detailed Landscaping Plan endorsed by Council. This Plan shall accompany the Construction Certificate application.

Such plans shall generally incorporate the following and preferably be prepared by a landscape architect:

- (a) Contours and terraces where the height exceeds 1m.
- (b) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
- (c) Densely plant with appropriate native species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
- (d) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.

[PCC0455]

14. All earthworks shall be graded at a minimum of 1% so that the site it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided. The construction of any retaining wall or cut/fill batter must at no time result in additional runoff or ponding occurring within neighbouring properties.

All earthworks shall be contained wholly within the subject land. Detailed engineering plans of cut/fill levels and perimeter drainage shall be submitted with the Construction Certificate application for Council approval.

[PCC0485]

15. A Traffic Control Plan in accordance with AS1742 and the latest version of the RTA publication "Traffic Control at Work Sites" shall be prepared by an RTA accredited person and shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Safe public access shall be provided at all times.

[PCC0865]

16. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all retaining walls/footings/structures etc taking into consideration the zone of influence on the sewer main or other underground infrastructure and include a certificate of sufficiency of design prior to the determination of a Construction Certificate.

[PCC0935]

17. Prior to the issue of a Construction Certificate for civil works, the following detail in accordance with Council's Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.

- (a) copies of compliance certificates relied upon
- (b) four (4) copies of detailed engineering plans and specifications, prepared in accordance with Development Design Specification D13 - particularly Section D13.09. The detailed plans shall include (but are not limited) to the following, unless approved otherwise by Council:

- Earthworks
 - Roadworks/Furnishings
- (c) Byangum Road shall be upgraded to provide barrier kerb and gutter along the developments frontage, on an alignment approved by Council,
- (d) Proposed Lots 1 to 4 shall be serviced by an appropriately sign posted, shared battleaxe access providing a minimum concrete pavement of 4.5m off Byangum Road. An overtaking bay shall be provided just prior to access onto Byangum Road within the subject allotment,
- (e) Proposed Lot 5 shall be serviced by a battleaxe access providing a minimum concrete pavement of 3.0m off Byangum Road,
- (f) Proposed Lot 6 shall be serviced by a standard concrete driveway off Byangum Road,
- (g) Tombonda Road road reserve shall be upgraded to provide a standard road verge and driveway access to proposed Lot 7,
- Stormwater Drainage
- (h) Unless it is confirmed that a formed overland flow path capable of conveying the associated Q100 flow from Inlet [3/1] to [7/1] exists or will be provided within the existing stormwater easement, the inlet and pipe drainage network from Inlet [3/1] to Inlet [7/1] shall be upgraded to capture and convey (underground) the associated Q100 flow,
- (i) Downstream drainage networks in Tombonda Road are to be upgraded, as required to ensure the proposed development does not cause non compliant surcharging, with respect to Council's Design Specifications,
- (j) Stormwater discharge from proposed Lot 5 must be via controlled sheet flow and be distributed via level spreaders over an area as wide and as even as possible, across its southern boundary,
- (k) The proposed Tombonda Road kerbside Inlets ([8/10], [9/10] and [10/10]) are only required to capture their respective Q5 runoff, however the associated pipework must convey the captured Q100 flow from the developments inter allotment drainage network from inlet [7/10] to existing Inlet [1/7] in Tombonda Road.
- Water Supply Works
- (l) Proposed Lots 1, 2, 3, 4, 5 and 6 shall be serviced from the 150mm dia main in Byangum Road,
- (m) Proposed Lot 7 shall be serviced from the 100mm dia main in Tombonda Road,
- (n) All water services are to be individually identified and laid in conduits within the appropriately sized easements (as applicable), awaiting future connection,
- (o) The polylines in the vicinity of the proposed retaining walls are to be installed in appropriate conduit.
- Sewerage Works

- (p) Proposed Lots 5 and 6 may be serviced by individual house pump station and associated pressure system.
- (q) All pressure mains shall be located in road reserve. The Developer shall provide a Boundary Kit for connection for each lot to be serviced by the pressure sewer within each associated lot, in accordance with Council's standard specifications and drawings. The location of connection or the pressure main to sewerage shall be determined in consultation with Council during preparation of the engineering design plans so as to minimise the length of rising main so as to reduce any potential odour and septicity issues.
 - Landscaping Works
 - Sedimentation and Erosion Management Plans
 - Location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure), as well as details and locations of any significant electrical servicing infrastructure - such as transformers and substations.

The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 and Section 138 of the Roads Act to be certified by an Accredited Certifier.

[PCC0985]

18. Permanent stormwater quality treatment shall be provided in accordance with the following:
- (a) The Construction Certificate Application shall include a detailed Stormwater Management Plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
 - (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils Development Design Specification D7 - Stormwater Quality.
 - (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management.

[PCC1105]

19. Erosion and Sediment Control shall be provided in accordance with the following:
- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
 - (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

20. The peak stormwater flow rate that may be discharged from proposed Lot 5, in events of intensity up to the ARI 100 year design storm, shall be 200 l/s/ha. This can be achieved by On site stormwater detention (OSD) utilising above and or

below ground storage. OSD devices including Discharge Control Pits (DCP) are to comply with standards in the current version of The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook", unless approved otherwise by Council.

Note: Permissible Site Discharge (PSD) and Site Storage Requirements (SSR) in the handbook do not apply to Tweed Shire.

All stormwater must initially be directed to the DCP. Details are to be submitted with the Construction Certificate application.

[PCC1165]

21. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for the installation of any permanent Stormwater Quality Control Devices, prior to the issue of a Construction Certificate.

[PCC1195]

22. Where any existing sewer junctions are to be disused on the site, the connection point shall be capped off by Council staff. Applications shall be made to Tweed Shire Council and include the payment of fees in accordance with Councils adopted fees and charges.

[PCC1235]

23. A construction management plan shall be submitted to Council for the written approval of the General Manager or his delegate prior to issue of a construction certificate. The report shall address as a minimum construction noise, hours of construction, dust suppression and sediment control. All work shall comply with the approved Plan.

[PCCNS01]

24. Unless an appropriate easement can be established over the existing stormwater infrastructure located between Lots 86 and 87 DP253421, proposed Lot 5 cannot utilise this pipeline as a legal point of stormwater discharge.

[PCCNS02]

25. Only those lots which are demonstrated to the satisfaction of the Director of Community and Natural Resources not to be serviceable by conventional gravity sewers may be served by a pressure sewer system.

[PCCNS03]

PRIOR TO COMMENCEMENT OF WORK

26. 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]

27. Prior to commencement of work all actions or prerequisite works required at that stage, as required by other conditions or approved management plans or the like, shall be installed/operated in accordance with those conditions or plans.

[PCW0015]

28. Prior to the commencement of works, the applicant shall ensure that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared and put in place in accordance with either:-
-

- (a) Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
- (b) AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
- (c) WorkCover Regulations 2000

[PCW0025]

29. Any imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of the fill shall be submitted to the satisfaction of the General Manager or his delegate.

Once the approved haul route has been identified, payment of the Heavy Haulage Contribution calculated in accordance with Section 94 Plan No 4 will be required prior to the issue of the Subdivision Certificate if the required amount of fill exceeds 500m³.

[PCW0375]

30. Prior to start of works the PCA is to be provided with a certificate of adequacy of design, signed by a practising Structural Engineer on all proposed retaining walls in excess of 1.2m in height. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and be supported by Geotechnical assessment of the founding material.

[PCW0745]

31. Civil work in accordance with a development consent must not be commenced until:

- (a) a Construction Certificate for the civil work has been issued in accordance with Councils Development Construction Specification C101 by:

- (i) the Consent Authority, or
- (ii) an Accredited Certifier, and

- (b) the person having the benefit of the development consent:

- (i) has appointed a Principal Certifying Authority,
- (ii) appointed a Subdivision Works Accredited Certifier (SWAC) to certify the compliance of the completed works. The SWAC must be accredited in accordance with Tweed Shire Council DCP Part A5 - Subdivision Manual, Appendix C with accreditation in accordance with the Building Professionals Board Accreditation Scheme. As a minimum the SWAC shall possess accreditation in the following categories:

C4: Accredited Certifier - Stormwater management facilities construction compliance

C6: Accredited Certifier - Subdivision road and drainage construction compliance

The SWAC shall provide documentary evidence to Council demonstrating current accreditation with the Building Professionals Board prior to commencement of works, and

- (iii) has notified the Consent Authority and the Council (if the Council is not the Consent Authority) of the appointment,

- (iv) a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Subdivision Works Accredited Certifier is erected and maintained in a prominent position at the entry to the site in accordance with Councils Development Design and Construction Specifications. The sign is to remain in place until the Subdivision Certificate is issued, and
- (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the civil work.

Note: For subdivisions creating 5 new allotments or less, OR the value of new public infrastructure is less than \$30,000, then the SWAC may be substituted for an Institute of Engineers Australia Chartered Professional Engineer (Civil College) with NPER registration.

[PCW0815]

- 32. The proponent shall provide to the PCA copies of Public Risk Liability Insurance to a minimum value of \$10 Million for the period of commencement of works until the completion of the defects liability period.

[PCW0835]

- 33. 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]

- 34. Prior to issue of the construction certificate, the applicant is to submit a Habitat Restoration Plan detailing environmental enhancement works across the site. The Habitat Restoration Plan must be approved to the satisfaction of Council's General Manager or delegate prior to commencement of works. The plan is to include the management of native vegetation within the development site. The Plan must also address the treatment, function, maintenance and management of the following:
 - a) Gradual removal of Camphor Laurel in accordance with the relevant management plan under the Noxious Weeds Act 1993 at an average rate of 10% per annum. Removal of all Camphor Laurel saplings to 3m in height.
 - b) Compensatory planting of all local native species removed at a 2:1 (gained:loss) basis.

[PCWNS01]

- 35. Arrangements for the management of construction waste, ongoing waste management during site occupation and garbage collection arrangements shall be submitted to Council's General Manager or his delegate for written approval prior to the commencement of works.

[PCWNS02]

36. A detailed plan of landscaping containing no noxious or environmental weed species and with a minimum 80% of total plant numbers comprised of local native species is to be submitted and approved by Council's General Manager or his delegate prior to the commencement of works.

[PCWNS03]

DURING CONSTRUCTION

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

[DUR0005]

38. 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]

39. 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.

$L_{Aeq, 15 \text{ min}}$ 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.

$L_{Aeq, 15 \text{ min}}$ 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]

40. 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. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.

[DUR0405]

41. Proposed earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments".

A certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798 and is suitable for the intended residential development shall be submitted to the Principal Certifying Authority upon completion.

[DUR0795]

42. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.

[DUR0815]

43. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate.

[DUR0985]

44. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate.

[DUR0995]

45. 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]

46. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

[DUR1795]

47. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to the issue of a Subdivision Certificate.

[DUR1875]

48. Tweed Shire Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, Appendix D. Inspection fees are based on the rates contained in Council's current Fees and Charges:-

Roadworks/Driveways

- (a) Pre-construction commencement erosion and sedimentation control measures
- (b) Completion of earthworks
- (c) Excavation of subgrade
- (d) Pavement - sub-base
- (e) Pavement - pre kerb

- (f) Driveways - formwork/reinforcement
- (g) Final Practical Inspection - On Maintenance
- (h) Off Maintenance inspection

Water Reticulation, Sewer Reticulation, Drainage

- (a) Excavation
- (b) Bedding
- (c) Laying/jointing
- (d) Manholes/pits
- (e) Backfilling
- (f) Permanent erosion and sedimentation control measures
- (g) Drainage channels
- (h) Final Practical Inspection - On Maintenance
- (i) Off Maintenance

Council's role is limited to the above mandatory inspections and does **NOT** include supervision of the works, which is the responsibility of the Developers Supervising Consulting Engineer.

The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "Accredited Certifier".

The fee for the above-mentioned inspections shall be invoiced upon completion of all applicable civil works, and subject to the submission of an application for a 'Subdivision Works Compliance Certificate' associated with the Subdivision Certificate.

[DUR1895]

49. Where existing kerb, footpath or driveway laybacks are to be removed for new driveway laybacks, stormwater connections, pram ramps or for any other reason, the kerb, footpath or driveway laybacks must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.

[DUR1905]

50. All retaining walls in excess of 1.2 metres in height or retaining walls and structures that are approved to be constructed over Council's sewer main, must be certified by a Qualified Structural Engineer verifying the structural integrity of the structures after construction. Certification from a suitably qualified engineer experienced in structures is to be provided to the PCA prior to the issue of a Subdivision Certificate.

[DUR1955]

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

[DUR2015]

52. Inter allotment drainage shall be provided to all lots where roof water for dwellings cannot be conveyed to the street gutter by gravitational means.

The Inter allotment drainage network from inlet [4/10] to [8/10] including associated inlets must be sized to capture and convey underground the ARI 100 year event.

[DUR2285]

53. All stormwater gully lintels shall have the following notice cast into the top of the lintel: 'DUMP NO RUBBISH, FLOWS INTO CREEK' or similar wording in accordance with Councils Development Design and Construction Specifications.

[DUR2355]

54. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

[DUR2375]

55. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the Tweed Shire Council General Manager or his delegate.

[DUR2425]

56. All waters that are to be discharged from the site shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/l. The contractor shall nominate a person responsible for monitoring of the quality of such discharge waters on a daily basis and the results recorded. Such results shall be made available to Council's Environmental Health Officer(s) upon request.

[DUR2435]

57. During construction, a "satisfactory inspection report" is required to be issued by Council for all s68h2 permanent stormwater quality control devices, prior to backfilling. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection.

[DUR2445]

58. No portion of any structure may be erected within any easement for public infrastructure over the subject site unless it is designed and sited outside of the zone of influence of any public infrastructure, complies with Council's "Sewers - Work in Proximity" policy and is approved by Council.

[DURNS01]

59. An adequate Tree Protection Zone shall be provided around the threatened tree species recorded on site and vegetation that is to be retained. This Tree Protection Zone shall generally be provided by preserving an area around the tree with a radius of at least 1.25 x the average canopy radius from the trunk, or 0.5 x the tree height. Tree Protection Zones:

- a. Shall be adequately fenced, marked and sign posted before, during and after construction.
- b. All trenches, footings and major earth movement shall avoid Tree Protection Zones.

- c. **Materials and soils shall not be stockpiled within Tree Protection Zones.**
 - d. **Machinery shall avoid Tree Protection Zones during all operations.**
60. **All operations must comply with the fauna and flora protection measures as outlined in the Ecological Assessment Report established by James Warren & Associates, as amended by any conditions/requirements imposed. In the event that any threatened species, populations, ecological communities or their habitats not addressed in the report are discovered during operations appropriate Plans of Management for those species must be formulated to the satisfaction of the General Manager or delegate. No further site clearing will take place until the Plan(s) of Management is/are approved.**
61. **A spotter-catcher will be on site during all vegetation clearing processes. Should any threatened species or other native fauna be found within the vegetation to be cleared, they must be collected and released into adjoining unaffected suitable habitat.**

[DURNS02]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

62. **Prior to issue of a subdivision certificate, all works/actions/inspections etc required by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.**

[PSC0005]

63. **A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.**

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

Stage 1

| | | |
|----------------------------|------------------------------|----------------|
| Water DSP2: | 2 ET @ \$12150 per ET | \$24300 |
| Sewer Murwillumbah: | 2 ET @ \$5838 per ET | \$11676 |

Stage 2

| | | |
|----------------------------|------------------------------|----------------|
| Water DSP2: | 1 ET @ \$12150 per ET | \$12150 |
| Sewer Murwillumbah: | 1 ET @ \$5838 per ET | \$5838 |

Stage 3

| | | |
|----------------------------|------------------------------|----------------|
| Water DSP2: | 3 ET @ \$12150 per ET | \$36450 |
| Sewer Murwillumbah: | 3 ET @ \$5838 per ET | \$17514 |

These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.

[PSC0165]

64. Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

These charges include indexation provided for in the S94 Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

Stage 1

(a) Tweed Road Contribution Plan:

| | |
|--------------------------------------|----------------|
| 13 Trips @ \$1328 per Trips | \$17264 |
| (\$1317 base rate + \$11 indexation) | |
| S94 Plan No. 4 | |
| Sector9_4 | |

(b) Open Space (Casual):

| | |
|-------------------------------------|---------------|
| 2 ET @ \$526 per ET | \$1052 |
| (\$502 base rate + \$24 indexation) | |
| S94 Plan No. 5 | |

(c) Open Space (Structured):

| | |
|-------------------------------------|---------------|
| 2 ET @ \$602 per ET | \$1204 |
| (\$575 base rate + \$27 indexation) | |
| S94 Plan No. 5 | |

(d) Shirewide Library Facilities:

| | |
|-------------------------------------|---------------|
| 2 ET @ \$816 per ET | \$1632 |
| (\$792 base rate + \$24 indexation) | |
| S94 Plan No. 11 | |

- (e) **Bus Shelters:**
2 ET @ \$62 per ET \$124
(\$60 base rate + \$2 indexation)
S94 Plan No. 12
- (f) **Eviron Cemetery:**
2 ET @ \$121 per ET \$242
(\$101 base rate + \$20 indexation)
S94 Plan No. 13
- (g) **Community Facilities (Tweed Coast - North)**
2 ET @ \$1352 per ET \$2704
(\$1305.6 base rate + \$46.4 indexation)
S94 Plan No. 15
- (h) **Extensions to Council Administration Offices
& Technical Support Facilities**
2 ET @ \$1812.62 per ET \$3625.24
(\$1759.9 base rate + \$52.72 indexation)
S94 Plan No. 18
- (i) **Cycleways:**
2 ET @ \$460 per ET \$920
(\$447 base rate + \$13 indexation)
S94 Plan No. 22
- (j) **Regional Open Space (Casual)**
2 ET @ \$1064 per ET \$2128
(\$1031 base rate + \$33 indexation)
S94 Plan No. 26
- (k) **Regional Open Space (Structured):**
2 ET @ \$3730 per ET \$7460
(\$3619 base rate + \$111 indexation)
S94 Plan No. 26

Stage 2

- (a) **Tweed Road Contribution Plan:**
6.5 Trips @ \$1328 per Trips \$8632
(\$1317 base rate + \$11 indexation)
S94 Plan No. 4
Sector9_4

| | |
|--|------------------|
| (b) Open Space (Casual): | |
| 1 ET @ \$526 per ET | \$526 |
| (\$502 base rate + \$24 indexation) | |
| S94 Plan No. 5 | |
| (c) Open Space (Structured): | |
| 1 ET @ \$602 per ET | \$602 |
| (\$575 base rate + \$27 indexation) | |
| S94 Plan No. 5 | |
| (d) Shirewide Library Facilities: | |
| 1 ET @ \$816 per ET | \$816 |
| (\$792 base rate + \$24 indexation) | |
| S94 Plan No. 11 | |
| (e) Bus Shelters: | |
| 1 ET @ \$62 per ET | \$62 |
| (\$60 base rate + \$2 indexation) | |
| S94 Plan No. 12 | |
| (f) Eviron Cemetery: | |
| 1 ET @ \$121 per ET | \$121 |
| (\$101 base rate + \$20 indexation) | |
| S94 Plan No. 13 | |
| (g) Community Facilities (Tweed Coast - North) | |
| 1 ET @ \$1352 per ET | \$1352 |
| (\$1305.6 base rate + \$46.4 indexation) | |
| S94 Plan No. 15 | |
| (h) Extensions to Council Administration Offices & Technical Support Facilities | |
| 1 ET @ \$1812.62 per ET | \$1812.62 |
| (\$1759.9 base rate + \$52.72 indexation) | |
| S94 Plan No. 18 | |
| (i) Cycleways: | |
| 1 ET @ \$460 per ET | \$460 |
| (\$447 base rate + \$13 indexation) | |
| S94 Plan No. 22 | |
| (j) Regional Open Space (Casual) | |
| 1 ET @ \$1064 per ET | \$1064 |
| (\$1031 base rate + \$33 indexation) | |

S94 Plan No. 26

(k) Regional Open Space (Structured):

1 ET @ \$3730 per ET \$3730

(\$3619 base rate + \$111 indexation)

S94 Plan No. 26

Stage 3

(a) Tweed Road Contribution Plan:

19.5 Trips @ \$1328 per Trips \$25896

(\$1317 base rate + \$11 indexation)

S94 Plan No. 4

Sector9_4

(b) Open Space (Casual):

3 ET @ \$526 per ET \$1578

(\$502 base rate + \$24 indexation)

S94 Plan No. 5

(c) Open Space (Structured):

3 ET @ \$602 per ET \$1806

(\$575 base rate + \$27 indexation)

S94 Plan No. 5

(d) Shirewide Library Facilities:

3 ET @ \$816 per ET \$2448

(\$792 base rate + \$24 indexation)

S94 Plan No. 11

(e) Bus Shelters:

3 ET @ \$62 per ET \$186

(\$60 base rate + \$2 indexation)

S94 Plan No. 12

(f) Eviron Cemetery:

3 ET @ \$121 per ET \$363

(\$101 base rate + \$20 indexation)

S94 Plan No. 13

(g) Community Facilities (Tweed Coast - North)

3 ET @ \$1352 per ET \$4056

(\$1305.6 base rate + \$46.4 indexation)

S94 Plan No. 15

- (h) **Extensions to Council Administration Offices
& Technical Support Facilities**
 3 ET @ \$1812.62 per ET \$5437.86
 (\$1759.9 base rate + \$52.72 indexation)
 S94 Plan No. 18
- (i) **Cycleways:**
 3 ET @ \$460 per ET \$1380
 (\$447 base rate + \$13 indexation)
 S94 Plan No. 22
- (j) **Regional Open Space (Casual)**
 3 ET @ \$1064 per ET \$3192
 (\$1031 base rate + \$33 indexation)
 S94 Plan No. 26
- (k) **Regional Open Space (Structured):**
 3 ET @ \$3730 per ET \$11190
 (\$3619 base rate + \$111 indexation)
 S94 Plan No. 26

[PSC0175]

65. **Prior to the issue of a Subdivision Certificate a Defect Liability Bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.**

The bond shall be based on 5% of the value of the works (minimum as tabled in Council's fees and charges current at the time of payment) which will be held by Council for a period of 6 months from the date on which the plan of subdivision is registered. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

[PSC0215]

66. **Prior to the issue of a Subdivision Certificate, a certificate of compliance shall be submitted to Council by the Developers Subdivision Works Accredited Certifier (SWAC) or equivalent, verifying that the placed fill has been compacted in accordance with the requirements of AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments" and is suitable for residential purposes.**

The submission shall include copies of all undertaken test results.

[PSC0395]

67. **All approved landscaping requirements must be completed to the satisfaction of the General Manager or his delegate PRIOR to the issue of a Subdivision Certificate. Landscaping must be maintained at all times to the satisfaction of the General Manager or delegate.**

[PSC0485]

68. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the General Manager or his delegate PRIOR to the issue of a Subdivision Certificate. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.

[PSC0725]

69. Prior to the issue of a Subdivision Certificate, Work as Executed Plans shall be submitted in accordance with the provisions of Tweed Shire Council's Development Control Plan Part A5 - Subdivision Manual and Council's Development Design Specification, D13 - Engineering Plans.

The plans are to be endorsed by a Registered Surveyor OR a Consulting Engineer Certifying that:

- (a) all drainage lines, sewer lines, services and structures are wholly contained within the relevant easement created by the subdivision;
- (b) the plans accurately reflect the Work as Executed.

Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed (WAX) plans.

[PSC0735]

70. All retaining walls in excess of 1.2m are to be certified by a suitably qualified geotechnical/structural engineer. The certification is to be submitted with the applicable Subdivision Certificate application and shall state that the retaining walls have been designed and constructed in accordance with AS4678-2002 Earth Retaining Structures and are structurally sound.

In addition to the above certification, the following is to be included in the Section 88B Instrument to accompany the plan of subdivision.

- (a) An easement for support is to be created over the footprint of the above retaining wall(s) or batters, benefiting the higher lot. The terms of this easement shall include:
 - The owner of the lot burdened shall not interfere with the retaining wall or, batter or the support it offers or use it in a way which may detract from the stability or support provided and
 - The owner of the lot benefited, may at any time the stability of the retaining wall is threatened, enter upon the easement and carry out any repairs required to restore the stability and support provided.
- (b) A Restriction On Use is to be created on the lower lot title adjacent to the retaining wall footprint, restricting excavation (greater than 0.3m in vertical height) within the area burdened by the restriction. The width of the area and excavation restrictions within the area shall be determined by the retaining wall designer and shall be no less than the height of the wall, and
- (c) A Restriction On Use is to be created on the higher lot adjacent to the retaining wall footprint, restricting placement of structures or filling (greater than 0.3m in vertical height) within the area burdened. The restrictions shall be determined by the wall designer, with a width no less than the height of the wall.

- (d) Each lot burdened and or benefited by a Type 1 wall as defined in AS4678-2002 Earth Retaining Structures, shall contain a restriction to user advising the landowner of the need to maintain the wall in accordance with that standard.

Tweed Shire Council is to be nominated as the authority empowered to release, vary or modify the restrictions.

[PSC0785]

71. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of this Development Consent have been complied with.

[PSC0825]

72. The creation of Easements For Services, Rights Of Carriageway and Restrictions As To User (including restrictions associated with planning for bushfire) as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:

- (a) Easements for sewer, water supply and drainage over ALL public services/infrastructure on private property.
- (b) Right of Carriageway over the shared concrete battleaxe driveway servicing proposed Lots 1 to 4.
- (c) Positive Covenant over the subject land for the installation and maintenance of single property pump stations.
- (d) A Restriction On Use on all benefited lots requiring the owners to manage and maintain the installed Oil and Grit separators and pay Council fees.
- (e) A Restriction On Use requiring a designated Visitor Car Parking space to be provided on proposed Lots 1 to 5.
- (f) A Restriction On Use requiring that stormwater runoff from all future hardstand areas (including all roofwater) associated with proposed Lot 6 must discharge into the piped drainage network traversing the site.
- (g) A Restriction On Use preventing any hardstand area being constructed over the existing embankment along the southern boundary of proposed Lot 5 or within 5m of the property boundary (whichever is the greater) to provide adequate protection of the batter and to accommodate required stormwater detention and level spreaders away from the southern batter (unless supported otherwise by a Geotechnical Report and accepted by Council).
- (h) Individual water house connection lines associated with the battleaxe allotments are to be located within appropriately sized easements, of adequate width such that the lines can be accessed by required machinery, if required.

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating a Right Of Carriageway or Easement shall make provision for maintenance of the Right Of Carriageway or Easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis (as applicable).

Any Section 88B Instrument creating Restrictions As To User, Rights Of Carriageway or Easements which benefit Council shall contain a provision enabling such Restrictions, Easements or Rights Of Way to be revoked, varied or modified only with the consent of Council.

[PSC0835]

- 73. Submit to Council's property officer an appropriate plan indicating the address numbers to the new lots for approval. Prior to the issue of a Subdivision Certificate, each lot shall have its' address number displayed.**

[PSC0845]

- 74. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council with the application for Subdivision Certificate.**

[PSC0855]

- 75. Prior to registration of the plan of subdivision, a Subdivision Certificate shall be obtained.**

The following information must accompany an application:

- (a) original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.**
- (b) all detail as tabled within Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, CL 5.7.6 and Councils Application for Subdivision Certificate including the attached notes.**

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

[PSC0885]

- 76. Prior to the application for a Subdivision Certificate a Compliance Certificate or Certificates shall be obtained from Council OR an accredited certifier for the following:-**

- (a) Compliance Certificate - Roads / Driveways**
- (b) Compliance Certificate - Water Reticulation**
- (c) Compliance Certificate - Sewerage Reticulation**
- (d) Compliance Certificate - Drainage**

Note:

- 1. All Compliance Certificate applications must be accompanied by documentary evidence from the developers Subdivision Works Accredited Certifier (SWAC) certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the Construction Certificate, Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual and Councils Development Design and Construction Specifications.**
- 2. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".**

[PSC0915]

77. The six (6) months Defects Liability Period commences upon the registration of each Plan of Subdivision.

[PSC0925]

78. Prior to the issue of a Subdivision Certificate and also prior to the end of Defects Liability Period, a CCTV inspection of any stormwater pipes and gravity sewerage systems installed and to be dedicated to Council including joints and junctions will be required to demonstrate that the standard of the infrastructure is acceptable to Council.

Any defects identified by the inspection are to be repaired in accordance with Councils Development Design and Construction Specification.

All costs associated with the CCTV inspection and repairs shall be borne by the applicants.

[PSC1065]

79. Prior to issuing a Subdivision Certificate, reticulated water supply and outfall sewerage reticulation (including household connections) shall be provided to all lots within the subdivision in accordance with Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual, Councils Development Design and Construction Specifications and the Construction Certificate approval.

Fire Hydrants spacing, sizing and pressures shall comply with Council's DCP - Section A5 - Subdivision Manual, associated Development Design and Construction Specifications and AS2419.1-2005.

The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act, 2000 to be certified by an Accredited Certifier.

[PSC1115]

80. Prior to the issue of the Subdivision Certificate, for each lot serviced by the pressure sewer system, a capital contribution of \$14,800 shall be paid by the Developer to Council for the installation of individual pressure sewer pump stations at a suitable location within each lot at the time of construction of the dwelling on that lot.

[PSC1135]

81. A Positive Covenant in relation to each lot to be sewered by a pressure sewer system shall be created pursuant to Section 88B of the Conveyancing Act to provide Tweed Shire Council with rights to construct, install and maintain the pressure sewerage infrastructure in accordance with the following terms:

TERMS OF PUBLIC POSITIVE COVENANT

1. Pressure sewerage reticulation infrastructure is to be constructed within the land referred to herein and such infrastructure will comprise a pump station, valve pit, control panel and associated pipelines excluding gravity house connections and plumbing.
2. Such infrastructure is to be supplied by Tweed Shire Council at commencement of construction of a dwelling on the land referred to herein.
3. All costs in relation to the installation of the pressure sewer reticulation infrastructure within the land referred to herein will be borne by Tweed Shire Council.

4. The control panel for the pumping station is to be wired into the household switchboard by a registered electrician and all electricity to operate the control panel and pump station shall be supplied from the household switchboard. All costs in relation to the running of the pressure sewerage reticulation are to be borne by the registered proprietor.
5. The pressure sewer infrastructure will at all times remain the property of Tweed Shire Council to be inspected, serviced, repaired and maintained in good working order only by Tweed Shire Council.
6. Tweed Shire Council shall have the right to enter upon the land referred to herein with or without equipment, at all reasonable times to inspect, construct, repair, service and maintain in good working order all pressure sewerage reticulation infrastructure in or upon the said land pursuant to "Power of Entry" provisions under sections 191 and 191A of the NSW Local Government Act, 1993. This right to enter is restricted to the land in which the pressure sewerage infrastructure is placed for the time being and includes any points of egress or ingress to or from the said land.
7. The registered proprietor of the land referred to herein shall not construct any type of development, including external buildings, swimming pools or permanent structures which may interfere with the sewerage reticulation infrastructure, or impede access to any part of the sewerage reticulation infrastructure for the purposes of repair, maintenance and service.
8. If at any time it becomes necessary to relocate any part of the sewerage reticulation infrastructure for the purposes of construction of external buildings, swimming pools or building extensions and/or modifications Tweed Shire Council will not object to the relocation of the existing sewer pump station or associated pipeline providing that the registered proprietor makes the necessary application to Tweed Shire Council as the consent authority to modify the existing sewerage reticulation infrastructure and upon the registered proprietor obtaining development consent to do so. The registered proprietor will bear all costs in relation to the application and the re-location which is to be carried out by Tweed Shire Council.
9. The registered proprietor shall be responsible for notifying Tweed Shire Council when maintenance, repair, relocation or service is necessary on the sewerage reticulation infrastructure.
10. Should any part of the sewerage reticulation infrastructure be damaged by the registered proprietor or by any person who is a servant, workman, tenant, invitee, employee, or agent of the registered proprietor Tweed Shire Council will repair the damage at the cost of the registered proprietor.
11. The registered proprietor shall indemnify Tweed Shire Council and any adjoining landowners against any damage and injury to their land, property or person arising from the failure of any component of the sewerage reticulation infrastructure due to the negligent use or misuse of the sewerage reticulation system by the registered proprietor or any person who is a servant, workman, tenant, invitee, employee or agent of the registered proprietor.

12. Tweed Shire Council shall indemnify the registered proprietor against all damage and injury to property and person (including any damage to the land referred to herein and any land adjacent to the land referred to herein) arising from the failure of any component of the sewerage reticulation infrastructure and its construction, inspection, repair, service and maintenance and or in entering upon and occupying the subject property for such purposes.
13. Any reference to Tweed Shire Council, excepting as consent authority, means its employees, agents, contractors, servants.
- [PSC1145]
82. The production of written evidence from the local telecommunications supply authority certifying that the provision and commissioning of underground telephone supply at the front boundary of all allotments has been completed.
- [PSC1165]
83. The production of written evidence from the local telecommunications supply authority certifying that the provision and commissioning of underground telephone supply at the front boundary of the allotment has been completed.
- [PSC1165]
84. Electricity
- (a) The production of written evidence from the local electricity supply authority certifying that reticulation and energising of underground electricity (residential and rural residential) has been provided adjacent to the front boundary of each allotment; and
- Should any electrical supply authority infrastructure (sub-stations, switching stations, cabling etc) be required to be located on Council land (existing or future), then Council is to be included in all negotiations. Appropriate easements are to be created over all such infrastructure, whether on Council lands or private lands.
- Compensatory measures may be pursued by the General Manager or his delegate for any significant effect on Public Reserves or Drainage Reserves.
- [PSC1185]
85. Prior to the issue of a Subdivision Certificate, the applicant shall produce a copy of the “satisfactory inspection report” issued by Council for all works required under Section 68 of the Local Government Act 1993.
- [PSCNS01]
86. All lots must be graded to prevent the ponding of surface water and be adequately vegetated to prevent erosion from wind and/or water to the satisfaction of the General Manager or his delegate.
- [PSCNS02]
87. Prior to the issue of a Subdivision Certificate, the existing easement to drain water 3 wide (DP 626198) traversing the subject allotment shall be released and a new 3 wide easement created, benefiting the appropriate allotments and Tweed Shire Council.
- [PSCNS03]

- 88. Habitat restoration works must be completed to a level specified in the approved Habitat Restoration Plan prior to the release of the subdivision certificate and shall be maintained at all times to the satisfaction of the General Manager or his delegate. Trees identified for retention in the Habitat Restoration Plan shall not be removed without separate Council approval.**

[PSCNS04]

REPORT:

Applicant: Byangum Holdings Pty Ltd
Owner: Byangum Holdings Pty Ltd
Location: Lot 2 DP 626198; No. 178 Byangum Road, Murwillumbah
Zoning: 2(a) Low Density Residential
Cost: \$320,000

Background:

Site History

Council records indicate two previous applications on this site, both related to the existing dwelling:

- 0232/93B- Building Application (Historic) - shade structure. Approved 11 March 1993; and
- 1250/87B- Building Application (Historic) – swimming pool. Approved 10 December 1987.

The Subject Site

The subject site covers a total area of 1.322ha and is irregular in shape with frontage to Byangum Road and Tombonda Road. The topography on the site is undulating, with ground levels varying from 40m AHD to 20m AHD. The site is surrounded by low density residential development, with exception of the road frontage as described above.

At present there is a single storey dwelling house to the north of the site and a shed located adjacent to the southern site boundary, with the remainder of the site comprising of slashed grassland or regenerating rainforest vegetation species. Council's Natural Resource Management Unit has noted that two threatened flora species were recorded on site in the form of two Coolamon and a Fine-leaved Tuckeroo.

The Proposed Development

As originally submitted, the application proposed an eight lot subdivision, configured as follows:

| Lot Number | Area | Access Arrangements |
|------------|--|---|
| Lot 1 | 2282m ² (contains an existing dwelling house) (2090m ² excluding axe handle) | Battleaxe frontage to Byangum Road – access via reciprocal right of carriageway |
| Lot 2 | 1154m ² (776m ² excluding handle) | As above |
| Lot 3 | 1197m ² (896m ² excluding handle) | As above |
| Lot 4 | 1211m ² (840m ² excluding handle) | As above |
| Lot 5 | 1255m ² (864m ² excluding handle) | As above |
| Lot 6 | 727m ² | Frontage to and access from Byangum Road |
| Lot 7 | 756m ² | Frontage to and access from Tombonda Road |
| Lot 8 | 4688m ² (4475m ² excluding handle) | Battleaxe frontage to Byangum Road 6.37m wide |

In response to request for further information the applicant has amended the application with the result that proposed Lot 5 and Lot 8 identified above have been combined to create a new Lot 5 with a total area of 5598m². The composition of the amended allotments is outlined below:

| LOT No | TOTAL AREA | LOT AREA EX ACCESS |
|--------|--------------------|--------------------|
| LOT 1 | 2326m ² | 2090m ² |
| LOT 2 | 1212m ² | 776 m ² |
| LOT 3 | 1261m ² | 896 m ² |
| LOT 4 | 1389m ² | 840 m ² |
| LOT 5 | 5598m ² | 5339m ² |
| LOT 6 | 727m ² | 727 m ² |
| LOT 7 | 756m ² | 756 m ² |

It is proposed to carry out the development in 3 Stages, as follows:

Stage 1 - Lots 6 and 7

- Lot 6 will be independently accessed and serviced from Byangum Road.
- Lot 7 will be independently accessed and serviced from Tombonda Road.
 - o The proposed stormwater drainage line through Lot 7 is intended to be constructed as part of Stage 1 (including the appropriate easement) but connection of the stormwater line to the existing system in Tombonda Road would not occur until Stage 3.

Stage 2 - Lot 1

- This lot incorporates the existing dwelling house and it is proposed that the existing access driveway, water supply, sewer connection, power and telephone services would be retained. Any necessary changes to access, servicing, etc. would occur with Stage 3.

Stage 3 – Lots 2, 3, 4 and 5

- This includes the construction of the reciprocal right of carriageway and all necessary permanent services.

Development Constraints

A number of development constraints were identified through the assessment of the subject application as originally submitted.

Stormwater Drainage

At present stormwater drainage from the site is conveyed from an existing piped drainage network traversing through the existing allotment and neighbouring Lot 1 DP 626198 and Lot 87 DP 253421. There is no formal easement over the existing piped infrastructure traversing through Lot 87 DP 253421.

The applicant had initially requested that Council acquire easements over adjacent land (Lots 82, 86 and 87 DP 253421) as attempts to negotiate between the applicant and subject landowners has been unsuccessful. This request was reviewed by Councils Executive Management Team and it was determined that the applicant be advised that '*Council's preferred and most equitable course action in relation to stormwater (at subject property) would be for the owner to purchase the adjoining property, create the necessary drainage infrastructure and easements and then resell the property with the encumbrances.*'

Subsequent to this, it was indicated that the applicant intended to seek Council's support for the resuming of any necessary easements. However, following an extension of time provided to resolve this issue, no further progress was demonstrated by the applicant and it was considered appropriate to progress the application to a full Council meeting with a recommendation for refusal.

Subsequent to the June 2012 Council Meeting, the applicant has met with Council officers and submitted revised information with respect to this application, including the reduction in the number of total allotments proposed. A revised Stormwater Management Plan has been submitted and this information has been reviewed by Councils Development Engineering Section and is determined to provide adequate stormwater drainage to the proposed development, subject to appropriate conditions of consent. The proposal as revised is considered acceptable in this regard. Due to the technical nature of stormwater drainage on the site, much of the proposed design detail has not been submitted at this stage. However, where applicable the applicant has agreed to the inclusion of conditions of consent which require the development to be in accordance with Council policy. In particular, the applicant is required to:

- Demonstrate that the existing stormwater infrastructure which traverses the west of the development site and existing Lot 1 DP 626198 and Lot 94 DP 253421 can convey stormwater to a 1 in 100 year flood (Q100) standard, or upgrade this infrastructure to capture and convey a Q100 flow;
- Upgrade downstream drainage networks in Tombonda Road as required to ensure the development does not cause non-compliant surcharging;
- Discharge stormwater from proposed Lot 5 via controlled sheet flow and distribute via level spreaders over a wide and even area; and
- Ensure the Tombonda Road pipework can convey Q100 stormwater from the development.

Geotechnical Stability

As originally submitted, the applicant provided a broad scale Geotechnical Engineering Assessment. It was noted that this assessment did not include an assessment of the stability of the site or individual sites. Submissions received through public notification raised concerns with respect to geotechnical stability arising from the proposed development.

The applicant's response to these concerns was that the Geotechnical Report does not identify significant instability issues. This was not accepted by Councils Development Engineering Section as a satisfactory response to the public concerns and the application was not supported in this regard.

Subsequent to the June Council Meeting, the applicant submitted a Geotechnical Stability Assessment assessing the slope stability and potential risks at the subject site. The revised information has been reviewed by Council officers who have indicated that subject to appropriate conditions of consent, the proposal is considered acceptable in this regard.

Flora and fauna

This application was referred to Council's Natural Resource Management Unit having regard to the vegetation removal associated with the proposal. Comments received raised concern with regard to the potential for the development to impact upon two threatened species as listed under the Threatened Species Conservation Act 1995.

Specifically, two of the three recorded threatened flora species would be significantly impacted upon by the proposed subdivision works, likely resulting in the demise of these trees. A mature Coolamon (*Syzygium moorei*) located within proposed Lot 2 would be affected by driveway construction works and a mature Fine-leaved Tuckeroo (*Lepiderema pulchella*) is located in an easement adjacent to proposed Lot 4 within which sewer and drainage pipes are proposed.

The applicant has subsequently submitted revised information, requesting that a condition be attached to any consent requiring these trees to be retained. Furthermore, Council's Natural Resource Management (NRM) Unit has indicated that the proposal is deemed acceptable subject to recommended conditions with respect to the provision of a Tree Protection Zone to the threatened species and the preparation of a Habitat Restoration Plan.

The flora and fauna constraints are therefore considered to be adequately addressed and the application is supported in this regard.

Public Submissions

The proposed development was notified for a period of 14 days from 22 June 2011 to 6 July 2011, and attracted three submissions.

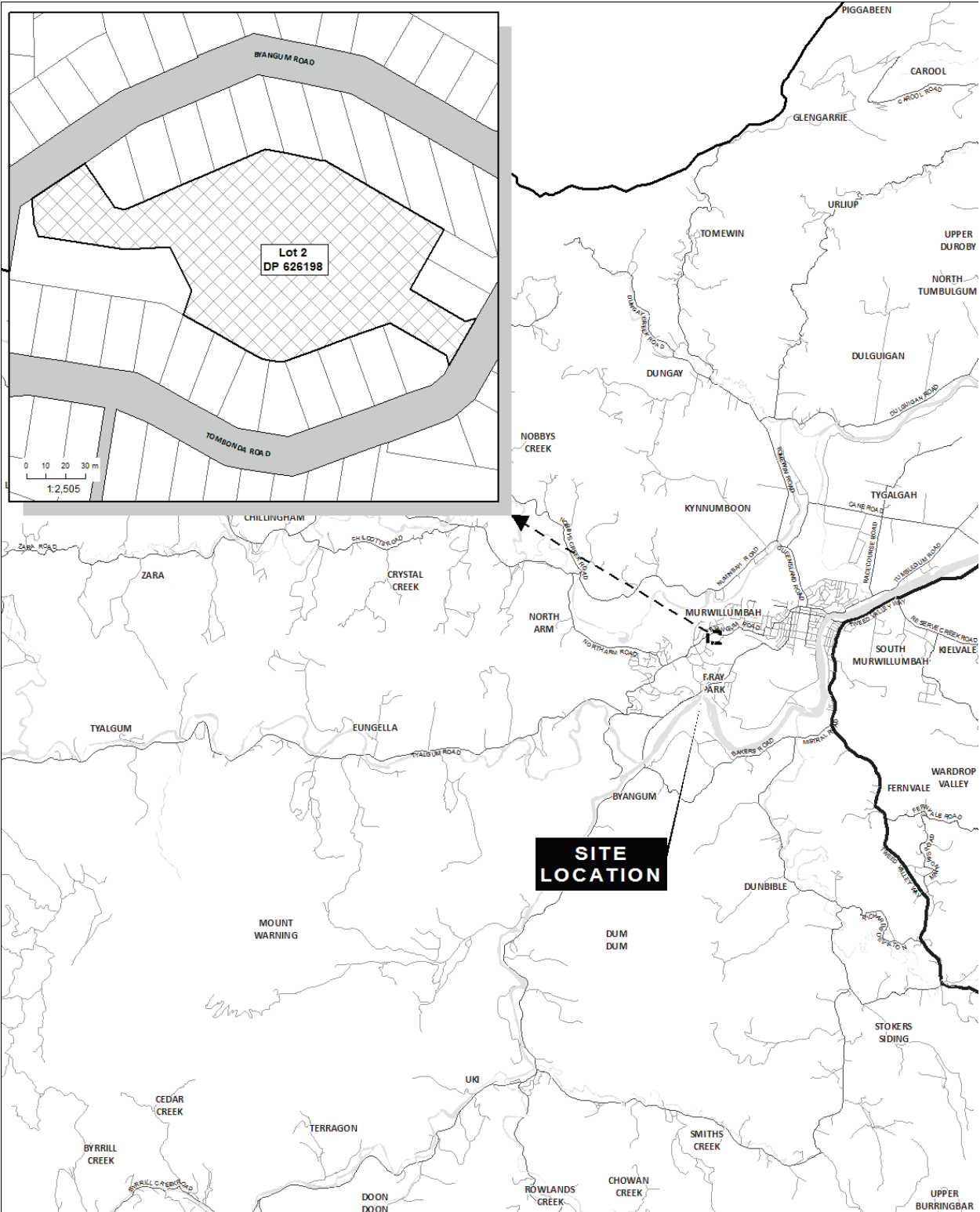
Stormwater runoff and/or geotechnical stability was raised by all three submissions, whilst individually, the submissions raised issues with the existing underground storage tank, the existing shed on site, the siting and location of future dwellings and the provision of excess fill associated with the proposal.

Upon receipt of modified information the objectors were advised that this was available on Council's website through the 'DA Tracker' system, and were requested to provide any comment. No further comments have been received with respect to the proposal.

Summary

Having regard to revised development layout and the additional information received from the applicant with respect to stormwater drainage, geotechnical stability and flora and fauna, the proposed seven lot subdivision is considered to be generally acceptable having regard to the relevant statutory controls. It is therefore recommended that the proposed development be approved.

SITE DIAGRAM:

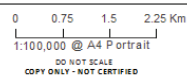


Locality Plan

Lot 2 DP 626198
No. 178 Byangum Road, Murwillumbah

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Cadastral: 30 October, 2012
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Boundaries shown should be considered approximate only.



Map Projection: Universal Transverse Mercator
Horizontal Datum: Geodetic Datum of Australia 1994
Grid: Map Grid of Australia, Zone 56

Civic and Cultural Centre
3 Tumbulgum Road
Murwillumbah NSW 2484
PO Box 816
Murwillumbah NSW 2484

T | (02) 6670 2400 | 1300 292 872
F | (02) 6670 2429
W | www.tweed.nsw.gov.au
E | planning@tweed.nsw.gov.au

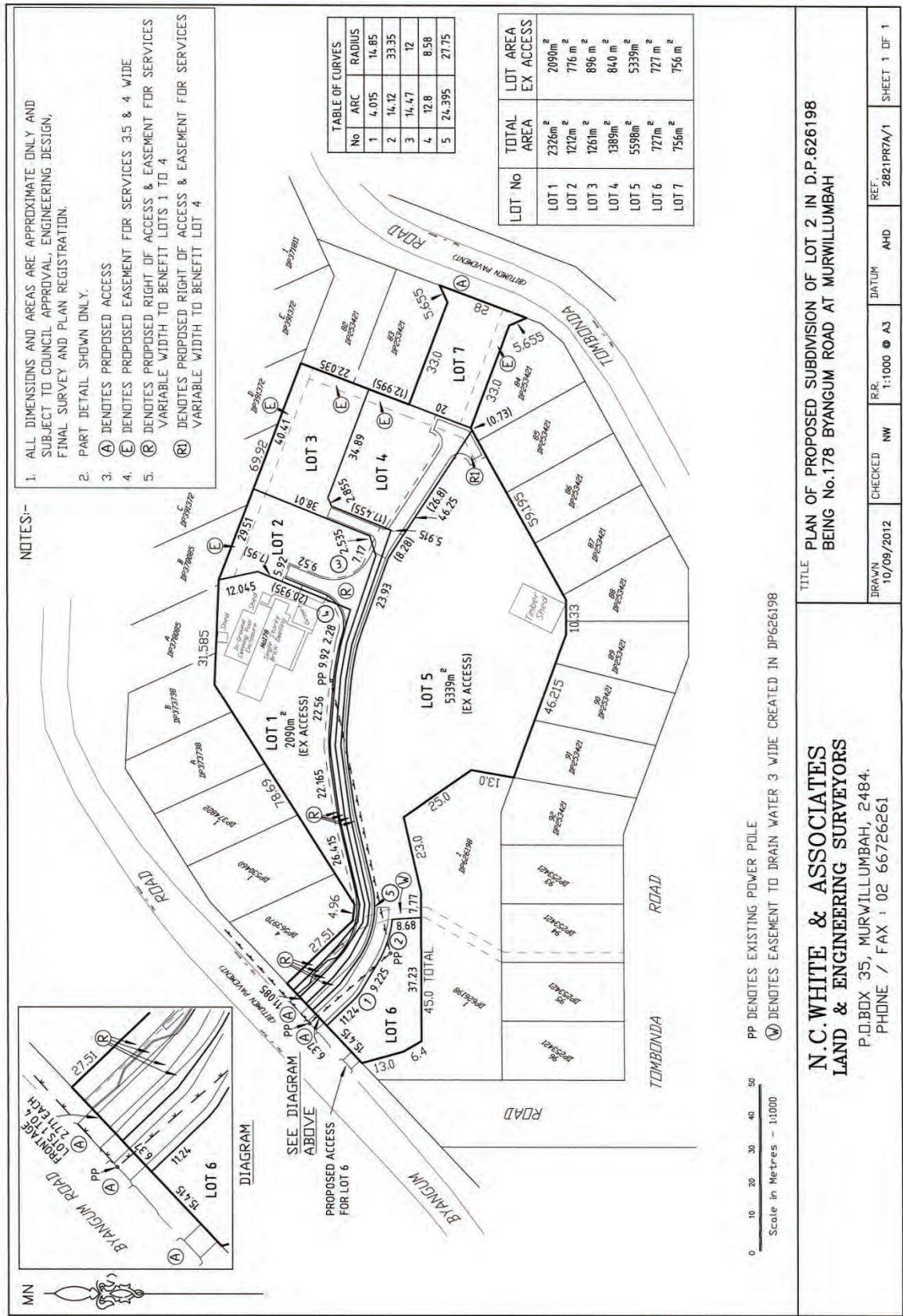


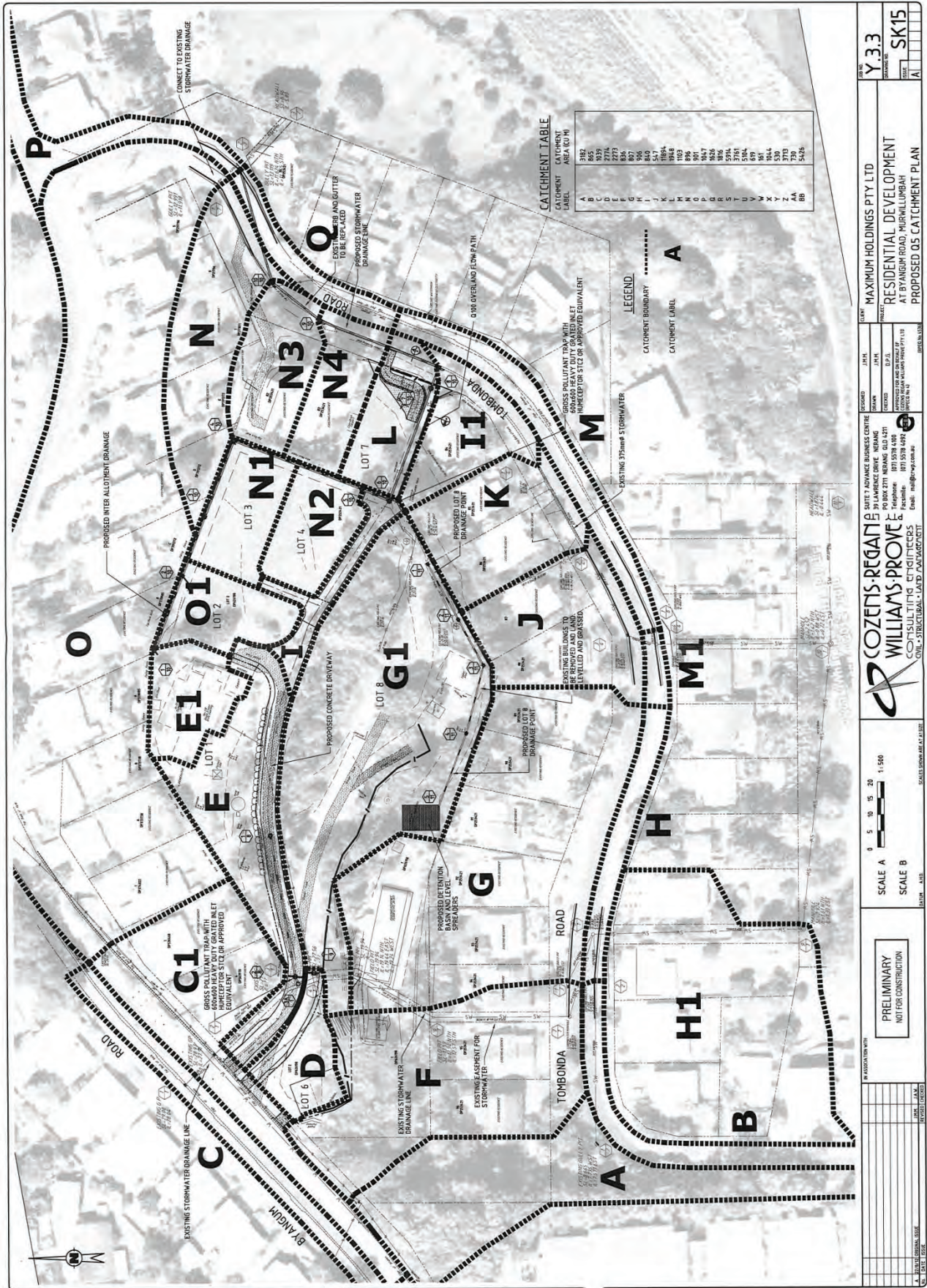
Report #: 21GIS Job#00000011000050000000558131StdMap - LocalityPlan.DWG, A4P.mxd

Author: C. Lees - Information Technology Unit

Date Printed: 30 October 2012

DEVELOPMENT/ELEVATION PLANS:





CATCHMENT TABLE

| CATCHMENT LABEL | AREA (SQ M) |
|-----------------|-------------|
| A | 3182 |
| B | 865 |
| C | 933 |
| D | 2773 |
| E | 836 |
| F | 936 |
| G | 936 |
| H | 840 |
| I | 936 |
| J | 1094 |
| K | 1094 |
| L | 1948 |
| M | 1903 |
| N | 1903 |
| O | 901 |
| P | 1047 |
| Q | 1876 |
| R | 1876 |
| S | 5974 |
| T | 5761 |
| U | 679 |
| V | 1044 |
| W | 530 |
| X | 373 |
| Y | 1044 |
| Z | 5426 |
| AB | 5426 |

LEGEND

----- CATCHMENT BOUNDARY

----- CATCHMENT LABEL

A

| | |
|--|--|
| <p>BY ASSOCIATION WITH</p> <p>PRELIMINARY NOT FOR CONSTRUCTION</p> | <p>DATE: 15/11/12</p> <p>PROJECT: SK15</p> |
| | <p>SCALE A: 1:500</p> <p>SCALE B: 1:500</p> |
| <p>COZENS-REGAN & PARTNERS WILLIAMS-PROVE & PARTNERS CONSULTING ENGINEERS CIVIL - STRUCTURAL - LANDSCAPE ARCHITECT</p> | <p>MAXIMUM HOLDINGS PTY LTD RESIDENTIAL DEVELOPMENT AT BYANGUM ROAD, MURWILLUMBAH PROPOSED 05 CATCHMENT PLAN</p> |
| <p>DATE: 15/11/12</p> <p>SCALE: 1:500</p> | <p>DATE: 15/11/12</p> <p>SCALE: 1:500</p> |

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 (TLEP 2000)

Clause 4 - Aims of the Plan

Clause 4 illustrates that the aims of the TLEP 2000 are to give effect to the desired outcomes, strategic principles, policies and actions of the Tweed Shire 2000+ Strategic Plan. The vision of the plan is *"the management of growth so that the unique natural and developed character of the Tweed Shire is retained, and its economic vitality, ecological integrity and cultural fabric is enhanced"*. Clause 4 further aims to provide a legal basis for the making of a Development Control Plan (DCP) to provide guidance for future development and land management, to give effect to the Tweed Heads 2000+ Strategy and Pottsville Village Strategy and to encourage sustainable economic development of the area which is compatible with the Shire's environmental and residential amenity qualities.

The application as previously submitted was recommended for refusal as it was not considered to comply with this clause, with it being determined that insufficient information had been provided to enable determination as to whether the development is likely to have a significant impact on threatened species, populations or ecological communities.

Subsequently, revised information has been provided, with Council's Natural Resource Management (NRM) Unit advising that the proposed development is acceptable subject to appropriate conditions of consent.

The subject development application as amended is considered to be suitably in keeping with the above aims of the plan, and is not considered likely to result in a significant impact on threatened species, populations or the like.

Clause 5 - Ecologically Sustainable Development

Clause 5 aims to promote development that is consistent with the four principles of ecologically sustainable development, being the precautionary principle, intergenerational equity, conservation of biological diversity and ecological integrity and improved valuation, pricing and incentive mechanisms.

The application as submitted was recommended for refusal as insufficient information had been provided to enable determination that the proposal would avoid serious or irreversible damage to the environment.

As outlined above, revised information has been provided by the applicant, with the NRM Unit now advising that the proposed development is acceptable subject to appropriate conditions of consent.

As such, it is considered that the proposed development is consistent with the provisions of this clause.

Clause 8 - Zone objectives

This clause specifies that the consent authority may grant consent to development (other than development specified in Item 3 of the table to clause 11) only if:

- (a) *it is satisfied that the development is consistent with the primary objective of the zone within which it is located, and*

- (b) *it has considered that those other aims and objectives of this plan (the TLEP) that are relevant to the development, and*
- (c) *it is satisfied that the development would not have an unacceptable cumulative impact on the community, locality or catchment that will be affected by its being carried out or on the area of Tweed as a whole.*

The assessment of this application as originally submitted determined that adequate information had not been provided to demonstrate that the proposal would not have an unacceptable cumulative impact on the community or locality.

As outlined elsewhere in this report, revised information has been provided and the original application modified to a stage where Council officers are in a position to support the application subject to appropriate conditions of consent. As such, the proposal is now considered to satisfy the above criteria and is acceptable having regard to this clause.

Clause 11 - Zone objectives

The subject site is located within the 2(a) Low Density Residential zone. The primary objective of this zone is 'to provide for and maintain a low density residential environment with a predominantly detached housing character and amenity.'

Secondary objectives of this zone are:

To allow some diversity of housing types provided it achieves good urban design outcomes and the density, scale and height is compatible with the primary objective.

To allow for non-residential development that is domestically based, or services the local needs of the community, and does not detract from the primary objective of the zone.

It is considered that the subdivision proposal, which would facilitate the low density development of the site as per the 450m² minimum site size is in accordance with the zone objectives.

Clause 15 - Essential Services

The objectives of this Clause are to ensure that development does not occur without adequate measures to protect the environment and the community's health and to ensure that development occurs in a coordinated and efficient manner.

This Clause goes on to further state that Consent must not be granted to the carrying out of development on any land unless:

- (a) A water supply and facilities for the removal or disposal of sewage and drainage are available for that land, or
- (b) Arrangements satisfactory to the consent authority have been made for the provision of that supply and those facilities.

Under the original assessment of this application, it was considered that satisfactory arrangements had been made with respect to the removal or disposal of drainage from the subject site. As indicated elsewhere in this report, revised information has been submitted with respect to the proposal, which addressed these concerns.

Consequently, the proposed development is considered to be acceptable having regard to this clause, subject to appropriate conditions of consent.

Clause 17 - Social Impact Assessment

The scale of this development proposal does not necessitate a social impact assessment.

Clause 19 – Subdivision (General)

This clause allows subdivision to take place on the subject land with development consent. The proposal is considered to be in accordance with this clause.

Clause 35 - Acid Sulfate Soils

The subject site demonstrates Class 5 Acid Sulfate Soils in accordance with this Clause. The application was reviewed by Council's Environmental Health Section who has indicated that the proposal is acceptable in this regard.

State Environmental Planning Policies

SEPP (North Coast Regional Environmental Plan) 1988

Clause 43: Residential development

Clause 43 of the North Coast Regional Environmental Plan (NCREP) states that Council shall not grant consent to the development for residential purposes unless:

- (a) it is satisfied that the density of the dwellings have been maximised without adversely affecting the environmental features of the land;
- (b) it is satisfied that the proposed road widths are not excessive for the function of the road;
- (c) it is satisfied that, where development involves the long term residential use of caravan parks, the normal criteria for the location of dwellings such as access to services and physical suitability of land have been met;
- (d) it is satisfied that the road network has been designed so as to encourage the use of public transport and minimise the use of private motor vehicles; and
- (e) it is satisfied that site erosion will be minimised in accordance with sedimentation and erosion management plans.

The original assessment of this application by Council officers determined that whilst the proposed development was considered to be generally in accordance with the above provisions, it was not possible to determine that Council are satisfied that the density of the (future) dwellings have been maximised without adversely affecting the environmental features of the land, given that insufficient ecological information had been provided in this regard.

Subsequent to this report, Council has received additional information with respect to the ecological impacts of the proposal, with the result that Council's NRM unit has advised that the proposal is acceptable subject to appropriate conditions of consent. As such it is now considered that the proposal is in accordance with the provisions of this clause.

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

The Draft Tweed Shire Local Environmental Plan applies to this site. The draft zone is R2: Low Density Residential. The proposed subdivision is ancillary development to the established residential use on the site and is permitted with

consent as 'Multi dwelling housing'. The proposal is therefore not in contravention of the Draft LEP.

Clause 4.1 of the Draft LEP 2010 relates to minimum subdivision lot sizes and refers to the Lot Size Map. This map identifies the same minimum lot sizes as the current LEP. R2 land currently zoned 2(a) is identified as Lot Size code G, which requires 450m². The proposal is generally acceptable when assessed against the Draft LEP.

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

Tweed Development Control Plan

A5 - Subdivision Manual

Tweed Development Control Plan A5 -Subdivision Manual aims to:

- Present Council's strategic plan objectives for the development of subdivisions.
- Achieve the highest quality and 'best practice' of subdivision development in the Shire
- Implement the policies and provisions of the NSW State Government in terms of seeking to achieve quality of subdivision planning and development.
- Provide guidelines and development standards for the development of subdivisions.

The subject application has been referred to Council's Development Engineer who has reviewed the subject application against the provisions of DCP A5.

The application as originally submitted did not adequately address all of the DCP A5 criteria, in particular with respect to section A5.4.5 Environmental Constraints, which contains provisions for land with risk of land slip or subsidence and section A5.4.7 Stormwater Runoff, Drainage, Waterways and Flooding, with respect to stormwater drainage. As a result, this application was recommended to be refused due to non-compliance with this DCP.

Revised information submitted has been assessed against the provisions of this DCP, with Council's Development Engineering Unit indicating that the proposed development would be acceptable subject to appropriate conditions of consent.

The proposed development is considered to satisfy the criteria set out in DCP A5 - Subdivision Manual and as such it is considered to be in accordance with the appropriate planning and sustainable development of the area to approve this application.

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

Clause 92(a) Government Coastal Policy

The subject land is affected by the coastal policy. The proposed development is not considered to be in conflict with the policies and strategies of the policy.

Clause 92(b) Applications for demolition

No demolition is proposed as part of this application.

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

Tweed Shire Coastline Management Plan 2005

The subject site is not located within an area that is affected by the Tweed Shire Coastline Management Plan 2005.

Tweed Coast Estuaries Management Plan 2004

The proposed development is not within Cudgen, Cudgera or Mooball Creeks. This Plan is therefore not applicable to the application.

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

As the subject site is not located within the Cobaki or Terranorra Broadwater (within the Tweed Estuary), this Plan is not considered relevant to the proposed development.

(b) The likely impacts of the development and the environmental impacts on both the natural and built environments and social and economic impacts in the locality

Flora and Fauna

This application was referred to Council's NRM Unit having regard to the vegetation removal associated with the proposal. Numerous regenerating rainforest species were recorded and include Red Kamala (*Mallotus philipensis*), Guioa (*Guioa semiglauca*), Umbrella Cheese Tree (*Clochidion sumatranum*) and Foambark (*Jagera pseudorhus*). Several trees considered suitable habitat or food source for Koalas were also recorded including Tallowwood (*Eucalyptus microcorys*), Brushbox (*Lophostemon confertus*), Pink Bloodwood (*Corymbia intermedia*) and Northern Grey Ironbark (*Eucalyptus siderophloia*).

Furthermore, two threatened flora species were recorded, as listed below.

| Species | Scientific Name | No. present on site |
|----------------------|-----------------------------|---------------------|
| Coolamon, Durobby | <i>Syzygium moorei</i> | 2 |
| Fine-leaved Tuckeroo | <i>Lepiderema pulchella</i> | 1 |

Comments originally received have raised concern with regard to the potential for the development to impact upon the above threatened species as listed under the Threatened Species Conservation Act 1995. Two of the three recorded threatened flora species would have been significantly impacted upon by the proposed subdivision works, likely resulting in the demise of these trees.

A request for further information to enable proper assessment of the application from an ecological perspective was requested of the applicant, however the information received was deemed insufficient and furthermore the applicant failed to demonstrate that the development would not impact directly or indirectly on the threatened species. As such, the application was recommended for refusal at the June 2012 Council Meeting.

The applicant has subsequently submitted an amended application to address key issues raised. From an ecological perspective the amended application is considered acceptable subject to appropriate conditions of consent, including

provision of a Habitat Restoration Plan. The proposed development is therefore considered to be acceptable having regard to the flora and fauna on the site.

(c) Suitability of the site for the development

Topography

The topography on the site is undulating, with ground levels varying from 40m AHD at the highest point to 20m AHD at the lowest. Furthermore, the site is surrounded by low density residential development, with the exception of approximately 30m road frontage to Byangum Road and 25m frontage to Tombonda Road.

As a result, the development potential of the site is restricted as any change to existing geotechnical levels or stormwater drainage may have an impact on the surrounding properties. The application as originally submitted was not considered to demonstrate that there would be no adverse negative impacts on surrounding properties, and as such was not supported by Council officers.

Revised information has been submitted which addresses the geotechnical stability and stormwater drainage issues in this regard and as such the revised proposal is considered to be generally acceptable.

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

The subject application was notified for a period of 14 days from Wednesday 22 June 2011 to Wednesday 6 July 2011. During this time three submissions were received with respect to the proposal. Please see a detailed synopsis of the submissions below:

Submission No. 1: Owner of 13 Tombonda Road (Lot 88 DP253421)

This submission states that the above property currently receives stormwater run-off from the subject development site and in this regard requests protective measures from the proposal regarding stormwater.

The submission also states that proposed Lot 8 was subject to land slip previously and raises concerns that the removal of vegetation will result in further geotechnical stability issues.

There is an existing shed is on the submitter's site boundary. It is stated that removal of this shed will pose a geotechnical threat to her property as the site slopes steeply at this location.

Finally the submission queries what is to happen to an underground fuel and storage tank adjacent to the shed, if it is to be removed and if it holds any contaminants.

Applicants Response

The applicant has provided a response stating that water run-off will continue to be discharged via the existing drainage lines through an adjacent lot.

It is further stated that the applicant has provided a geotechnical report which identifies potential impact mitigation measures. It is indicated that these measures would be formalised through the 'Construction Certificate' application.

The existing shed is not to be removed as part of this application. The applicant refers to a site contamination assessment submitted as part of the application in relation to the removal of the underground fuel tank which indicates that

remediation is not required. Further details with respect to this are to accompany the 'Construction Certificate' application.

Updated Council Response

Through the assessment of the original application, it was considered that the applicant had adequately addressed the above concerns with the exception of stormwater drainage.

Subsequent to this meeting the applicant has submitted revised further information and agreed for aspects of the proposal to be conditioned by Council. Of particular relevance to the above property is the condition of consent requiring that the applicant '*discharge stormwater from proposed Lot 5 via controlled sheet flow and be distributed via level spreaders over a wide and even area*', as proposed lot 5 adjoins the objectors property.

Council officers are now satisfied that the proposed development is acceptable having regard to the main concerns relating to the original assessment on the application, including stormwater drainage.

This revised information was placed on Councils website under the 'DA Tracker' tool, with the objector made aware of this and requested to provide any comment with respect to the amended information. No further comment has been received with respect to the proposal.

Submission No. 2: Owner of 9 Tombonda Road (Lot 86 DP253421)

This submission provides some general information relating to the development history in the area and some geotechnical stability issues affecting the above property. Three grounds of objection to the proposed development have been provided. These are:

Stormwater

The objector has concerns that the proposed development works will impact upon the volumes of stormwater which currently flow through his land and has concerns regarding the legal status, capacity and maintenance of this drainage system.

Subsurface drainage

The objector is concerned that subsurface drainage, which has previously been identified as a contributing factor to instability has not been addressed by the Development Application.

Excess fill

The objection states that the surcharge of fill on the slope above the objectors' property exacerbates the problems.

Applicants Response

The applicant has provided a response stating that water run-off will continue to be discharged via the existing drainage lines through an adjacent lot.

It is further stated that the applicant has provided a geotechnical report which does not identify significant instability issues.

Updated Council Response

Council has received revised information with respect to this proposal, including the removal of one allotment, which was to adjoin the above objectors property.

As outlined elsewhere in this report, Council officers are now satisfied that the proposed development is acceptable having regard to the main concerns raised above, including stormwater drainage and geotechnical stability.

As with 13 Tombonda Road, particular relevance to the above property is the condition of consent requiring that the applicant '*discharge stormwater from proposed Lot 5 via controlled sheet flow and be distributed via level spreaders over a wide and even area*', as proposed lot 5 adjoins the objectors property.

This revised information was placed on Councils website under the 'DA Tracker' tool, with the above objector made aware of this and requested to provide any comment with respect to the amended information. No further comment has been received with respect to the proposal.

Submission No. 3: Owners of 180 Byangum Road (Lot 1 DP626198)

This submission raises objections to the proposed development, in particular proposed Lot 6 & 8.

Lot 6 - It is stated that a 900mm side setback would impose a restriction to the pedestrian access of the objectors' property.

Lot 8 - It is requested that any building situated on this lot is situated as far from the objectors lot as possible and be limited to a single storey development. It is noted that the objectors are concerned that their solar hot water system be impacted by future development in this area.

It is noted generally that anecdotal evidence suggests that these lots may not be suitable for housing due to large amounts of sawdust and woodchips dumped as fill on these areas.

Applicants Response

The applicant has indicated that a 900mm future dwelling setback is the minimum required under current standards. Furthermore, it is asserted that the objectors enjoy no lawful pedestrian access over the subject development site to their property.

With respect to a future dwelling on proposed Lot 8, it is stated that any dwelling will be required to comply with DCP A1 with respect to siting.

The applicant has indicated that the Geotechnical report does not identify sawdust issues as raised in the submission.

Council Response

The issues raised in this submission were considered to be adequately addressed by the applicant previously and the matters raised above did not form part of the recommended refusal reasons at the June Council meeting. These matters remain satisfied from a Council officer perspective.

(e) Public interest

The proposed development, as amended, is not considered to be in conflict with the general public interest in the locality. The proposed development reflects the provisions of the relevant legislative and Council development standards and is considered to be generally in the public interest, having regard to the zoning and intended use of the land.

OPTIONS:

1. That Council approves the development application with conditions; or
2. That Council refuses the development application, providing reasons for the refusal.

The Council officers recommend Option 1.

CONCLUSION:

The proposed seven lot subdivision is consistent with the applicable environmental planning instruments, the Tweed Development Control Plan and policies. The proposal will not result in adverse cumulative impacts. It is considered the site is suitable for the development.

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
- 1.1 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.

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

8 [CNR-CM] Lease to Tweed Community Support Inc T/as Meals on Wheels, Kingscliff - Part Lot 101 in DP 870843 at Kingscliff

SUBMITTED BY: Design



Civic Leadership

SUMMARY OF REPORT:

Tweed Community Support Inc trading as Meals on Wheels Kingscliff has been operating from premises known as the Kingscliff Meals on Wheels Kitchen located on Lot 101 in DP 870843 at Turnock Street Kingscliff for the last ten (10) years under a lease with Council for a peppercorn rent in recognition as a non profit organisation which provides a community service to residents within the Tweed Shire area.

The Lease expired on 2 October 2012 and Tweed Community Support Inc has indicated that they would like to continue with a new lease of the premises for a further period.

It is suggested that Tweed Community Support Inc be offered a One (1) year lease with two one (1) year options for continuance.

RECOMMENDATION:

That:

1. Council approves entering into a lease agreement with Tweed Community Support Inc over the premises known as the Kingscliff Meals on Wheels Kitchen located on Lot 101 in DP 870843 at Turnock Street, Kingscliff for a term of one (1) year with two one (1) year options;
2. All necessary documents be signed under the Common Seal of Council

REPORT:

Tweed Community Support Inc T/as Meals on Wheels Kingscliff has been operating from premises known as the Kingscliff Meals on Wheels Kitchen located on Lot 101 in DP 870843 at Turnock Street Kingscliff for the last ten (10) years under a lease with Council for a peppercorn rent in recognition as a non profit organisation which provides a community service to residents within the Tweed Shire area.

The Lease expired on 2 October 2012 and Tweed Community Support has indicated that they would like to continue with a new lease of the premises for a further period.

Possible changes to their operations may necessitate relocation to larger premises to meet the bigger demand growth areas of Tweed Heads South, Banora Point, Bilambil and Terranora.

It is recommended that Tweed Community Support Inc be offered a one (1) year lease with two one (1) year options for continuance.

OPTIONS:

1. Council enters into a one (1) year lease with two one (1) year options with Tweed Community Support Inc for the use of the Kingscliff Meals on Wheels Kitchen located at Turnock Street Kingscliff.
2. Council does not enter into a lease with Tweed Community Support Inc for the use of the Kingscliff Meals on Wheels Kitchen located at Turnock Street Kingscliff.

CONCLUSION:

The Tweed Community Support Inc group have been exemplary tenants of the premises and it is recommended that Council continue to lease the premises to them under a one (1) year lease with two one (1) year options.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The lease will be based on a peppercorn rental amount.

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
- 1.3.1 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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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9 [CNR-CM] Proposed Lease of Council Land - Lundberg Drive, South Murwillumbah

SUBMITTED BY: Community and Natural Resources



Civic Leadership

SUMMARY OF REPORT:

At its meeting held on 15 May 2012 Council resolved to support the establishment of a motorcycle (dirt) track at the Murwillumbah landfill site at Lundberg Drive, South Murwillumbah.

It was also resolved to enter into discussions with the Tweed Valley Junior Development Motorcycle Club ("the Club") regarding a long term agreement for their land use of the landfill site and financial arrangements.

Discussions have been held and a valuation has been obtained to determine the market rental for the use of the land.

The Club have engaged consultants to prepare the Development Application for their activities and are also seeking funding to assist in the cost of the application.

To facilitate the making of applications for funding, the Club require confirmation of tenure for their activities on site.

It is recommended that Council resolve to enter into a lease with the Club, subject to them obtaining development consent and the necessary funding to establish the infrastructure for their activities on site.

RECOMMENDATION:

That :

- 1. Council approves entering into a lease over part Lot 1 DP 232745 and part Lot 2 DP 1139059 with the Tweed Valley Junior Motorcycle Club for a term of five years for a commencing rental of \$250 per annum to be increased by CPI on the anniversary of the commencement date and subject to development consent and funding appropriate for the establishment and management of the Club's activities; and**
- 2. All necessary documentation be executed under the Common Seal of Council.**

REPORT:

At its meeting held on 15 May 2012 Council resolved to support the establishment of a motorcycle (dirt) track at the Murwillumbah landfill site at Lundberg Drive, South Murwillumbah. The report provides the background history of this matter and it is attached to this report.

The landfill site to be leased is all part of Lot 1 DP 232745 and part Lot 2 DP 1139059. The area proposed to be leased to the Club is shown outlined below:



The area to be leased is approximately 5 hectares.

It was also resolved to enter into discussions with the Tweed Valley Junior Development Motorcycle Club ("the Club") regarding a long term agreement for their land use and financial arrangements.

Preliminary discussions have been held with the Club and a valuation has been obtained to determine the market rental for the use of the land.

The valuer has determined that the site, being a landfill site is contaminated and would attract limited uses and has applied a 'rate of return' against the value of the land, as well as referring to other motor cross sites which are generally operating from Council land.

The rental on a commercial basis has been determined as \$1,200 per annum on the rate of return basis. However, the valuer notes that the other sites leased for similar purposes are leased for nominal rentals of between \$1 per annum and \$250 per annum plus GST and outgoings.

As recognition of the start up costs and the proportionately high cost of ongoing maintenance of the facility/watering of the track to reduce dust and potential costs for monitoring dust and noise, it is recommended that Council seek \$250 per annum for the first year, with annual CPI increases.

The valuation is attached to this report for ease of reference.

The Club has engaged consultants to prepare the Development Application for its activities and is in the process of obtaining funding to assist in the cost of the application.

To facilitate the making of applications for funding, the Club requires confirmation of tenure for its activities on site.

It is recommended that Council resolve to enter into lease with the Club for a term of five years, subject to them obtaining development consent and the necessary funding to establish and maintain the infrastructure for its activities on site.

OPTIONS:

1. To approve a lease to the Club for a nominal rental to assist in the establishment of the facility in Murwillumbah, or
2. To approve a lease to the Club for a commercial rental in the amount of \$1,200 per annum.

CONCLUSION:

As Council is assisting the Club to provide a facility that is not available within the Tweed local government area, a lease with a nominal rental will assist in the establishment and ongoing operation of such a facility on land that would otherwise be unused or underutilised.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The terms of the Lease will provide some relief for Council in terms of its ongoing responsibility to manage the land. This is a direct benefit to Council. The proposed rent for the five years is nominal and it is proposed if the venture is successful to alter the financial terms of the lease in future years to ensure that Council receives the appropriate benefit.

c. Legal:

As per the comments made in the report.

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
- 1.3.1 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

UNDER SEPARATE COVER/FURTHER INFORMATION:

- Attachment 1. Report to Council dated 15 May 2012 (ECM 50138502) and Resolution of Council dated 15 May 2012 (ECM 50529653)
 - Attachment 2. Valuation by Valuers Australia dated 12 October 2011 (ECM 58538050)
-

10 [CNR-CM] Sewers - Works in Proximity Policy Revision

SUBMITTED BY: Water Unit



Supporting Community Life

SUMMARY OF REPORT:

A revision of the Sewers – Works in Proximity Policy has been drafted. The revision is predominately to correct references to the appropriate Director required following on from various organisation restructures that had not been reflected in the wording of the document. It also incorporates some minor amendments to remove a diagram that was slightly inconsistent with other parts of the document. There is no significant change to the intent or application of the revised policy.

RECOMMENDATION:

That Council adopts the Sewers – Works in Proximity Version 1.2 Policy and in accordance with Section 161(2) of the Local Government Act 1993 without public exhibition.

REPORT:

In many instances, Council sewers are located within private property. Historically, these sewers were constructed in locations convenient to the existing development using the powers of the Local Government Act at the time. In more recent years, all sewers constructed within private property for new development are being placed within easements in favour of Council.

This policy is important in that it protects Council assets from any construction over or in close proximity to sewers. When structures are constructed close to or over sewers, it restricts Council's ability to maintain, repair and replace these sewers. It also increases the risk of damage to the sewer by loads transferred to the sewer.

The revision of this policy is necessary to ensure consistency in references to the Director responsible as this had changed since the original policy was drafted. It also has deleted one diagram that was in conflict with other parts of the document, thereby removing some ambiguity.

The amendments to the policy make no change to the general intent or the application of the policy.

OPTIONS:

1. That Council adopts the Sewers – Works in Proximity Version 1.2 policy.
2. That Council does not adopt the Sewers – Works in Proximity Version 1.2 policy

CONCLUSION:

This revised policy should be adopted by Council to remove ambiguities and inconsistencies in the existing policy.

COUNCIL IMPLICATIONS:

a. Policy:

Sewers-Works in Proximity Version 1.1.

This policy will be amended to Version 1.2. There is no significant variation to the intent or application of the policy.

b. Budget/Long Term Financial Plan:

Nil

c. Legal:

The amendments to the policy remove several inconsistencies and ambiguities and should strengthen Council's legal position in applying the policy.

d. Communication/Engagement:

Inform - We will keep you informed.

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
- 2.3.3 Provision of high quality and reliable wastewater services which meets health and environmental requirements and projected demand

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Draft Policy: Sewers – Works in Proximity Version 1.2 (ECM 58586595)

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11 [CNR-CM] Tweed Coast Wastewater Strategy - Servicing Future Urban and Employment Lands

SUBMITTED BY: Water



Supporting Community Life



Strengthening the Economy

SUMMARY OF REPORT:

At its meeting of 15 February 2011, Council resolved:

"that Council:

- 1. Provides in principle support to entering an agreement to contributing \$55,000 GST inclusive to have SIREX Water Utilities develop a private Sewerage and Water Strategy for the West Pottsville area based on stand alone private water and wastewater utility scheme under the Water Industry Competition Act 2006 (WIC Act) and Independent Pricing and Regulatory Tribunal (IPART) Licensing regime.*
- 2. Undertakes a probity review to determine the appropriateness and legal impacts of the proposed agreement.*
- 3. Seeks compensation from the developer for any Council contributions incurred if the developer seeks to withdraw from the process."*

This report entitled "Tweed Coast Wastewater Strategy – Servicing Future Urban and Employment Lands" is the outcome of this resolution.

It provides a feasible approach to supplying wastewater services for future development within the west Pottsville area. Council is constrained from providing such a service in the short to medium term due to limitations in the effluent disposal system for the Hastings Point Wastewater Treatment Plant and its requirement to develop wastewater services for areas that are already zoned for development in the catchments of the Banora Point and Kingscliff Wastewater Treatment Plants.

The Strategy also provides a mechanism for the use of recycled water through reticulation of suitable recycle water for toilet flushing, laundry cold water and outdoors uses.

RECOMMENDATION:

That

- 1. Council endorses the Tweed Coast Wastewater Strategy – Servicing Future Urban and Employment Lands as a feasible approach to the provision of wastewater services for developments identified in the Strategy.**
- 2. Council approve the contribution of \$55,000 GST inclusive to Sirex Water Utilities for Council’s share of the preparation of the Strategy.**

REPORT:

At its meeting of 15 February 2011, Council resolved:

"that Council:

- 1. Provides in principle support to entering an agreement to contributing \$55,000 GST inclusive to have SIREX Water Utilities develop a private Sewerage and Water Strategy for the West Pottsville area based on stand alone private water and wastewater utility scheme under the Water Industry Competition Act 2006 (WIC Act) and Independent Pricing and Regulatory Tribunal (IPART) Licensing regime.*
- 2. Undertakes a probity review to determine the appropriateness and legal impacts of the proposed agreement.*
- 3. Seeks compensation from the developer for any Council contributions incurred if the developer seeks to withdraw from the process."*

This report entitled "Tweed Coast Wastewater Strategy – Servicing Future Urban and Employment Lands" is the outcome of this resolution.

Tweed Shire currently has adequate land zoned for residential development in the Cobaki, Bilambil Heights, Terranora (Area E), Kings Forest, and Casuarina areas for around 30,000 persons and consequently, Council has in train over the coming years staged augmentation of the Banora Point and Kingscliff Wastewater Treatment Plants and associated wastewater transport systems. With the exception of the Tanglewood area, most zoned land in the catchment of Hastings Point Wastewater Treatment Plant ('WWTP') has been developed and existing capacity of that plant must be maintained for anticipated infill development. In addition, problems experienced in the past with the performance of the dune infiltration effluent disposal system mean that it is unlikely that any expansion of the Hastings Point WWTP would gain approval without development of an alternate effluent disposal system.

The Tweed Urban and Employment Land Release Strategy identified a number of areas in the West Pottsville location for development as both urban and employment lands. The process of development of these areas requires a rezoning through the planning proposal process. An important prerequisite for rezoning is there being some certainty as to the disposal of wastewater from subsequent development.

Council, as a Local Water Utility, normally has responsibility and authority through the Local Government Act and Regulations and can fund works related to development through Section 64 which authorises the use of the Water Management Act Sections 305, 306 and 307. To develop the system in this area while developing Banora Point and Kingscliff WWTPs would stretch Council's resources. The Water Industry Competition (WIC) Act 2006 which commenced in 2008 provides for private water utilities to be able to construct, operate and retail water and wastewater services in NSW. The WIC Act provides for the licensing of network operators and retailers to be regulated and licensed through the Independent Pricing and Regulatory Tribunal (IPART) for defined schemes. Licensed utilities have the same rights and responsibility as Council in relation to the provision of water and wastewater services and once a scheme is licensed, Council cannot prevent it from providing services in its licensed area, however to expand beyond the scheme defined in the license application, a further application will be necessary. The licensing regime provides for a Network Operator License and separate Retailer Licenses. It is understood

that the licensing process would take a minimum of six months from application to approval. The applicant has to demonstrate that it has and will continue to have, the capacity (including technical, financial and organisational capacity) to carry out the activities and to do so in a manner that does not present a risk to public health or a significant risk of harm to the environment.

Within the licensing process, Council as the local water utility has no special rights to object other than those of an interested party responding to the exhibition of the license application.

A feature of the WIC Act is the provision for a Retailer of Last Resort ('RoLR') which takes over the retail functions in the event of a retailer failing. Future amendments to the Act are likely to incorporate an Operator of Last Resort ('OoLR') to account for a failure of a network operator. It is likely that Council would be nominated to fulfil such roles in any scheme within the Tweed Shire.

This Strategy provides a framework for the use of WIC Act licensed private water utilities to construct small wastewater treatment and water recycling plants, water, wastewater and recycled water reticulation systems to service discrete development areas that cannot currently be serviced by Council's existing systems.

The Strategy would also include the private water utility purchasing bulk potable water from Council and distributing it to individual customers. The use of recycled water for toilet flushing, laundry cold water, outdoors and suitable industrial uses would reduce demand on Council's Water Supply system.

A significant issue that is not fully addressed in the strategy is the viability of disposal of excess treated effluent by irrigation. Significant areas of land will be required for disposal by irrigation of excess effluent. Land will have to be secured for this, either by purchase or perpetual agreement with existing land owners and may prove challenging and costly. To address this fully will require a considerable expense that developers are not prepared to invest prior to having certainty that the land will be rezoned. However, it would have to be addressed fully as part of the IPART WIC Act license application.

Accordingly, the strategy proposes a process that would involve a voluntary planning agreement ('VPA') with Council that would provide the ability of Council to back-zone land if the required WIC Act license is not obtained within a reasonable period.

A VPA, which runs with the land not the applicant, has the ability to modify an applicant's rights under the provisions of the Environmental Planning and Assessment Act such as barring an application for development until certain conditions of the VPA have first been met, eg. obtaining a WIC Act Licence and which provides both the developer and the Council with the certainty and security each requires prior to embarking on higher risk projects. VPA's are registered against the land.

In discussions with Sirex Water Utilities who have authored the Strategy, Sirex has expressed a desire that Council be involved providing billing services. This would provide a seamless water billing authority across the Shire. Such an arrangement would require detailed investigation and negotiation once the scheme is further advanced.

It is noted that Sirex Water Utilities has advised that it has entered into a partnership with Solo Waste Recovery and is now Solo Water Pty Ltd. The Sirex entity still exists and is being wound down over time. Solo Water has advised that as the invoices for the proposed contribution from Council have been raised by Sirex, it is still appropriate for payment to be made to Sirex.

OPTIONS:

Council has the following options available to it:

1. Endorse the strategy as a feasible approach to the provision of wastewater services for the areas nominated.
2. Reject the strategy in favour of attempting to delay development in the West Pottsville area.

CONCLUSION:

It is concluded that the Strategy provides a feasible approach to the provision of wastewater services to the West Pottsville area in the absence of Council being able to provide such services in the timeframe in which potential developers wish to proceed to development.

The provisions of the WIC Act are such that Council cannot prevent developers from using the WIC Act license provisions to enable development to proceed. However, through a proactive approach working with applicants, a more desirable outcome in respect to the environment and provision of services to our community is likely to be achieved, particularly in relation to the retail provider license services.

The use of voluntary planning agreements as part of future planning proposal approvals would give Council the certainty that if the provision of services does not eventuate, the zoning can be reversed.

This Strategy also provided the opportunity to pursue water recycling and reduction of potable water demand which is not viable from Council's existing centralised treatment plants.

COUNCIL IMPLICATIONS:

a. Policy:

Council provides water and wastewater services under the provisions of the Local Government Act 1993, Local Government Regulations and levies Development contributions under Section 64 which references Sections 305, 306 and 307 of the Water Management Act 2000. The Water Industry Competition Act 2008 permits private water utilities regulated by IPART. Council, as a local water utility cannot prevent licensing of a scheme in its area and can only provide comment to the IPART exhibition process. A proactive approach working with applicants is likely to provide a more desirable outcome for our community.

Council does not need a specific policy approach in this area but should consider individual approaches on an individual basis.

Council would probably not be interested in small isolated schemes, however with larger schemes that would provide infrastructure that Council would normally provide at a future stage, Council would more actively engage with the proponent.

b. Budget/Long Term Financial Plan:

Funds for Council's contribution to the development of this strategy are available within Council's Sewer Fund.

c. Legal:

Yes, legal advice has been received.

Legal advice confirmed that Council's participation in the preparation of this report and contribution to its cost was within the requirements of the Local Government Act procurement requirements in that it was less than \$150,000 and was a single source provider as the company had been selected by others and Council is only a contributor, and not solely responsible for the cost.

Endorsement of the strategy does not have any current legal impact, but the opportunity may be available in the future for Council to provide retail services to customers so that property owners. Such arrangements would require future legal agreements with the private water utility licensed to supply the area involved.

d. Communication/Engagement:

No formal community engagement is required at this time. The strategy is to be used by the various proponents of future development to inform the planning proposal process to rezone land for development. That process has mandatory exhibition and community consultation requirements in which this strategy will be exhibited as part of the overall planning proposal.

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

- 3 Strengthening the Economy
- 3.4 Provide land and infrastructure to underpin economic development and employment
- 3.4.2 Ensure sustainable provision of infrastructure (utilities, services and transport) is available to support economic development

UNDER SEPARATE COVER/FURTHER INFORMATION:

- Attachment 1: Tweed Coast Wastewater Strategy – Servicing Future Urban and Employment Lands (ECM 58291013)
 - Attachment 2: Agenda Item 28 Report to Council and Minute 16 February 2010 (ECM 12892011)
 - Attachment 3: Agenda Item 23 Report to Council and Minute 15 February 2011 (ECM 28774541)
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12 [CNR-CM] Water Demand Management Key Performance Indicators and Progress Report for 2011-2012

SUBMITTED BY: Water



Supporting Community Life

SUMMARY OF REPORT:

In April 2011 Council adopted Key Performance Indicators (KPIs) to monitor the overall performance of the Demand Management Strategy (DMS) together with performance indicators for the individual demand management programs outlined in the DMS Implementation Plan. Council resolved that staff report on the KPIs and individual performance indicators on an annual basis.

This report summarises the performance of the DMS against the adopted KPIs and other performance indicators for 2011-2012. It also summarises other related activities that have been carried out in 2011-2012 and describes future programs and activities to be implemented in 2012-2013.

The figures used to calculate the KPIs in this report are the same as those reported to the NSW Office of Water for 2011-2012. The figures used to calculate the performance indicators for individual programs, such as participation rates, estimated water savings and ongoing progress have been derived from in-house records and Council's property management database.

The table below shows the performance of the DMS against the overall KPIs.

| Measure | KPI | 2013 Target | 2011-2012 Performance |
|-----------------------|---|--------------------|------------------------------|
| Residential Demand | average daily per capita residential demand in L/person/d | 180L/person/d | 173L/person/day |
| Whole of Shire Demand | average daily per capita total demand in L/person/d | 300L/person/d | 289L/person/day |
| Non Revenue Water | as a % of total water produced | 10% | 14.05% |
| Recycled Water | % of treated WWTP effluent that is reused | 15% | 4.5% |

RECOMMENDATION:

That Council notes the performance of the Demand Management Strategy implementation against the adopted overall Key Performance Indicators and the performance indicators for individual programs.

REPORT:**Key Performance Indicators (KPIs)**

The KPIs for the demand management program are reported in the following table.

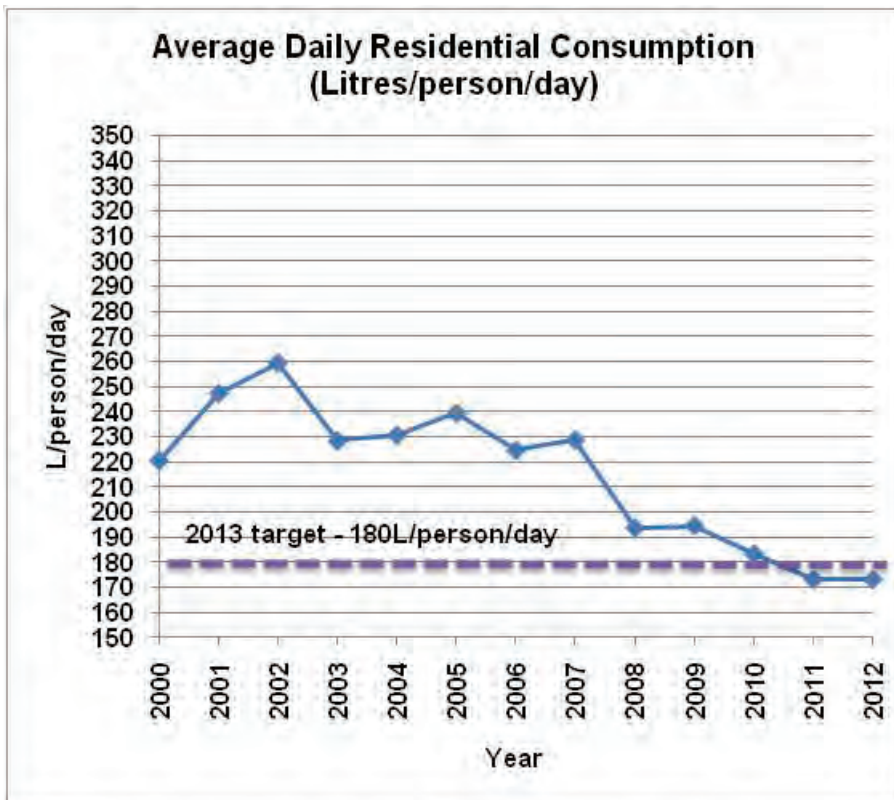
| Measure | KPI | 2013 Target | 2010-2011 Performance |
|-----------------------|---|--------------------|------------------------------|
| Residential Demand | average daily per capita residential demand in L/person/d | 180L/person/d | 173L/person/day |
| Whole of Shire Demand | average daily per capita total demand in L/person/d | 300L/person/d | 289L/person/day |
| Non Revenue Water | as a % of total water produced | 10% | 14.05% |
| Recycled Water | % of treated WWTP effluent that is reused | 15% | 4.5% |

Discussion of Key Performance Indicators**Residential Demand**

The raw figure of 173 L/person/day is calculated by dividing the residential water consumption for 2011-2012 by the average number of people connected to Council's water supply in that year, estimated to be 78,562. Note that the connected population figure has been corrected downward from the 81,303 reported in 2010-2011 as a consequence of the most recent census.

The graph below shows the trend in average daily residential demand since 2000.

The result for 2011-2012 is under the 2013 target of 180 L/person/day and is encouraging in terms of the DMS meeting its short and long term objectives. While the DMS cannot claim to be the only factor giving rise to this result, other factors such as water pricing and climate will also have an effect, it does suggest a growing awareness in the community about saving water.



Note that in an average year, the residential water consumption may be somewhat higher than this figure since 2011-2012 was a wetter than average year. The result for 2012-2013 will indicate whether the reduction in residential water demand is being sustained and whether additional programs and measures are required.

Future demand management programs already included in the 3-year implementation plan, such as the development and promotion of a water efficient garden policy, should contribute to further reductions in residential water use.

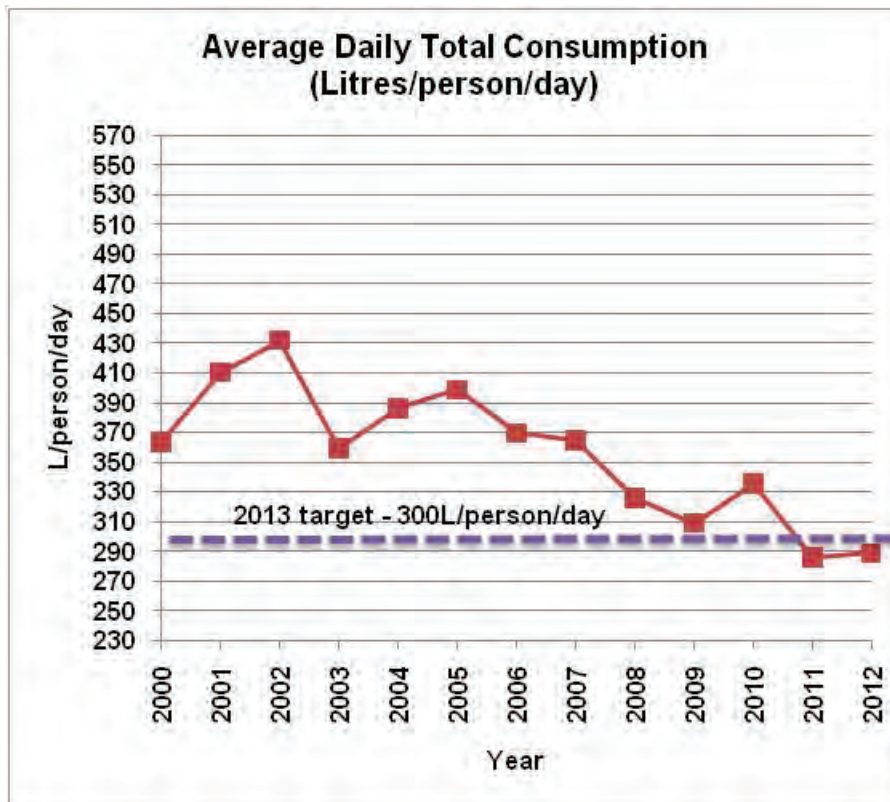
Whole of Shire Demand

The raw figure of 289 L/person/day was calculated by dividing the total shire-wide water consumption for 2011-2012 by the average number of people connected to Council's water supply in that year, estimated to be 78,562. This consumption includes all water used in the shire including non-residential uses and non-revenue water.

The graph below shows the trend in whole of shire demand since 2000.

The current result compares favourably with the 2013 target of 300 L/person/day but the result for 2012-2013 will confirm whether this level of consumption is being maintained.

The 289L/person/day result is very close to the 286L/person/day figure for the previous year. This is an encouraging result given that the connected population was corrected downward this year.



Non-Revenue Water

Non-revenue water is the water that is produced but does not end up raising revenue because it is lost from the system before it makes it to customer's meters. Some of these losses can be measured or estimated while some are unaccounted for until further investigations are carried out. Non-revenue water includes water lost through leakage, meter inaccuracies, maintenance activities such as flushing of mains, main breaks and theft.

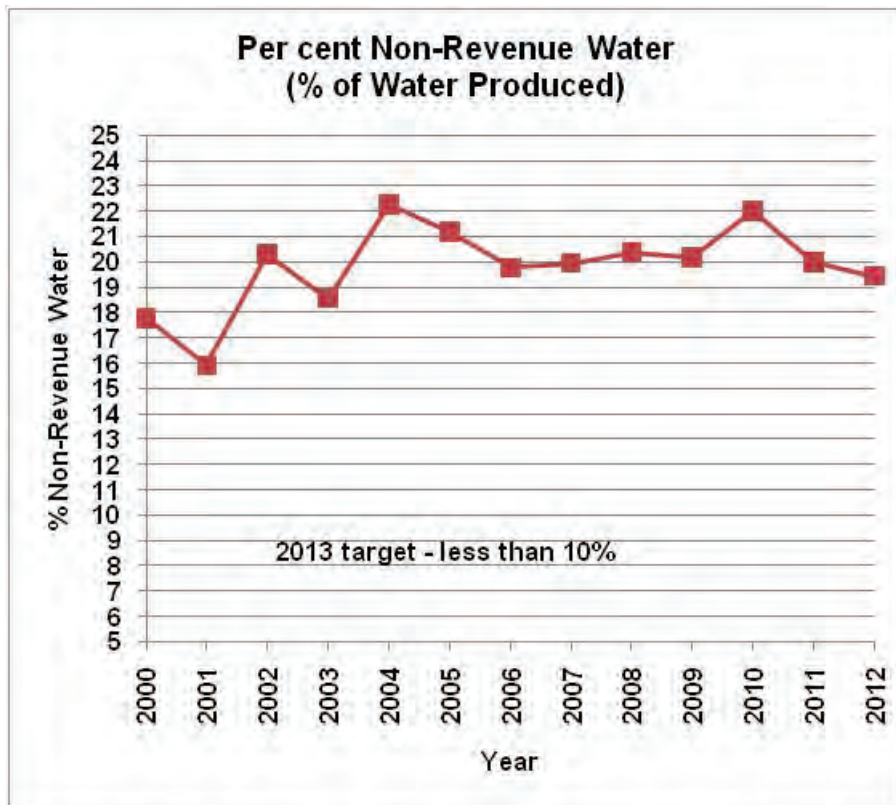
The percentage of non-revenue water in 2011-2012 was 14.05%, still high compared with the 2013 target of 10%. This is currently being addressed through the water loss management program and will be further tackled through the unaccounted for water program which is due to start in 2013.

The graph below shows the trend in non-revenue water since 2000.

Notably, although the per cent of non-revenue water has fluctuated over the past few years, the actual volume of non-revenue water has decreased by almost 20% since 2009.

This arises because the volumes of water being produced and consumed have fallen by about 14% over the same period.

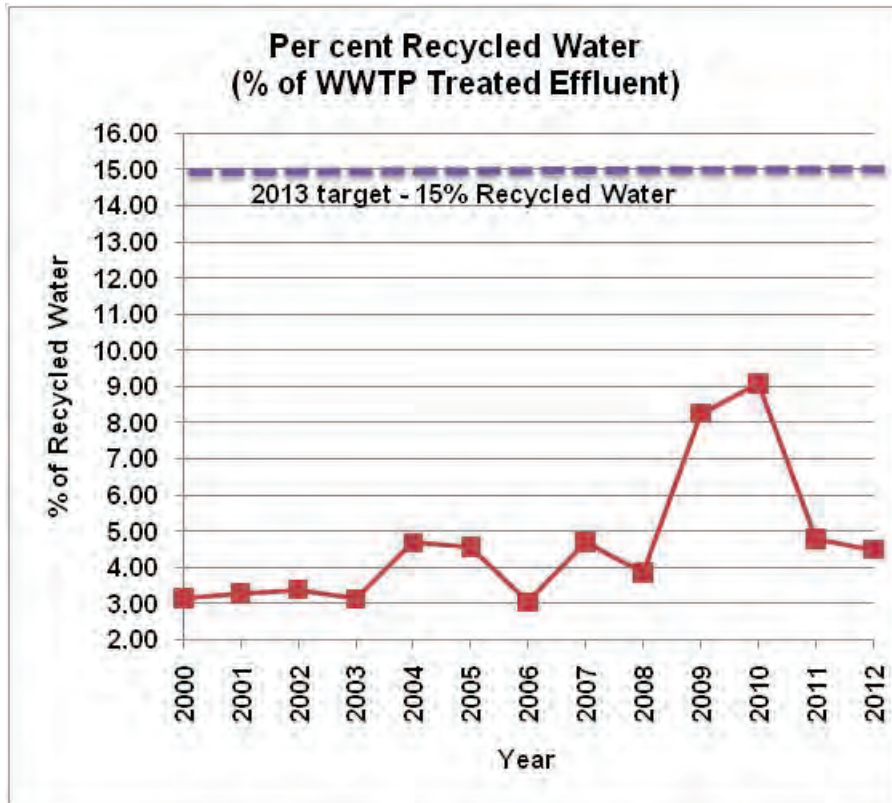
Since the non-revenue water is expressed as a percentage of the total water production, the percentage change in non-revenue water is not as significant as the volume change.



Recycled Water

In 2011-2012 the percentage of wastewater treatment plant (WWTP) effluent that was recycled was 4.5% compared with the 2013 target of 15%. The graph below shows the trend in per cent of recycled water since 2000.

The main reason for the significant reduction in reuse since 2010 is a lower than expected use of treated effluent by the co-generation plant at Condong sugar mill. It is expected that this figure will increase again as new reuse projects, such as the one at Les Burger Field, come on line. The Les Burger project is currently on hold, awaiting final approval from the NSW Office of Water. New opportunities for effluent reuse are being investigated on an ongoing basis but the stringent NSW State guidelines are impacting on Council's ability to introduce new schemes in a timely manner.



Performance Indicators for Individual Programs

A summary of the PIs for individual demand management programs, commenced to date, is provided in the following table.

| Program | Performance Indicator | 2013 Target | Actual Performance to 30/10/12 |
|--------------------------------------|--|---|--|
| Residential Rebates – Showers | number of participants | 2400 | 497 |
| | cumulative water saving in ML/annum | 36ML/a | 4.4ML/a [#] |
| Residential Rebates – Toilets | number of participants | 500 | 36 |
| | cumulative water saving in ML/annum | 15ML/a | 1.1ML/a [#] |
| Rainwater Tanks | TSC Rainwater Tank Policy revised | Updated Policy consistent with DMS adopted by Council | Completed – adopted by Council 20/9/11 |
| | % of new dwellings with tank volume equal to or greater than 5000L | 100% of single family residences | Average since 2005 is 6,500L. Results for new dwellings being monitored. |
| Top 20 Water Users (non-residential) | completed water audits | 20 | 20 |
| | individual water saving targets | 50ML/a (10% of total water use) | 28.4ML/a [#] |
| | commenced projects | 20 | 19 |
| | completed projects | 20 | 13 |

| Program | Performance Indicator | 2013 Target | Actual Performance to 30/10/12 |
|---------------------------------------|---------------------------------|----------------------------------|--------------------------------|
| Top 100 Water Users (non-residential) | completed water audits | 40 | 18 |
| | individual water saving targets | 40.0ML/a (5% of total water use) | 1.5ML/a [#] |
| | commenced projects | 40 | 2 |
| | completed projects | 40 | 0 |

Estimates based on sum of conservative industry accepted water saving volumes for individual installations.

Residential Rebates – Showers and Water Saving Devices

The residential rebate program for water efficient showers, aerators, spouts/mixers and flow controllers has been running since 1 July 2011.

As at 30 October 2012, 497 households have participated in the rebate offer and a total of \$26,661 has been provided by Council. Participating households have installed water efficient showerheads and a combination of other water saving devices. In total, 226 showers, 588 aerators, 160 spouts/mixers and 3 flow controllers have been installed, with the average rebate being about \$54.

Based on a 15 kL/annum water saving for households replacing 1 or 2 showers and a 5 kL/annum water saving assumed for those installing the other eligible devices, the total estimated water saving to date is 4.4ML/annum.

The program has been well received but is tracking well short of the 2400 participants and 36 ML/annum water saving targeted by 2013. The rebate program was stepped up in October 2012 with the introduction of a residential rebate for dual flush toilets. The inclusion of a retrofit service will also be investigated in early 2013 to target more households and deliver greater water savings.

An audit of participating households is conducted every 6 months to ensure that products are being installed correctly and performing as expected. This information is used to improve the efficiency of the rebate program.

Residential Rebates – Toilets

The residential rebate program for dual flush toilets was launched on 15 October 2012. The rebate has been very well received and take up is expected to be higher than anticipated.

As at 30 October 2012, 36 households have already applied for the rebate and a total of \$11,000 has been provided by Council. A total of 55 dual flush toilets have been installed, with the average rebate being about \$305. As the rebate is a maximum of \$200 per toilet suite, this indicates that about 50% of households are opting to replace the maximum of 2 toilets allowed under the rebate.

Based on a 30 kL/annum water saving for households replacing 1 or 2 toilets, the total water saving to date is about 1.1ML/annum.

Meet Your Meter Campaign

A Meet Your Meter campaign is being launched in November 2012 to further support the residential water saving program.

A competition will be run for one month during November to coincide with the campaign launch and Council's 6-monthly water meter readings. The aim of the campaign is to raise awareness of household water use by encouraging residents to monitor their own meter readings on an ongoing basis. The competition will be open to residents of Tweed Shire who have a single water meter at their dwelling.

Residents are being encouraged to meet Target 180, that is, a household target of 180 litres or less per person per day. The competition includes links to online information about how to: locate and read the water meter, calculate the daily water use and work out the water use per person per day. By familiarising the residents with water meter information it is envisaged that customers will be encouraged to reduce their water consumption and better understand how to make water and money savings.

As an incentive, residents who meet the challenge and Target 180 will go in a draw for a \$50 movie pass voucher from a cinema near them.

Rainwater Tank Program

Council updated its policy for "Rainwater Tanks in Urban Areas" in September 2011. The revised policy has been promoted in the Tweed Link and through regular media releases. Plumbers and builders located in the shire were notified about the updated policy via a mail out during the public exhibition period. The policy and resources dealing with the selection, installation and maintenance of rainwater tanks have been posted on Council's website to assist the public.

Council's policy is consistent with the Demand Management Strategy, encouraging customers intending to install tanks to install the largest volume they can, given space and cost limitations. A minimum tank size of 5,000L and a minimum roof catchment area of 160m² are recommended for single dwellings. For duplexes, triplexes, multi-dwellings and other buildings, it is recommended that the rainwater tank volume be maximised with 80-90% of the roof area connected. The policy also encourages more energy efficient ways of connecting rainwater tanks.

As the existing policy is specifically for residential applications, it is envisaged that a separate policy for non-residential customers will be developed in 2013. This was specifically requested by the previous Council, along with a consideration of tank rebates for non-residential water users.

The key findings in the BASIX Five Year Outcomes Summary along with several other reports on the BASIX website were reviewed in July 2011. The review found that the measured BASIX results compare favourably with the predicted residential demand in greenfield areas assumed in Council's Demand Management Strategy.

The BASIX results show that the median rainwater tank volume is 5,000 litres for single dwellings and 4,500-5,000 litres for all new homes. This compares favourably with the preferred scenario for greenfield areas adopted in the Strategy. Overall, the BASIX

outcomes suggest that rainwater tank installations match the modelling carried out for the Demand Management Strategy and that achievable water saving targets have been set.

Rebate for Rainwater Tanks

While the Demand Management Strategy did not support the introduction of a rebate on rainwater tanks, state and federal government rebates available at that time may have influenced this decision. Currently there is no funding assistance for the installation of residential rainwater tanks and a community survey conducted in May 2012 clearly indicated that a Council rebate for tanks would be well received and supported. Some non-residential water users currently qualify for financial assistance for installing tanks under Council's Top 20 and Top 100 water saving programs.

It is not proposed to offer a residential rebate on rainwater tanks in 2012-2013 but the feasibility and in particular, the cost and governance implications of offering such a rebate in year three of the residential water saving program will be fully investigated before the end of the 2012-2013 financial year.

Web-based Register for Residential Rainwater Tanks

Generally, rainwater tanks under 10,000 litres do not require Council approval so there are no records of these installations. Council has no way of collecting information about the types, volumes and uses of tanks being installed on existing homes and businesses.

To assist with the gathering of relevant data and to check the extent to which Council's Policy is being followed, a voluntary on-line register of rainwater tanks is to be set up early in 2013.

Tweed's Top 20 - Non-Residential Water Users

The Tweed's Top 20 program for the shire's top non-residential water users is expected to finish by the end of 2012, with 13 out of 20 participating businesses having already completed their approved water saving projects and a further 6 having commenced their works. A progress summary of the Top 20 program appears in the table below.

| Name of Business | Consumption 2010-2011 (kL/a) | Approved Project | Estimated Water Saving (kL/a) | Total Cost of Project (ex GST) | Approved Council Funding (ex GST) | Progress/Status | Consumption 2011-2012 (kL/a) |
|----------------------------|------------------------------|---|-------------------------------|--------------------------------|-----------------------------------|--|------------------------------|
| Twin Towns Services Club | 63,201 | Replacement of glass washer in main bar. New glass washer uses 2.2L per wash cycle compared with 7.5L per wash cycle for existing unit. | 1,000 | \$4,612.00 | \$4,612.00 | Inspection of completed works scheduled 31/10/12. | 54,944 |
| Condong Sugar Mill | 62,804 | Relocation and interlinking of process pipe work to enable filling of evaporators with condensate (hot water originating from sugar cane) rather than town water. Expected water saving is about 300kL/wk during the crushing season. (about 22wks) | 6,600 | \$19,910.00 | \$5,000.00 | Project about 80% complete. Progress report received 5/10/12. Due to be completed by end of crushing season mid November 2012. | 27,389 |
| Tweed City Shopping Centre | 47,454 | Installation of individual water meters to 12 major shops in the complex. Centre Management to commence charging individual shops for water use. | 2,500 | \$5,650.00 | \$5,000.00 | Successful inspection of completed works 16/5/12. | 44,353 |
| North Star Holiday Resort | 41,058 | Installation of 4 x 1500L rainwater tanks to provide water to top up swimming pool and spas. Installation of in-tap flow controllers and aerators. | 100 | \$6,066.50 | \$5,000.00 | Successful inspection of completed works 20/8/12. | 37,014 |
| Drifters Holiday Village | 37,336 | Replacement of 16 single flush toilet cisterns with 6L single flush cisterns (behind the wall type) in public amenities. Replacement of 2 single flush toilet suites with 3/4.5L dual flush toilets in cabins. | 1,500 | \$7,267.17 | \$5,000.00 | Successful inspection of completed works 21/6/12. | 31,409 |
| Club Banora | 32,834 | Replacement of single urinal sensor in gents' toilet with new multiple sensor flushing system. | 1,500 | \$4,984.55 | \$4,984.55 | Approval letter issued 5/10/12. Work has commenced. | 29,084 |

| Name of Business | Consumption 2010-2011 (kL/a) | Approved Project | Estimated Water Saving (kL/a) | Total Cost of Project (ex GST) | Approved Council Funding (ex GST) | Progress/Status | Consumption 2011-2012 (kL/a) |
|-----------------------------------|------------------------------|---|-------------------------------|--------------------------------|-----------------------------------|---|------------------------------|
| Tweed Heritage Park | 22,633 | Replacement of 19 single flush toilet cisterns, 16 showerheads and 12 aerators in public amenities and cabins. | 1,000 | \$4,431.33 | \$4,431.33 | Successful inspection of completed works 1/6/12. | 20,495 |
| Tweed District Hospital | 20,481 | Installation of in-line flow controllers and aerators in showers and basins in various areas of the hospital. Approved in conjunction with Hacienda Holiday Park due to same ownership and management. Replacement of 15 single flush toilet cisterns (11L) with 3/4.5L dual flush cisterns. Installation of flow restrictors in 10 showers and aerators on 10 basins. | 500 | \$4,202.55 | \$4,202.55 | Successful inspection of completed works 17/10/12. | 42,971 |
| Homestead Holiday Park | 20,149 | Replacement of 60 single flush toilet cisterns with 3/4.5L dual flush cisterns throughout park. | 1,500 | \$8,623.00 | \$5,000.00 | Approval letter issued 5/10/12. Work has commenced. | 21,236 |
| Pyramid Holiday Park | 18,483 | Replacement of 9 single flush toilet suites (11L) with 3/4.5L toilets (behind the wall type) in public amenities. | 2,000 | \$5,828.73 | \$5,000.00 | Successful inspection of completed works 2/1/6/12. | 16,103 |
| Tweed Billabong Holiday Park | 18,350 | Approved in conjunction with Homestead Holiday Park due to same ownership and management. Replacement of 15 single flush toilet cisterns (11L) with 3/4.5L dual flush cisterns. Installation of flow restrictors in 10 showers and aerators on 10 basins. | 500 | \$6,413.53 | \$5,000.00 | Successful inspection of completed works 2/1/5/12. | 15,506 |
| Tweed River Hacienda Holiday Park | 16,860 | | 1,000 | \$8,623.00 | \$5,000.00 | Approval letter issued 5/10/12. Work has commenced. | 16,755 |

| Name of Business | Consumption 2010-2011 (kL/a) | Approved Project | Estimated Water Saving (kL/a) | Total Cost of Project (ex GST) | Approved Council Funding (ex GST) | Progress/Status | Consumption 2011-2012 (kL/a) |
|-----------------------------------|------------------------------|--|-------------------------------|--------------------------------|-----------------------------------|--|------------------------------|
| Seagulls Club | 16,231 | Replacement of 2 glass washers in main bar. New glass washers use 2.5L per wash cycle compared with 8L per wash cycle for existing units. | 1,000 | \$4,620.00 | \$4,620.00 | Approval letter issued 13/8/12. One washer has been installed. Second washer due to be installed by November. | 11,570 |
| Coolangatta Tweed Heads Golf Club | 14,780 | Replacement of 17 single flush toilet cisterns (11L) with 3/6L dual flush cisterns (to suit existing pans) and replacement of 8 basin sets. | 1,500 | \$5,000.00 | \$5,000.00 | Successful inspection of completed works 29/5/12. | 13,608 |
| Tweed Heads Bowls Club | 13,286 | Replacement of 5 x 4.5/9L dual flush toilet suites with 3/4.5L toilets (behind the wall type). | 500 | \$4,934.42 | \$4,934.42 | Successful inspection of completed works 29/6/12. | 14,106 |
| Specialised Chicken Services | 13,060 | Replacement of water defrost freezer evaporator with electric defrost cooler. New unit uses no water, only heating elements. Full scope of works being finalised. Draft scope includes replacement of 4 toilets and installation of flow restrictors (54) and aerators (98) in showers and at basins and sinks. | 1,500 | \$6,400.00 | \$5,000.00 | Successful inspection of completed works 5/6/12. Approval letter pending. Application received 26/10/12. | 13,791 |
| Blue Care Kingscliff | 12,866 | Replacement of 13 toilet cisterns (4.5/9L) with 3/4.5L dual flush cisterns, 10 showerheads, 5 basin sets and installation of 5 aerators. | 2,000 | \$4,313.23 | \$4,313.23 | Successful inspection of completed works 6/8/12. | 12,581 |
| Chinderah Lake Caravan Park | 12,524 | | 1,200 | \$2,444.77 | \$2,444.77 | | 12,071 |

| Name of Business | Consumption 2010-2011 (kL/a) | Approved Project | Estimated Water Saving (kL/a) | Total Cost of Project (ex GST) | Approved Council Funding (ex GST) | Progress/Status | Consumption 2011-2012 (kL/a) |
|---------------------------------|------------------------------|---|-------------------------------|--------------------------------|-----------------------------------|--|------------------------------|
| Winders Retirement Community | 11,648 | Scope of works being finalised and quotes are being sought. | | | | Quotes have been obtained. Final scope of works being finalised. | 14,542 |
| Darlington Retirement Community | 11,593 | Installation of in-line flow controllers and aerators in showers and basins in various areas of the facility. New pre-rinse spray guns in kitchens. | 1,000 | \$8,531.50 | \$5,000.00 | Successful inspection of completed works 11/9/12. | 17,727 |
| TOTAL | 507,631 | | 28,400 | \$122,856.28 | \$89,542.85 | | 467,255 |

As well as offering funding for actual works, Council is assisting the Top 20 to promote water saving behaviour in their workplace through the use of posters, information sessions for staff and other promotional activities. Information about reducing business water use and related resources are available on Council's website.

Tweed's Top 100 - Non-Residential Water Users

The shire's next top 80 non-residential water users have been invited to participate in the Tweed's Top 100 water saving program which was launched on 18 July 2012.

Of these businesses, 21 have been contacted by phone and 18 of these have been audited for water use and scoped for potential water saving works. Follow up letters and audits have been mailed to these businesses with recommendations of suitable water saving projects and possible educational opportunities for their staff and customers. Council officers are conducting numerous follow up calls, visits and emails that are offered as ongoing support and assistance. So far, 2 applications have been received requesting the funding of up to \$1,000 being offered to participants.

For convenience and efficiencies of scale the businesses have been grouped into business categories including: clubs, hospitals, schools, aged-care facilities, resorts, shopping complexes, small businesses and caravan parks. This has enabled promotional material to be generated and shared across similar industries, to encourage behaviour changes amongst their clients and customers. Examples include stickers and shower hangers for amenities blocks, posters and TV power point displays for foyers, and images for business newsletters and web sites.

Many businesses express an interest in the program however there are challenges associated with the size and nature of the businesses in the Top 100. Particular examples are those that include: nursing homes with limited budgets, staff and time and regional contract maintenance staff; large clubs with planned maintenance schedules and refurbishments and schools with limited scope, budget and staff to carry out necessary and targeted water saving projects.

Business partnerships are being developed as the program progresses. Council has assisted many businesses with sustainable cost benefit opportunities around water, energy and money saving and has offered and assisted with many educational outcomes.

The Tweed's Top 100 program is expected to continue for at least another 18 months.

Council's Own Top 20 - Tweed Shire Council Properties

The top 20 Council-owned properties using the most water have been identified and meetings have been held with the managers of these sites to progress water audits and ascertain any obvious water saving opportunities. Six (6) of the properties are Tweed Coast Holiday Parks, managed by Council, and these have already been audited. Water audits of other sites and facilities on Council's Own 20 list will be conducted in November and December 2012.

Once all the necessary water audits have been completed and the results collated, a list of Council's Own priority water saving projects will be prepared.

A list of Council's Own Top 20 appears in the table below.

| Location Name | Responsible Area | Approximate Annual Water Consumption (kL) |
|--|---------------------------|---|
| Pottsville South Caravan Park | Tweed Coast Holiday Parks | 20880 |
| Irrigation Central Precinct | Recreation Services | 19688 |
| Boyd Bay Caravan Park | Tweed Coast Holiday Parks | 16794 |
| Kingscliff Beach Caravan Park | Tweed Coast Holiday Parks | 16573 |
| Pottsville North Caravan Park | Tweed Coast Holiday Parks | 15272 |
| Walter Peate Oval | Recreation Services | 12980 |
| Bray Park Water Treatment Plant | Water Unit | 12191 |
| Stotts Island Waste Depot | Waste Management Unit | 9967 |
| Fingal Caravan Park | Tweed Coast Holiday Parks | 9602 |
| Murwillumbah Pool | Recreation Services | 8535 |
| Kingscliff Waste Water Treatment Plant | Water Unit | 8301 |
| Stan Sercomb Oval | Recreation Services | 5901 |
| Kingscliff Pool | Recreation Services | 5320 |
| Reg Dalton Cricket Oval | Recreation Services | 4892 |
| Uki Waste Water Treatment Plant | Water Unit | 4675 |
| Salt Estate - Streetscaping | Recreation Services | 4438 |
| Council Nursery | Recreation Services | 3958 |
| Murwillumbah Civic Centre | Recreation Services | 3925 |
| Hastings Point Caravan Park | Tweed Coast Holiday Parks | 3771 |
| Irrigation Adjacent to Peppers | Recreation Services | 3739 |

Water Loss Management Program (Leak Reduction)

The 3-year schedule of flow tests (known as drop tests) for Council's water reservoirs is continuing, however some delays have been experienced due to limited resources and competing priorities as part of the demand management program.

Further investigations are to be carried out at Uki and Fingal Head, based on the results of the drop tests carried out in these water supply zones. So far, the results of these tests have identified possible leaks and an estimate of the resulting water saving will be made once investigations and repair works are scoped and completed.

Planning is well under way to install flow meters throughout the water supply network to enable an accurate water balance to be carried out on an ongoing basis. This will further assist with the identification and early notification of leaks to minimise water losses.

Unaccounted for Water Program

This program is due to commence in early 2013. This project will involve a review of Council's policies and procedures on standpipe use and access to mains water by water carters, Council staff and private individuals. The aim of the project is to reduce the amount of water that is lost from the supply system and is not "accounted for", in other words, Council is not able to determine where it has been lost. Unaccounted for water includes losses through undetected leaks but also theft, unmeasured usage during maintenance activities and inaccurate meters and standpipes.

It is envisaged that a revised policy on standpipe use and a network of water filling stations or alternative monitoring solution will be outcomes of this program.

Significant engagement with bulk water users and water carters is expected during planning and implementation of this program.

Water Billing Process

With the Ci upgrade of Council's Proclaim database and the implementation of a new water management module, the opportunity existed to review and update customer water consumption bills. The water bills were significantly modified to provide more information to customers about their water use and encourage them to take water saving actions. The water bills for all residential and non-residential water users were revised and the new bills were sent out in June 2012.

Target 180 Campaign

Council's Demand Management Strategy incorporates a range of initiatives and programs to manage demand for town water in the shire. Overarching all of the programs and activities is the Target 180 campaign which encourages residents and households to be water wise and achieve a certain litre target per person per day.

The campaign has a distinctive logo which is being integrated on promotional materials for all of the demand management programs. The logo will be run over a long campaign of 8 years with several milestones/stages for the campaign to move through as the targets are achieved. The following targets have been adopted:

- Target 180L by 2013
- Target 170L by 2016
- Target 160L by 2020

The campaign will always feature in conjunction with Tweed Shire Council's corporate brand and will not stand alone. The communication objective is to raise awareness of water consumption and set clear targets for a litre amount per household per person per day by a set year over a period of years.

Community Engagement

An information session about Council's water saving programs and initiatives was held on 14 March 2012. Members of the public were invited via advertisements in the Tweed Link and invitations were mailed out to plumbers and real estate agents located in the shire. The

aim of the session was to further educate the public and key stakeholders about water saving opportunities and incentives.

The Top 120 non-residential water users and plumbers/plumbing retailers in the shire were invited to the launch of the Tweed's Top 100 water saving program on 18 July 2012. About 40 people attended the launch and information session which was opened by Council's General Manager.

A survey seeking input from members of the community and other stakeholders was run during May 2012 to provide input to the review of the residential water saving program, including rebates. A total of 302 people were surveyed through a combination of interviews at community markets, shopping centres and the Seniors Expo and the use of an on-line service, Survey Monkey. The key findings of the survey were provided to Council in June 2012 and were used to shape the residential water saving program for 2012-2013.

A survey is currently being conducted until 16 November 2012, seeking feedback from water customers about the new water consumption bills. The information provided by the survey will be used to make further improvements to the water bills, if necessary.

General Promotions

Demand Management staff take advantage of promotional opportunities at community events and public venues throughout the year. Displays typically feature information about Council's water saving rebates, rainwater tanks, water efficient products, general water management and entertaining activities for children.

Events attended in 2011-2012 included:

- Tweed River Festival
- Murwillumbah Show
- Seniors Expo
- Local Government Week Celebrations
- Shopping Centres
- Farmers' Markets
- Community Markets

CONCLUSION:

Implementation of the Demand Management Strategy is proceeding steadily and has been well received by the community. The overall program is well within the approved 3-year budget and the majority of the implementation plan is still expected to be complete within the 3-year timeframe. Planning for ongoing projects beyond these dates is likely to begin in the next 12 months.

The table below shows the estimated water savings arising from the programs that have so far been implemented.

| Program | Estimated Water Saving in ML/annum as at 30/10/12 | 2013 Target |
|-------------------------------|---|-------------|
| Residential Rebates – Showers | 4.4 | 36.0 |

| | | |
|-------------------------------|------|-------|
| Residential Rebates – Toilets | 1.1 | 15.0 |
| Tweed's Top 20 | 28.4 | 50.0 |
| Tweed's Top 100 | 1.5 | 40.0 |
| Total | 35.4 | 141.0 |

COUNCIL IMPLICATIONS:

a. Policy:

Rainwater Tanks Version 1.1.

b. Budget/Long Term Financial Plan:

All elements of the Demand Management Strategy are funded from Council's approved 3-year demand management budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

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
- 2.3.2.1 Deliver Demand Management Strategy

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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13 [CNR-CM] Parkes Lane, Terranora Proposed Partial Sewerage Scheme

SUBMITTED BY: Water



Supporting Community Life

SUMMARY OF REPORT:

The Parkes Lane, Terranora area has long been a problem in that the lot size and site conditions are not suitable for on-site sewage management systems and a number of such systems are failing. It has been Council's position to sewer Parkes Lane when Area E development reaches a suitable stage.

Three property owners in Parkes Lane have taken the initiative and, with approval, constructed a pressure sewer scheme connected to Council's sewerage system. The cost of the common infrastructure, namely the rising main, within the road reserve was \$30,511.07.

Other property owners in the area now wish to join the system but there is a degree of inequity as a major component of the infrastructure has been paid for by others. Ad hoc extension of the system will add to the inequity.

The Department of Family and Community Services – Ageing Disability and Home Care have an existing group home at 30 Parkes Drive and wish to connect. By extending the scheme to 30 Parkes Drive, up to twelve properties could be connected, although the system may be limited by the size of the pressure pipe to ten properties. This option would cost Council \$32,000 to take over and extend with the expectation of recovering the costs through contributions from each connection. Such a scheme should be voluntary at this stage and lots not connected would not be liable for the Sewer Access Charge.

An alternative scheme would be to maximise the number of properties connected via the current system. An option costing \$73,000 would service twenty-two properties. With this quantum of expenditure it would need to be a compulsory scheme. This would require consultation with all affected owners and would not proceed unless there was a 70% acceptance.

RECOMMENDATION:

That:

1. Council:

- a. **Approves a voluntary participation pressure sewer scheme that could service numbers 15, 17, 19, 20, 21, 22, 23, 24, 25, 26, 28 and 30 Parkes Lane, Terranora that provides a sewer rising main network based on the system recently constructed by 22, 23 and 25 Parkes Lane, Terranora.**

- b. **Advertises the proposed sewer charge of \$4550 for the Parkes Lane, Terranora Partial Sewerage Scheme for a period of 28 days and reports back to Council.**
 - c. **Notes that in addition to the scheme contribution each property is still required to pay the relevant Section 64 Capital Contribution.**
 - d. **Reimburses the property owners of 22, 23 and 25 Parkes Lane, Terranora a combined amount of \$16,861.07, being the cost of the rising mains constructed by them, less the value of the Capital Contributions.**
2. **Only properties connected to the scheme are to be levied for the Sewer Access Charge in accordance with Section 552 of the Local Government Act 1993.**

REPORT:

The Parkes Lane Terranora area has long been considered an area where the terrain, size of lots and soil conditions have not been ideal for the use of on-site sewage management facilities, however that has been the only choice available since the subdivision commenced in 1960 and continued with several subdivisions until as recently as 1990.

In 1999, the Banora Point Sewerage Strategy Study identified the area to be connected to sewerage once the development release area known as Area E development reaches a suitable stage to enable connection of this area.





Location of Failing OSSMs in Parkes Lane.

More recently, the Major Projects application by Newlands Developments to the Department of Planning has brought the sewerage of this area to the fore and Council Water Unit is now projecting this in the forward works program for 2018/19. Provision for capacity in the subdivision's infrastructure has been negotiated with Newlands.

In 2004, it was opportune to provide a short gravity sewer extension to service several houses on the uphill side of Parkes Lane near Fraser Drive in conjunction with the Dobbys Crescent Sewerage Scheme.

Following this, the owner of 8 Parkes Lane was given permission to connect to sewer but has not proceeded.

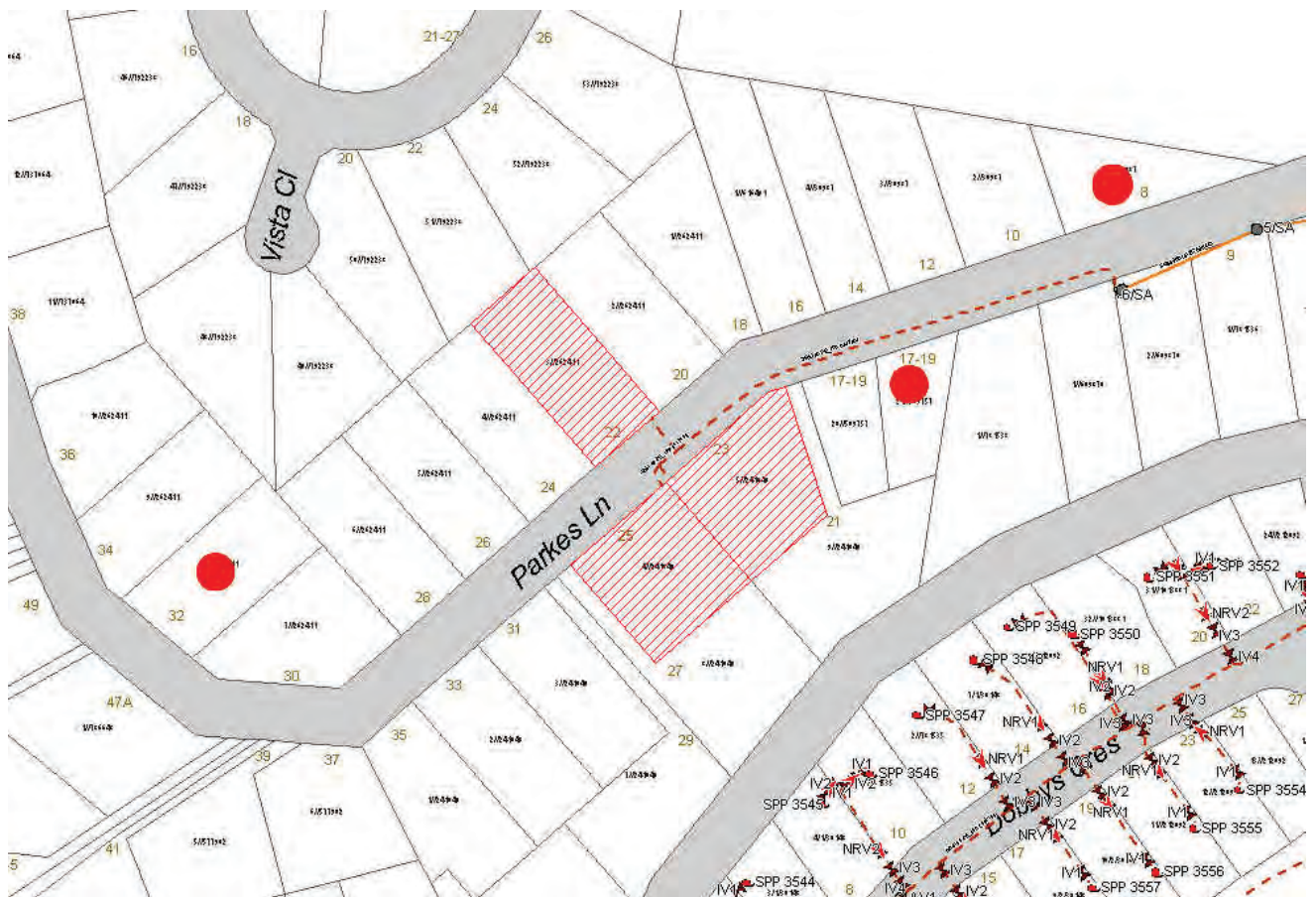
Recently, the proprietors of a new dwelling applied to connect to the gravity sewerage by pressure pump system. Two other property owners subsequently joined with the first to share the cost between the three properties. The three properties are:

- 23 Parkes Lane (newly constructed house)

- 25 Parkes Lane
- 22 Parkes Lane

The work has been completed and sewer capital contributions have been required of all three properties. At this stage one has paid on connection. Implicit in the approval was the concept that the works on the road reserve would become Council's asset and spare capacity in the line could be used to connect other properties if necessary. At least one of the three objected to this provision and argued that if Council allowed others to connect to the rising main system, the people who paid for it should be compensated in some measure.

The existing system could service five additional lots without any extension.



Existing Privately Funded Pressure Sewer Extension

Various other properties in the area have expressed interest in connecting to the rising main, in particular 21 Parkes Lane and 30 Parkes Lane. The latter property houses a number of persons and has a higher output than a normal dwelling. An application in respect of this property was received during the course of preparation of this report and has been put on hold pending Council's decision. The owner of No 21 Parkes Lane has already applied to Council and received approval from the Building and Environment Unit to install a private pump station and to connect to sewer.

The minimum size pipe used for the rising main means that it is likely that around ten dwellings could be connected through the existing main. There is also a section of gravity sewer in the downstream system that is at or close to capacity. For these reasons, it is considered that no more than 10 houses can be connected to this sewer system at present.

The three owners who have paid for the works to date have submitted details of their costs including invoices for most items. They expressed a desire that Council should take ownership of the whole scheme including the single property pump stations on the basis that this is how Council has serviced Dobby's Crescent, parts of Uki and parts of the Burringbar Mooball scheme. However it is considered that as this scheme would be for voluntary connection as a means to address failing on-site sewage management systems and the area is zoned 1(c) Rural Living, that Council should not be burdened with the cost of maintaining these single property pump stations. As private pump stations, each will be required to obtain approval to install and operate under Section 68 of the Local Government Act to ensure they are installed and maintained properly.

Accordingly, the costs have been apportioned to each property and to the rising main network in the road reserve which is Council infrastructure. The cost of the existing common rising mains, excluding the amount of \$3750 claimed for supervision and coordination of subcontractors by one of the property owners, was \$31,511.07. This includes the road crossing, the cost of which has been borne by the owners of 22 Parkes Lane, Terranora alone.

Five additional properties including No 21 Parkes Lane could be connected to the existing rising mains without any significant additional works. An extension proposed to service the No 30 Parkes Lane home would be able to service three additional properties. Further properties could be connected by extensions of the rising mains along the nature strips on both sides of Parkes Lane.

Each property connected should be required to pay a capital contribution to the cost of the rising main network and a capital contribution in respect of the conveyancing and treatment plant development (equivalent to a Development Contribution for one Equivalent Tenement). It may be that the home at No 30 Parkes Lane is exempt from Development charges under the provisions of the Development Servicing Plan Guidelines but this should be tested by applying the fees to their approval to connect.

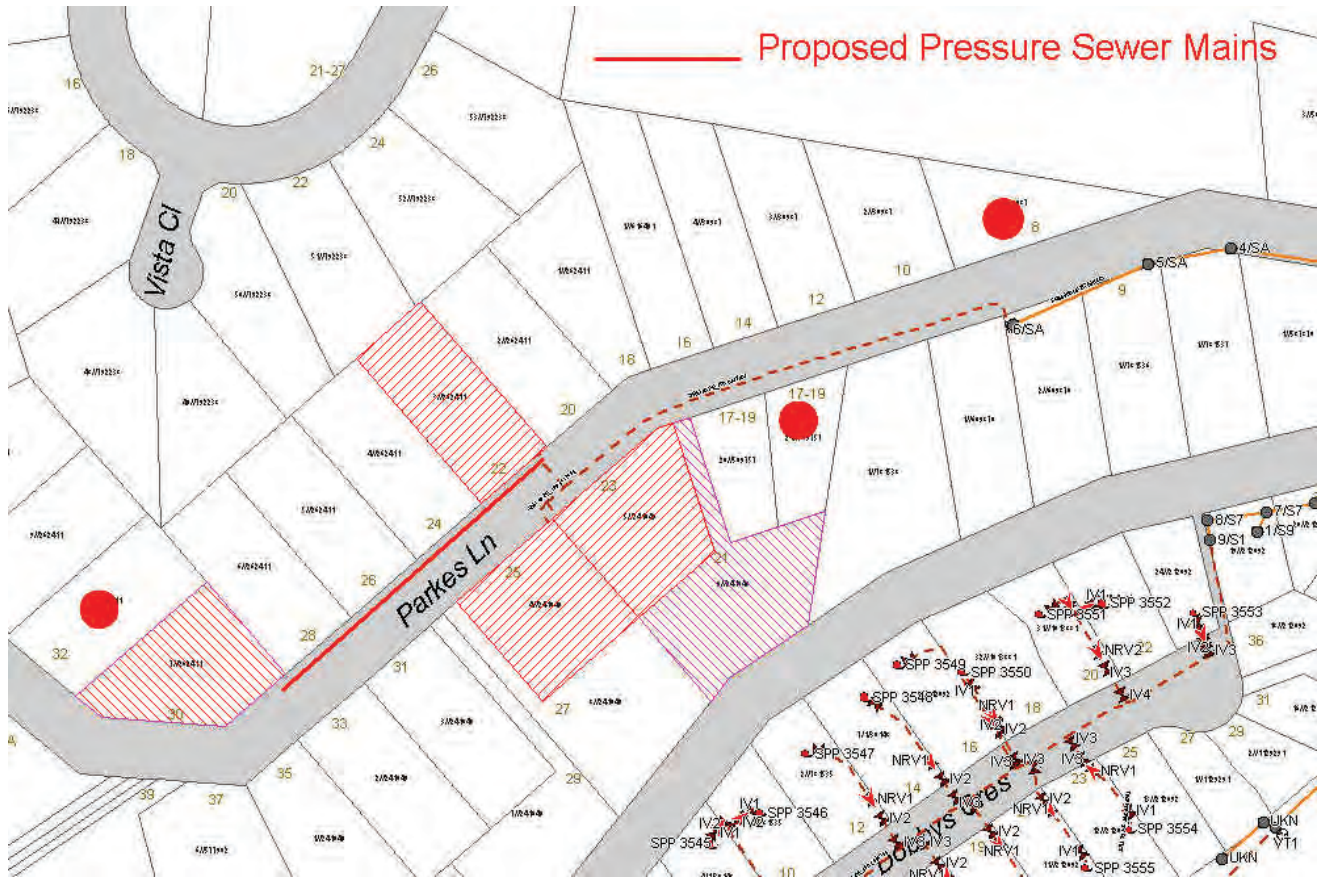
If Council proceeds with a scheme, Council would reimburse the three original participants the sum of \$31,511.07, less the contribution per property for the three properties.

OPTIONS:

Option A. Option A would be to take over the existing system and extend it to connect 30 Parkes Drive. This would allow up to twelve lots including the existing contributors to connect, but as there is a limitation, the costing should be based on ten connections in total.

| | | |
|---|--------------------|---------------|
| Cost to Council | | |
| Reimbursement of initial works | \$16,861.07 | |
| Extension to 30 Parkes Drive | <u>\$15,000.00</u> | |
| Total | \$31,861.07 | Say \$32,000. |
| Contribution for local works from each connection | \$4,550.00 | |
| Capital Contribution to overall scheme (DSP) | \$5,838.00 | |
| Approximate costs for internal works | \$11,000.00 | |

This scheme would be voluntary and only connected properties would pay sewer access charges. Section 552 of the Local Government Act 1993 provides that Council "may" levy a sewerage charge on properties within 75 metres of a sewer. Consequently it may take some time before Council recovers the capital outlay through the contributions.

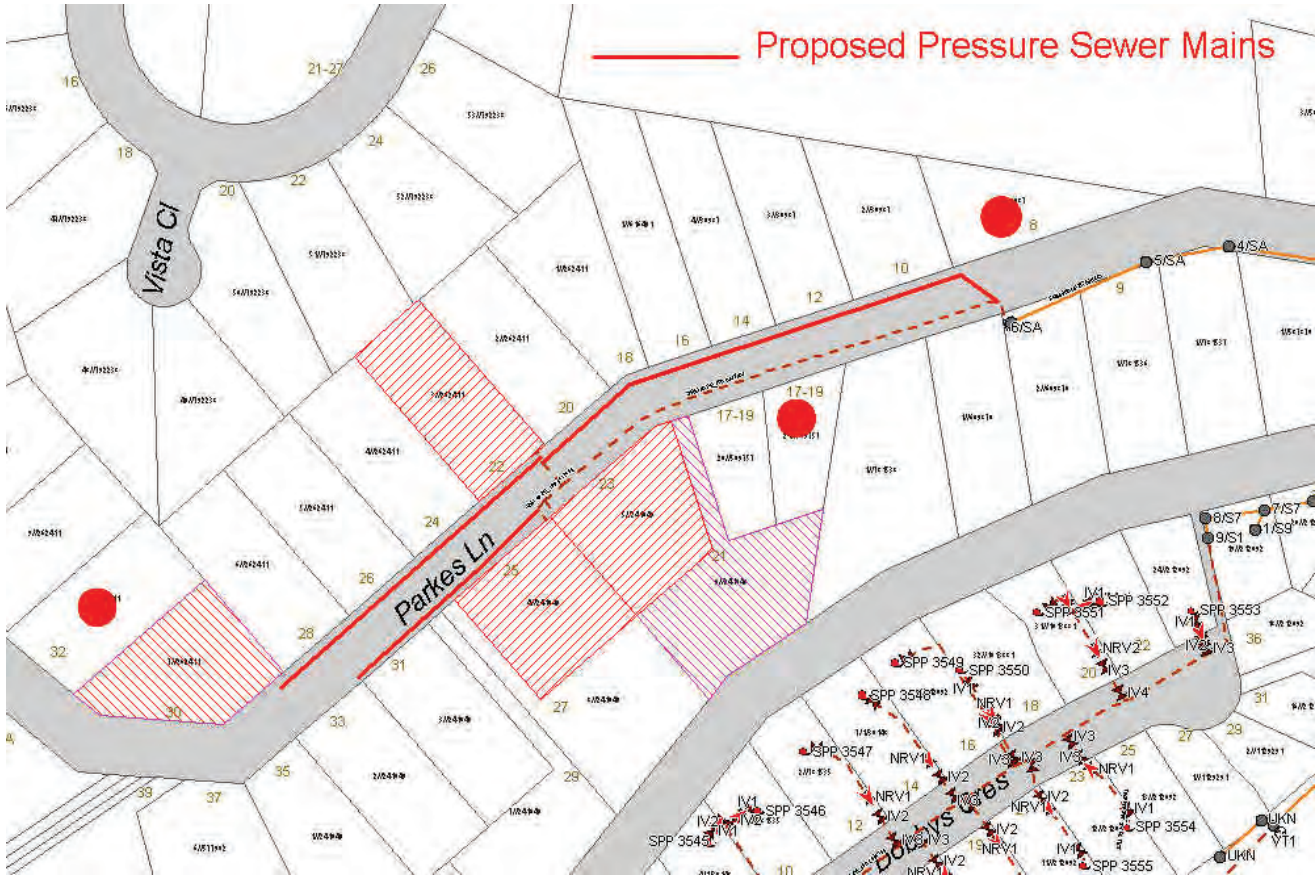


Option B. This option would be to develop a scheme that could service all properties from 15 to 33 on the southern side of Parkes Lane and all properties from 8 to 30 on the northern side of Parkes Lane. This would encompass 22 lots.

| | | |
|---|-------------|--------------|
| Cost to Council | | |
| Reimbursement of initial works | \$18,961.07 | |
| Extension to rising mains | \$54,100.00 | |
| Total | \$73,061.07 | Say \$73,000 |
| Contribution for local works from each connection | \$3,850.00 | |
| Capital Contribution to overall scheme (DSP) | \$5,838.00 | |
| Approximate costs for internal works | \$11,000.00 | |

As there would be a greater outlay, it is considered that this scheme should be compulsory which would require consultation with affected property owners prior to progressing further. In a compulsory scheme, all adjoining properties would be required to connect and would be charged sewer access regardless of whether they are connected. With the compulsory scheme, however, Council would have the option of charging the contributions over a period of time, such as ten years as was the case with the Burringbar Mooball Sewerage Scheme.

To facilitate this many additional properties, it would also be necessary to address the gravity capacity issue in Grassmere Court, however, this issue should be addressed from the point of view of existing loading increases anticipated from other developments as well and could be financed from Development Contributions generally. More than ten connections could not be permitted until this issue is resolved.



Option C. That council does not proceed with a scheme and allows the ad hoc connection to the existing system

CONCLUSION:

It is desirable to have as many properties on Parkes Lane connected to sewer as possible but connection of the whole area via the existing gravity system is not possible due to limitations in the gravity system.

Option A above would provide a voluntary option for up to ten properties including those already connected or approved to connect to sewerage at an outlay to Council of \$32,000 which would be recouped by way of contributions when individual properties voluntarily connect to sewer. The individual outlay for property owners would be approximately \$21,200 each including their internal pump station and capital contributions.

Option B above would provide a compulsory scheme for up to 22 lots to be connected to sewerage at an outlay to Council of \$73,000. This would be recouped by contributions from properties as they connect. As the scheme would be compulsory, sewer access charges would be levied from all properties but such a scheme would require consultation with affected property owners before adoption. The individual outlay for property owners would

be approximately \$20,700 each including their internal pump station and capital contributions.

Option C is considered to be inequitable and is not recommended. It has the possibility of legal action and may ultimately be unsuccessful.

As Council intends to pursue a sewerage scheme for the whole of the Parkes Lane area when Area E has progressed to a suitable stage, it is considered that Option A for a voluntary scheme with up to ten connections is the more appropriate option.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Option A \$32,000

Option B \$73,000

Option C Potential unknown legal costs should someone decide to take action against Council to redress a perceived inequity.

Sufficient funds are available within Council's Sewer fund for the recommended option.

c. Legal:

Nil.

d. Communication/Engagement:

Inform - We will keep you informed.

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 service which meets health and environmental requirements and projected demand.

2.3.3.7 Deliver Capital Works Program

2.3.3.9 Implement appropriate and relevant on-site sewage management requirements and provisions

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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14 [CNR-CM] Biodiversity Grant Program

SUBMITTED BY: Natural Resource Management



Caring for the Environment

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 three 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 three private landowners visited since the October 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.

| Name | Area | Estimate (\$) | Description |
|----------|---------------|---------------|---|
| Johnston | Fernvale | \$2160 | Riparian zone restoration |
| Currah | Crystal Creek | \$1440 | Restoration of riparian zone and adjacent gully |
| Brooks | Kynnumboon | \$10,519 | Fencing and restoration in HCV riparian zone to improve connectivity. |
| | Total | \$14,119 | |

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.
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:

\$14,119 from 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
- 4.2.1 Promote the protection of native vegetation and wildlife habitat of high conservation value, social or cultural significance in Tweed Shire

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

15 [CNR-CM] Pest Management Report - July to October 2012

SUBMITTED BY: Natural Resource Management



Caring for the Environment

SUMMARY OF REPORT:

This report outlines the works undertaken by the Tweed Shire Council Pest Management Program Area to control the impacts of nuisance invertebrate species and vermin in Tweed Shire for the period from July 2012 to October 2012 (inclusive).

RECOMMENDATION:

That Council receives and notes the July 2012 to October 2012 Pest Management report.

REPORT:

MOSQUITOES

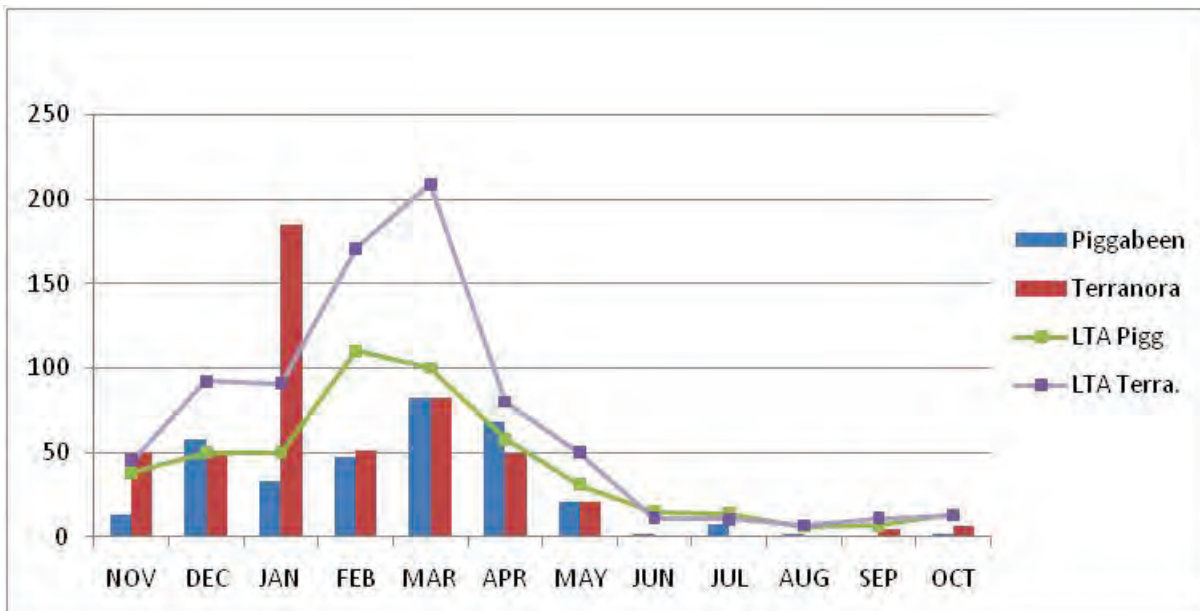
Complaints and Enquiries

There were only three Mosquito related enquires from the community during the reporting period. Two of these were general enquiries about the Mosquito control program. The third was a complaint about nuisance Mosquitoes at Koala Beach Estate, Pottsville.

Seasonal abundance

The species of Mosquito most frequently caught in carbon dioxide baited traps was the container breeding *Aedes notoscriptus*. This was followed by *Culex annulirostris* and *Culex sitiens*.

Please refer to the table below for numbers of Mosquitoes trapped in carbon dioxide baited mosquito traps.



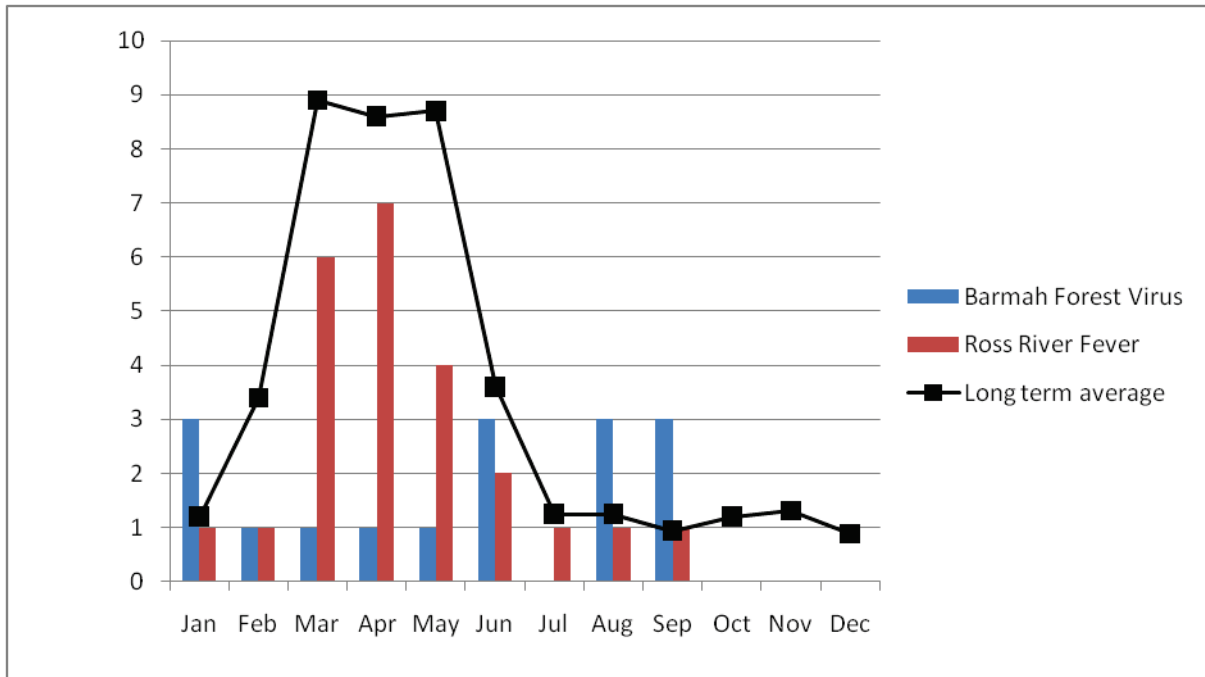
Control

There has been no requirement for mosquito larval control treatments during the reporting period.

Arbovirus

There were nine arbovirus notifications from Tweed Shire during the four month report period. Three of these were Ross River virus and six Barmah Forest virus. This is a significant decrease from the previous four month period which had a total of 25 notifications.

The chart below shows a breakdown of the arbovirus notifications for 2012.



Discussions are ongoing with NSW Health for the provision of information on the specific locality within Tweed Shire that the notification was made. This will assist with targeting management of container breeding Mosquitoes.

Terranora Mangrove breeding mosquito research project

The "Fish in Mozzies out" Terranora mangrove research project, funded by the Australian Mosquito and Arbovirus Research Committee, with subsequent additional funding from the NSW Recreational Fishing Trust and Tweed Shire Councils is continuing.

Monitoring of the enhanced tidal channelling has shown improved tidal flushing and water quality during the reporting period. Monitoring is ongoing, and will continue into the coming Mosquito breeding season.

BITING MIDGE

Seasonal activity

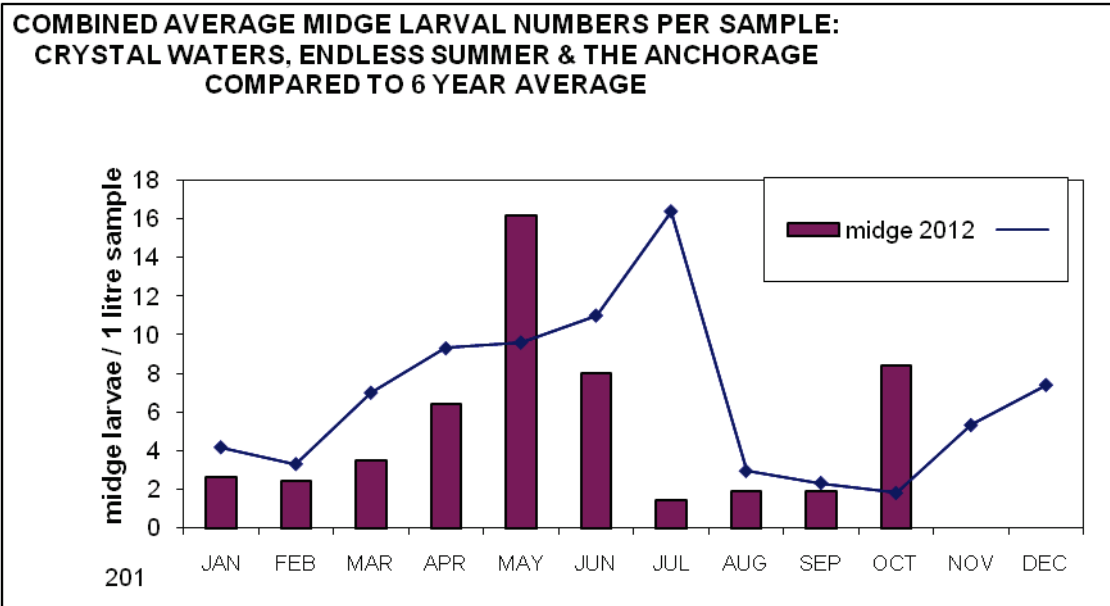
Canal breeding midge larval numbers at test sites were below the seasonal average during August and September, then spiked during October. This spike was an anomaly, as the larvae causing the spike in records all came from the one sample pot at one testing site, with all other sites showing below average larval levels.

Complaints and Enquiries

There were nine enquiries relating to biting midges during the reporting period. Eight of these enquiries were stimulated by Council advertised the biting midge control works for the canal systems in Tweed Heads. There has been only one complaint since control was carried out on 26 July 2012.

Control

Biting midge control works were conducted on 26 July 2012. Gold Coast City Council were contracted to undertake these works. Canal breeding midge larval numbers at test sites were generally low following this winter larvacide treatment.



OTHER PESTS

Enquiries from Community

It has been a very quiet period for general enquiries, with only 13 miscellaneous enquiries/service requests. The most common enquiries related to the Pandanus Plant Hopper, Termites and Bee swarms.

Council Rodent Control

Rodent baiting was carried out over the report period around coastal holiday parks, sewer treatment plants, adjacent to several drainage reserves and infested sections of Tweed River rock walls.

Pandanus Plant-Hoppers

Monitoring of Pandanus trees in coastal areas for planthopper related dieback is continuing. This monitoring has provided an indication that there are relatively low infestations of Pandanus planthopper. A number of individuals are showing signs of stress, but this is believed to be due to the lack of rain.

Termites

Inspection of 311 in-ground termite bait stations was carried out around Council owned buildings. No active Termites were found.

CONCLUSION:

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

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Consistent with expectations, 33% of the 2012-2013 budget has been expended.

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

4.1 Protect the environment and natural beauty of the Tweed

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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16 [CNR-CM] Restoration of endangered ecological communities and threatened fauna habitat at the Pottsville Environment Park

SUBMITTED BY: Natural Resource Management



Caring for the Environment

SUMMARY OF REPORT:

Tweed Shire Council has recently been successful in obtaining funding through the Northern Rivers Catchment Management Authority ('NRCMA') 2012-13 Incentive Program for *Restoration of endangered ecological communities and threatened fauna habitat at the Pottsville Environment Park*. The Pottsville Environment Park contains large areas of floodplain Endangered Ecological Communities and provides important habitat for numerous threatened fauna. In addition to its high conservation significance, the Park also provides an excellent community asset for recreational and nature based activities, and also a resource for Council to use for environmental events, workshops and walks.

NRCMA and Council funds will be used to implement the Pottsville Environment Park Restoration Plan. NRCMA funds will be used to employ professional bush regeneration contractors to undertake primary ecological restoration works. Council cash and in-kind funds will be used to manage and promote the project, engage bush regeneration contractors to undertake follow-up ecological restoration works, develop and install interpretive signage and undertake community engagement activities.

The total funding amount provided by the NRCMA is \$40,000 over a two year period. Council's cash contribution will consist of \$40,000 allocated over the same period.

RECOMMENDATION:

That Council:

- 1. Accepts the funding offered from the Northern Rivers Catchment Management Authority of \$40,000 to undertake on-ground ecological restoration works at Pottsville Environment Park for restoration of endangered ecological communities and threatened fauna habitat over the next two financial years.**
- 2. Votes the income and expenditure.**

REPORT:

Tweed Shire Council has recently been successful in obtaining funding through the NRCMA 2012-13 Incentive Program for *Restoration of endangered ecological communities and threatened fauna habitat at the Pottsville Environment Park*.

The Pottsville Environment Park is Crown Land under the care and control of Council. It is a large coastal bushland reserve situated between Pottsville and the Koala Beach Estate. The Park contains large areas of floodplain Endangered Ecological Communities and provides important habitat for numerous threatened fauna included a flying fox colony and the coastal koala population. As the Park is bound by two arms of Cudgera Creek it provides an important buffering and riparian function for this coastal estuary. Together with large tracts of high conservation coastal bushland to the north and south it provides an essential wildlife movement corridor for the Tweed Coast.

In addition to its high conservation significance, the Park also provides an excellent community asset for recreational and nature based activities, and also a resource for Council to use for environmental events, workshops and walks.

NRCMA and Council funds will be used to implement the Pottsville Environment Park Restoration Plan. This Plan identifies the Park's conservation values, threats, restoration approach and management actions. The primary management action is to control weeds and revegetate cleared areas to protect and expand high conservation vegetation and flora and fauna habitats. Controlling weeds like Lantana and exotic grasses will also reduce bushfire fuel loads.

NRCMA funds will be used to employ professional bush regeneration contractors to undertake primary ecological restoration works. Council cash and in-kind funds will be used to manage and promote the project, engage bush regeneration contractors to undertake follow-up ecological restoration works, develop and install interpretive signage and undertake community engagement activities.

The total funding amount provided by the NRCMA is \$40,000 over a two year period. Council's cash contribution will consist of \$40,000 allocated over the same period.

A copy of the offer from the NRCMA is reproduced below.



Catchment Management Authority Northern Rivers

Tweed Shire Council - Tanya Fountain
PO Box 816
Murwillumbah NSW 2484

19 July 2012

Dear Tanya,

Your Major Project application (INC598) under the 2012-13 Incentive Program

The Northern Rivers Catchment Management Authority (NRCMA) is pleased to advise that your application titled, *Restoration of endangered ecological communities and threatened fauna habitat at Pottsville Environmental Park*, under the 2012-13 Incentive Program has been successful. \$40,000 (ex GST) has been allocated to support delivery of your project.

A NRCMA staff member will be in touch with you shortly to discuss your proposal and to negotiate the appropriate Agreement/s.

In the meantime, if you are not already a Vendor please complete and return the attached Vendor Details form. This form will allow us to make project payments to you when required.

If you do not have an Australian Business Number (ABN) you will also need to complete and return the attached Statement by Supplier form.

Completed form/s must be returned to the NRCMA at the below address within 10 working days of receipt to ensure this offer is not withdrawn.

The full list of successful Incentive Program projects will be published on our website, www.northern.cma.nsw.gov.au.

If you have not been contacted by a Northern Rivers CMA officer within one month of this letter's receipt, please contact Melinda Fletcher on 02 6627 0170 or email Melinda.Fletcher@cma.nsw.gov.au.

Congratulations and we look forward to working with you over the coming months and years.

Yours sincerely,

Ian Simpson
Acting General Manager

All Correspondence to the General Manager - PO Box 818 GRAFTON NSW 2460
Tel: 02 8642 0622 - Fax: 02 8642 0640
Email: northern@cma.nsw.gov.au Website: northern.cma.nsw.gov.au

Page 1

DataWorks Document Number: 53759838

OPTIONS:

Council options are to:

1. Accept NRCMA 2012-13 Incentive Program funds and commit equivalent funds from Council's existing budget for this site to implement *Restoration of endangered ecological communities and threatened fauna habitat at the Pottsville Environment Park*. This option would ensure this important community and environmental asset is managed appropriately.
2. Not to accept NRCMA 2012-13 Incentive Program funds and not to commit equivalent funds from Council's existing budget for this site to implement *Restoration of endangered ecological communities and threatened fauna habitat at the Pottsville Environment Park*. This option would mean that threatening processes would continue to degrade this important community and environmental asset.

CONCLUSION:

Tweed Shire Council has been successful in obtaining \$40,000 through the NRCMA 2012-13 Incentive Program for *Restoration of endangered ecological communities and threatened fauna habitat at the Pottsville Environment Park*. These funds plus cash and in-kind contribution of Council will be used to protect and restore the significant ecological values of the Park in accordance with the Pottsville Environment Park Restoration Plan and consistent with the Tweed Vegetation Management Strategy.

COUNCIL IMPLICATIONS:

a. Policy:

The project is consistent with the Tweed Vegetation Management Strategy which aims to "Encourage the protection and enhancement of regional and local native biological diversity in the Tweed by promoting ecologically sustainable management practices."

b. Budget/Long Term Financial Plan:

- 1 NRCMA contribution over two year period of \$40,000;
- 2 Council contribution over two year period of \$40,000 from the Pottsville Environmental Park program plus in-kind project support;
- 3 Council commitment to maintain the site after project completion.

c. Legal:

Not Applicable.

d. Communication/Engagement:

The project will involve a number of community engagement events and preparation of Tweed Link articles and media releases.

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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17 [CNR-CM] River Health Grants

SUBMITTED BY: Community and Cultural Services



Caring for the Environment

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. 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 included within this 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 Tweed River. In addition there are two restoration projects proposed for the Bilambil and Duroby Creeks which are high priority actions identified in the Cobaki Terranora Broadwater Coastal Zone Management Plan.

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.

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.

A significant project included in this report is the O'Hare property on the Tweed River, Kunghur. The property fronts over 2km of the upper Tweed River at the junction of Kunghur Creek. The landowners are developing their property to a sustainable grazing, native forestry and revegetation land use which aims to revitalise degraded soil and improve biodiversity values. The landowners wish to exclude stock access to the Tweed River with permanent fencing materials and stock watering equipment supplied through the River Health Grant program. In addition, the project will involve weed control to regenerate native riparian vegetation by targeting cats claw creeper and madeira vine, listed as Weeds of National Significance as well as camphor laurel trees. The landowners are providing significant in-kind contribution to the works including: constructing 2080m of four (4) strand wire fencing; providing and installing large water tank (130,000 litres) for stock watering; installation and provision of all fittings for three (3) stock watering troughs; undertaking training in riparian bush regeneration to extend works across all riparian areas on property; restoration and management of approximately 2ha of riparian vegetation.

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

| Property Owner | Locality | Stream frontage (m) | Objective of works | Council contribution |
|-----------------------|-----------------|----------------------------|---|-----------------------------|
| Faye | Tyalgum | 275 | Bush regeneration including control of privet and cats claw creeper | \$3700 |
| Daniels | Urliup | 300 | Revegetation along degraded creek bank | \$3640 |

| Property Owner | Locality | Stream frontage (m) | Objective of works | Council contribution |
|----------------|----------|---------------------|--|----------------------|
| Cunningham | Bilambil | 155 | Revegetation along degraded creek bank | \$5400 |
| O'Hare | Kunghur | 2080 | Restrict stock access to Tweed River and control environmental weeds | \$21,000 |

CONCLUSION:

The projects nominated for approval in this round of river health grant agreements all include significant in-kind contributions from the property owners. Projects will achieve the aims of the River Health Grants Scheme, and are in accordance 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 program

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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REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

18 [EO-CM] Creation of an Easement to Drain Water over Lot 6 Section 14 DP 758739 - Murwillumbah

SUBMITTED BY: Design



Civic Leadership

SUMMARY OF REPORT:

An old stormwater drainage pipeline within Lot 6 Section 14 in DP 758739 and runs out to Murwillumbah Street, Murwillumbah is currently located under the dwelling on the property and cannot be physically maintained. Due to the age of the pipeline Council does not have the benefit of an easement over the pipeline.

As part of the Murwillumbah Street road upgrade project it is planned to relocate the existing stormwater pipeline within Lot 6 so that the new pipeline matches the new road levels. The new stormwater pipeline infrastructure is in a more suitable position on the parcel and a legal right over it by way of an Easement to Drain Water will also be created.

An Easement to Drain Water 3 wide is proposed to be created by Transfer Granting Easement (Form 01TG) which requires the signature of the owner of Lot 6 Section 14 in DP758739 as transferor and the execution by Council under Common Seal as the Transferee and benefiting party.

RECOMMENDATION:

That:

1. Council approves the creation of an Easement to Drain Water 3 wide over Lot 6 Section 14 in DP 758739; and
2. All documentation be executed under the Common Seal of Council.

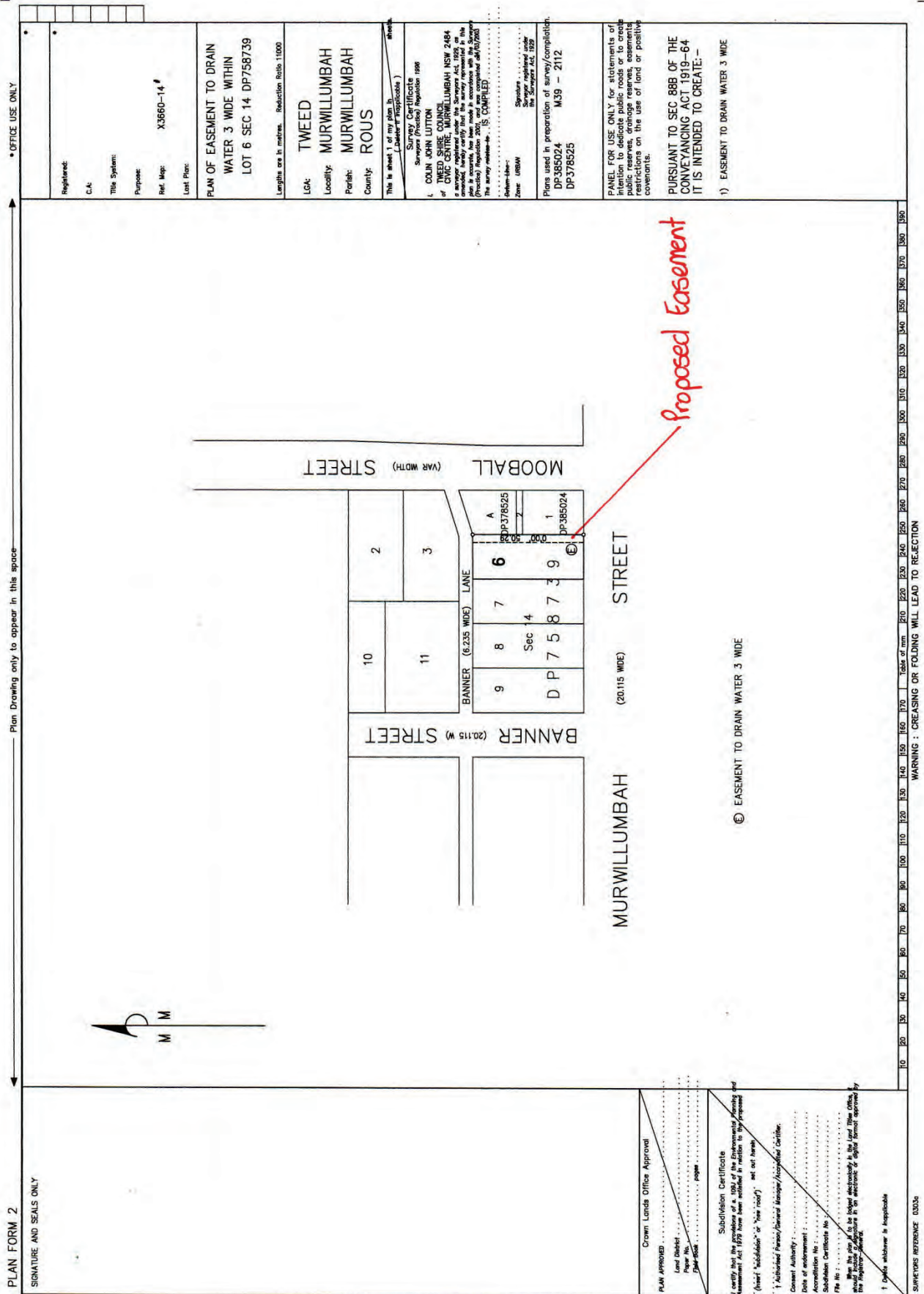
REPORT:

An old stormwater drainage pipeline within Lot 6 Section 14 in DP 758739 and runs out to Murwillumbah Street, Murwillumbah is currently located under the dwelling on the property and cannot be physically maintained. Due to the age of the pipeline Council does not have the benefit of an easement over the pipeline.

Agreement was reached with the original owner of the land in 2002 to create an easement and replace the stormwater pipeline to resolve several issues relating to it. The property was subsequently sold and the new owner purchased the property with the understanding that this agreement remain in place.

As part of the Murwillumbah Street road upgrade project it is planned to relocate the existing stormwater pipeline within Lot 6 so that the new pipeline matches the new road levels. The new stormwater pipeline infrastructure is in a more suitable position on the parcel and a legal right over it by way of an Easement to Drain Water will also be created.

Below is a plan showing the proposed Easement to Drain Water 3 wide:



OPTIONS:

1. Council approves the creation of an Easement to Drain Water 3 wide over Lot 6 Section 14 in DP 758739; or
2. Council does not approve the creation of an Easement to Drain Water 3 wide over Lot 6 Section 14 in DP 758739.

CONCLUSION:

To enable the proposed Easement to Drain Water 3 wide by Transfer Granting Easement (Form 01TG), the signature of the owner of Lot 6 Section 14 in DP758739 as transferor and execution by Council under Common Seal as the Transferee and benefiting party is required.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Drainage Upgrade - 2012/2013 Council Works Program.

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
- 1.3 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
 - 1.3.1.16.2 Complete land acquisitions including valuations

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

19 [EO-CM] Amendment to Locality Boundary between Tweed Heads South and Banora Point

SUBMITTED BY: Design

FILE REFERENCE: GG2/1 Part 6



Civic Leadership

SUMMARY OF REPORT:

During 1994 and 1995 Council was involved with the ratification of the locality boundaries within Tweed Shire in conjunction with the Geographical Names Board.

The final plan of locality boundaries was endorsed by Council on 17 October 1995 and submitted to Geographical Names Board for advertising and subsequent Gazettal on 13 December 1996.

During the advertising period an anomaly was identified in a small section of the boundary line between Tweed Heads South and Banora Point. This information was not acted upon and as such the original Plan of Locality Boundaries was accepted without change. The issue has again been raised recently and the anomaly should now be resolved.

Where an existing extent of locality boundary is proposed to be amended an application is required to be made to the Geographical Names Board. The Board then follows the process outlined in the *Geographical Names Act 1966*, except in the case of minor amendments. Unfortunately due to the large number of residences which are affected, the proposed amendment does not fall into any of the listed categories of exceptions and so there is a requirement for the Board to comply with process set down in the Act.

It is recommended that Council makes application to the Geographical Names Board to alter the Locality Boundary between Tweed Heads South and Banora Point as shown on the plan in the body of this report.

RECOMMENDATION:

That Council makes application to the Geographical Names Board to amend the locality boundary between Banora Point and Tweed Heads South which includes the properties that are located south of the Pacific Highway including all properties within Kimberley Circuit, Narara Crescent, Alpha Way and Winders Place, north of number 61.

REPORT:

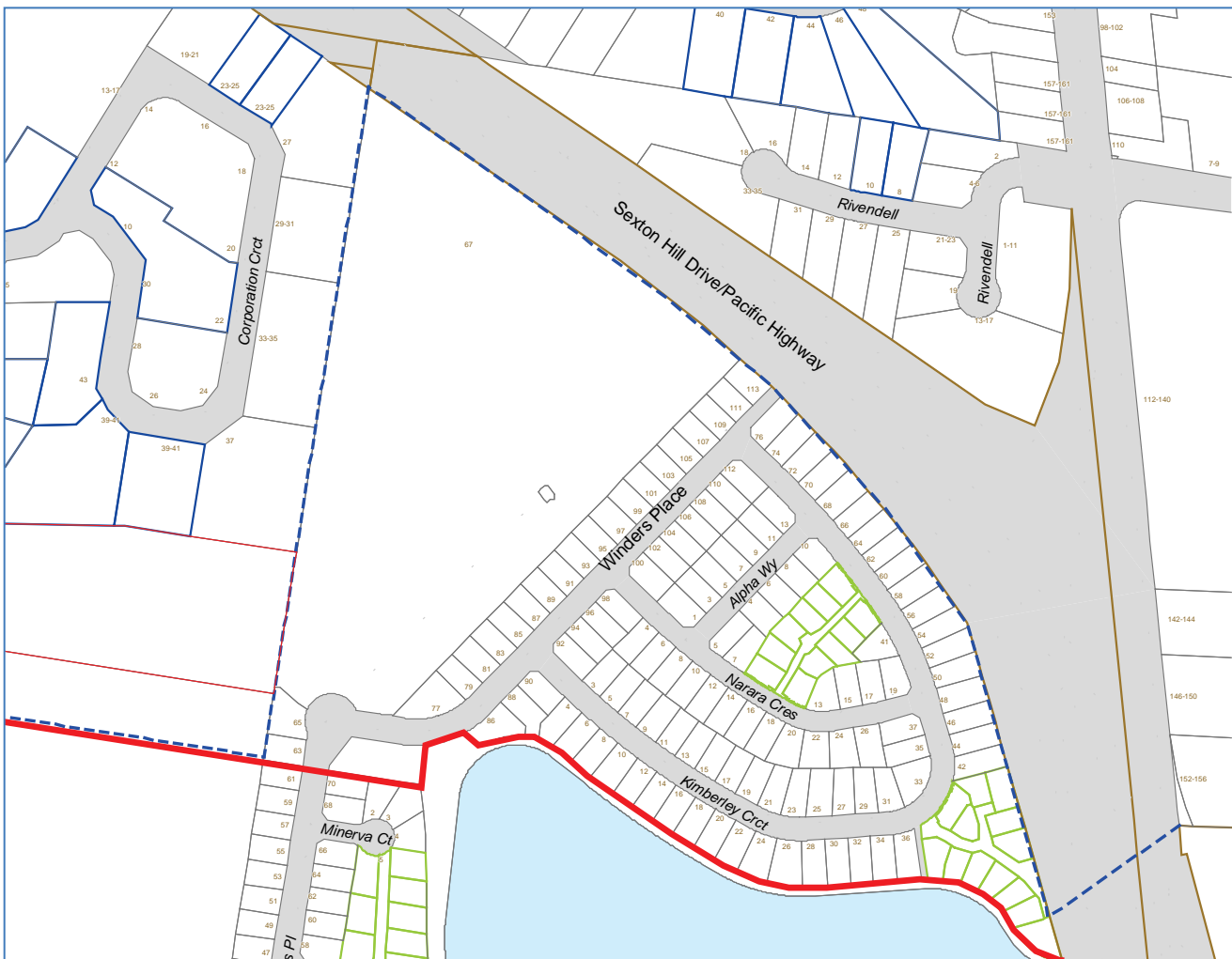
During 1994 and 1995 Council was involved with the ratification of the locality boundaries within the Tweed Shire in conjunction with the Geographical Names Board.

The final plan of locality boundaries was endorsed by Council on 17 October 1995 and submitted to the Geographical Names Board for advertising and subsequent Gazettal on 13 December 1996.

During the advertising period an anomaly was identified in a small section of the boundary line between Tweed Heads South and Banora Point. This information was not acted upon and as such the original Plan of Locality Boundaries was accepted without change. The issue has again been raised recently and the anomaly should now be resolved.

As such Councils cadastral layer shows a different locality boundary than the plan adopted by GNB and utilised by all other Government agencies including inter alia NSW Department of Planning and Infrastructure and NSW Department of Primary Industries Catchment and Lands.

The plan below shows the current adopted locality boundary highlighted by the heavy line and the locality boundary as recorded by Council's cadastral layer highlighted by the dashed line.



The properties affected are located south of the Pacific Highway including all properties within Kimberley Circuit, Narara Crescent, Alpha Way and part of Winders Place. These properties are recorded with Council as belonging in the suburb of Banora Point however on all other mapping systems are recorded as belonging in the suburb of Tweed Heads South.

The anomaly was recently brought to the attention of Council Officers by a property owner within Kimberley Circuit who has experienced difficulty in obtaining emergency services. Upon investigation of the matter it appears that the residents of this area consider themselves to be in the suburb of Banora Point and therefore would support a change to the official Locality Boundary.

The affected properties are only accessible from the intersection of Leisure Drive and Winders Place, Banora Point. There is no access from the Pacific Highway or from the adjacent industrial area located within Tweed Heads South. It is more logical therefore that the locality boundary be amended to incorporate the affected area into the locality of Banora Point.

Where an existing locality boundary is proposed to be amended an application is required to be made to the Geographical Names Board. The Board then follows the process outlined in Sections 8, 9 and 10 of the *Geographical Names Act 1966*, except in the case of minor amendments. Due to the large number of properties which are affected, the proposed amendment does not fall into any of the listed categories of exceptions and so there is a requirement for the Board to comply with process dictated by the Act. This process includes:

Section 8 **A Notice of proposal to assign or alter a name** in the Government Gazette and a local newspaper specifying the proposed name or alteration;

Section 9 **Submissions in relation to proposed name or alteration.** Submissions to the proposal are accepted for a period of one month from the date of publication of the above notice. These submissions are assessed and the Board may make a further proposal or approve or disapprove the recommendation;

Section 10 **Publication of Geographical Names.** If no objections are made to the proposal or any submission received has been overruled by the Board and a recommendation to the Minister that the proposed name or alteration be adopted, then a notice of the proposed name or alteration is published in the Government Gazette.

OPTIONS:

1. Council makes application to the Geographical Names Board to amend the locality boundary between Tweed Heads South and Banora Point as shown in the plan in the body of this report; or
2. Council accepts the ratified boundary as has already been gazetted between Tweed Heads South and Banora Point, making the necessary changes to Council records and notifying all residents within the affected area that they will need to make changes to their address to reflect being within the suburb of Tweed Heads South.

CONCLUSION:

It is strongly recommended that Council makes application to the Geographical Names Board to alter the locality boundary between Tweed Heads South and Banora Point as shown on the plan in the body of this report.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Conformance with Geographical Names Act 1966.

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
- 1.3 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
- 1.3.1.17 Provision of graphical Information System Services for infrastructure projects
- 1.3.1.17.1 Review Design Unit GIS operations to ensure client timeframes for projects are maintained and implement appropriate remedial measures if required

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

20 [EO-CM] Response to Notice of Motion - Bay Street, Tweed Heads

SUBMITTED BY: Design



Civic Leadership

SUMMARY OF REPORT:

In response to the Notice of Motion lodged by Councillor Milne on 25 October 2012 regarding the proposed sale of the Bay Street, Tweed Heads road reserve, there have been no formal reports on this matter since the last report to Council in April 2009, where it was resolved, by the Operations Committee, that the Walker Group, engaged by Centro, be requested to undertake community consultation and to then provide details to Council of the consultation process and any submissions, following which Council would consider the proposal.

The community consultation has not proceeded.

RECOMMENDATION:

That this report in response a Notice of Motion concerning Bay Street, Tweed Heads be received and noted.

REPORT:

In response to the Notice of Motion lodged by Councillor Milne on 25 October 2012 regarding the proposed sale of the Bay Street, Tweed Heads road reserve, the following information is provided:

There have been no formal reports on this matter since the last report to Council in April 2009, where it was resolved, by the Operations Committee, that the Walker Group, engaged by Centro, be requested to undertake community consultation and to then provide details to Council of the consultation process and any submissions, following which Council would consider the proposal.

A letter was received from Centro Properties Group dated 18 May 2009 to the effect that community consultation will be undertaken by the Walker Group.

In July 2009 Council sought an update from Walkers, who verbally advised that they were still working with their consultants preparing the paperwork for the consultation process.

An email on 17 December 2009 from Mr Ralph Gehrman, previously from the Walker group, but now with Proarc Pty Ltd, advised that he would be continuing his involvement in the project. Mr Gehrman also requested a deferral of the commencement of the consultation process in light of the imminent release of the Tweed Cities Plan, which had the potential to impact on the Centro proposal for Bay Street.

The councillors were advised by an email from Mike Rayner dated 29 December 2009 that he would request Mr Gehrman to make a further presentation to the Councillors in a workshop after consideration of any impacts arising from the Tweed Cities Plan, which was to be on formal exhibition from mid-January 2010. A letter dated 11 January 2010 was forwarded to Mr Gehrman to this effect, it appears from our records that no response has been received.

To provide a context for this motion, as well as providing the historical background for the Centro proposal, a Council report dated 16 December 2008 is attached to this report.

OPTIONS:

To receive and note this report.

CONCLUSION:

The proposed closure of Bay Street, Tweed Heads was considered only in response to a proposal by Centro to develop their property in line with planning strategies for the Tweed Heads/Jack Evans Boatharbour precinct.

It is presumed that the combination of the financial difficulties Centro has experienced and the potential impacts of the draft Tweed City LEP appear to have stalled any consideration by Centro to proceed with their development, or the road closure application.

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
- 1.3.1.16.1 Review property and legal services section resources to ensure client timeframes for projects are maintained and implement appropriate remedial measures if required

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1: Council Report dated 16 December 2008 (ECM 1948837).

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21 [EO-CM] Council Land Acquisition and Disposal

SUBMITTED BY: Design



Civic Leadership

SUMMARY OF REPORT:

At its meeting held on 15 May 2012 Council resolved to advertise its intention to dispose of three parcels of land and to proceed with identified actions prior to the disposal of other parcels.

A notice relating to intended disposal of 5 lots has been prepared. The notice refers to the disposal of Lot 1 DP 565594 Bakers Road, Byangum; Lot 400 DP 776483 dwelling at Darlington Drive, Banora Point; Lot 916 DP 31277 and Lot 1 DP 1179345 Piggabeen Road, Piggabeen; Lot 3 DP 213209 Kyogle Road, Terragon and Lot 33 DP 218264 Pioneer Parade, Banora Point.

It is recommended that Council approve the publication of a notice of intention to dispose of Council land in accordance with Council's Disposal of Land Policy.

The notice is required under Council's Disposal of Council Land Policy to allow the public to make submissions in relation to the disposal of Council assets. This ensures that Council provides a transparent process in line with probity requirements. After consideration of submissions Council will then decide whether to proceed with the sale of all, some or none of the subject lots.

Attachment 1 is **CONFIDENTIAL** in accordance Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information in relation to disposal of land, the disclosure of which would be likely to prejudice the commercial position of the sale if it was provided. Accordingly, disclosure of the information is not in the public interest.

RECOMMENDATION:

That:

- 1. Council advertises its intention to dispose of the following parcels of Council land in accordance with the Disposal of Council Land Policy:**

**Lot 1 DP 565594 Bakers Road, Byangum;
Lot 400 DP 776483 with dwelling at Darlington Drive, Banora Point;
Lot 916 DP 31277 and Lot 1 DP 1179345 Piggabeen Road, Piggabeen;
Lot 3 DP 213209 Kyogle Road, Terragon; and
Lot 33 DP 218264 Pioneer Parade, Banora Point.**

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

REPORT:

At its meeting held on 15 May 2012 Council resolved to advertise its intention to dispose of three parcels of land and to proceed with other actions prior to giving notice of disposal of other parcels.

A notice relating to the intended disposal has been prepared, however 2 of the other parcels considered are now also ready to be included in the notice.

The notice is required under Council's Disposal of Council Land Policy to allow the public to make submissions in relation to the disposal of Council assets. This ensures that Council provides a transparent process in line with probity requirements. After consideration of submissions Council will then decide whether to proceed with the sale of all, some or none of the subject lots. (See Clause 1.4 of Disposal of Land Policy).

The May report is a confidential attachment to this report, to provide the background and reasoning for this report and it is essential that it be read concurrently to clarify this report.

It was resolved on 15 May 2012 to adopt Option 1 of the May report, which firstly, identified 3 parcels that were available for sale, as well as listing other parcels which would be available if certain actions were taken to prepare those parcels for sale. The other 2 parcels now included required additional pre sale planning and title investigations, which are now completed.

All of the parcels that are available for sale are classified as operational, so there are no statutory restraints blocking their disposal.

The report also referred to Council's Policy for the Disposal of Land, and the requirement to obtain a valuation to fix a price or reserve for the land parcel and to ensure that the sales reflect the current market.

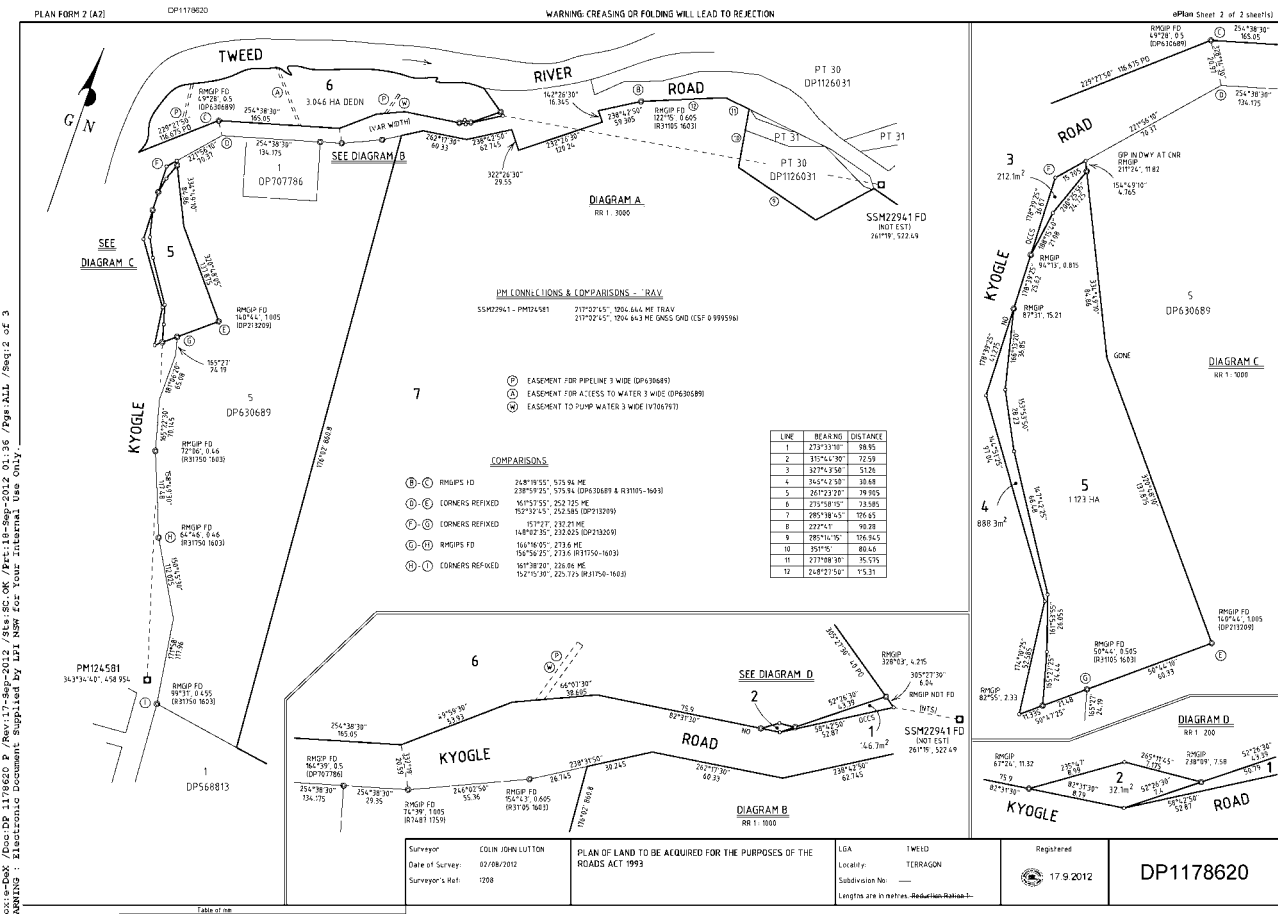
Valuations to determine the market value of the parcels have now been obtained, and are further confidential attachments to this report.

The following is a summarised background to the parcels to be included in the notice of intention to sell to be published:

1. **Lot 1 DP 565594** - Bakers Road, Byangum, a decommissioned quarry. This parcel required no actions, excepting for the determination of current market value.
2. **Lot 400 DP 776483** - Dwelling at Darlington Drive, Banora Point. As above, this parcel is ready for immediate sale.
3. **Lots 915 & 916 DP 31277** - Piggabeen Road, Piggabeen. Two vacant parcels. It was resolved to consolidate Lot 915 with part of Lot 914 (to the east) after excising an access corridor from Lot 914 to a sewer pump station to the rear. This has now been completed, so Lot 915 is now Lot 1 in DP 1179345 and has an area of 858.9 m².
4. **Lot 3 DP 213209** - Kyogle Road, Terragon, was not listed in the report of 15 May 2012 for immediate sale due to dwelling entitlement issues. These have now been resolved sufficiently for this lot to be included in the notice of intention to sell. This is also a decommissioned quarry on Kyogle Road, opposite the intersection with Byrill Creek

Road at Terragon. It was uncertain as to whether the parcel had a dwelling entitlement, so it was resolved to make an application to Council for this purpose. Council planning staff have advised that the parcel does have the benefit of a dwelling entitlement and on that basis, the parcel has been valued accordingly.

Council, at its meeting of 25 October 2012, approved the acquisition of two small parts of Lot 3 for road purposes, to accommodate road works addressing encroachments onto the land. Lots 3 and 4 in DP 1178620 are to be acquired for road, and Lot 5 is the residue parcel that will be available for sale. See DP 1178620 below:



The application to the Department of Local Government has been made and when approval has been obtained and the acquisition is completed, Lot 5 will be available for sale. It is intended to add Lot 5 DP 1178620 to the notice of intention.

5. **Lot 33 DP 218264** - A vacant parcel at Pioneer Parade, Banora Point. Although not listed in the report of 15 May 2012 for immediate sale. This parcel contains a pathway from the overbridge over Sextons Hill Drive, as well as a sewer line which crosses the north eastern corner of the parcel. It is intended to relocate the pathway to a side boundary to facilitate the sale of the parcel and create an easement over the sewer line. This has not yet occurred, but when finalised will be available for sale. This lot has been included in the notice of intention to sell to inform the public. A valuation will be obtained when the parcel is ready for sale.

One overarching comment made by the valuer is that the market conditions are not buoyant, and that the sales would be best dealt with by public tender.

It is recommended that Council approve the publication of a notice of intention to dispose of Council land in accordance with Council's Disposal of Land Policy, and that the notice states the sale of land will be by public tender.

OPTIONS:

1. To approve the publication of a notice of intention to dispose of the parcels listed in this report;
2. To not approve the publication of a notice of intention to dispose of the parcels listed in this report.

CONCLUSION:

As Council has previously resolved to take actions to facilitate the disposal of surplus land parcels, it is recommended that the next necessary step to prepare this action be taken in accordance with the Disposal of Council Land Policy.

COUNCIL IMPLICATIONS:

a. Policy:

Disposal of Council Land. Shown below for ease of reference:

Disposal of Land

Objectives:

The objectives of Tweed Shire Council's Disposal of Land Policy is as follows:-

- To clearly define a framework, responsibilities and procedures for Council Officers to manage the disposal of land.

Sourcing of the Council Policy

The Disposal of Land Policy is listed on the Council's Intranet and Internet.

Legal Requirements

The disposal of land by Council is not prescribed in the Local Government Act other than:

Section 55 of the Local Government Act 1993

This section of the Act does not apply in respect to :-

- a contract for the sale of land; and

Council will dispose of land or property in accordance with its Policy - Council Land - Sale.

Council will dispose of all land owned in fee simple under the Real Property Act, 1900 or the Roads Act, 1993 in accordance with this Policy.

Real Property Act 1900

1. Council owned land held in fee simple under the Real Property Act, 1900 shall be disposed of in the following ways:

- (a) by public auction, or
- (b) by public tender,

except in special circumstances as resolved by Council.

- 1.1 Council shall call for expressions of interest to conduct the auction from auctioneers who have an office established within the Tweed Local Government area. The expressions of interest must be received by Council within fourteen (14) days from the calling. The auctioneer is to be appointed in a manner to be determined by Council.

- 1.2 Should the process by public auction or public tender not result in a sale, then the land will be listed with at least two (2) local real estate agents.

Council shall call for expressions of interest from real estate agents who have an office established within the Tweed Local Government area. The expressions of interest must be received by Council within fourteen (14) days from the calling. The real estate agents are to be appointed in a manner to be determined by Council

- 1.3 For the purpose of fixing a price or reserve, Council is to obtain a valuation of the property being disposed of from a registered valuer operating within the Tweed Local Government area.

- 1.4 Prior to the resolving to dispose of any Council owned land under the Real Property Act, 1900 Council will advertise its intentions to dispose of the land in a local newspaper and seek written submissions on the proposal to be made within a period of twenty (21) days from the date of the advertisement.

Any submissions received in response to the advertising shall be considered in a report to Council prior to any decision to proceed with disposal of the land.

- 1.5 Where land is to be sold in special circumstances as resolved by Council and before a Contract for the Sale of Land is entered into, the prospective Purchaser may be required to demonstrate to Council that any development proposed for the land is suitable for the site and adheres to the requirements of the current zoning and/or necessary rezoning applications will be pursued by the Purchaser at the Purchaser's expense.

Roads Act 1993 - Disposal

2. Council owned land held in fee simple under the Roads Act, 1993 includes all roads within the Tweed Local Government area excepting Crown Public Roads and freeways.

The disposal of land under the Roads Act, 1993 will proceed under the provisions of Divisions 1, 2 and 3 of Part 4 of the Roads Act, 1993.

- 2.1 Disposal of land under the Roads Act, 1993 will not require the proposal to be advertised as required for land held under the Real Property Act, 1900.

Disposal of Council owned land under the Roads Act 1993 requires a resolution of Council

b. Budget/Long Term Financial Plan:

Potential sale proceeds may be attributed to otherwise unbudgeted projects.

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
- 1.3.1 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
- 1.3.1.16.1 Review property and legal services section resources to ensure client timeframes for projects are maintained and implement appropriate remedial

measures if required

UNDER SEPARATE COVER/FURTHER INFORMATION:

- Attachment 1. Council Resolution from meeting held 15 May 2012.
(ECM 50529659).
- Confidential Attachment 1. Confidential Council Report dated 15 May 2012
(ECM 58383186).
- Confidential Attachment 2. Valuation: Bakers Road, Byangum (ECM 58384206).
- Confidential Attachment 3. Valuation: Darlington Drive, Banora Point (ECM 58685837).
- Confidential Attachment 4. Valuation: Piggabeen Road, Piggabeen (ECM 58530527).
- Confidential Attachment 5. Valuation: Kyogle Road, Terragon (ECM 58385249).
-

22 [EO-CM] Kingscliff Foreshore Masterplan

SUBMITTED BY: Design



Civic Leadership



Supporting Community Life

SUMMARY OF REPORT:

In accordance with *Resolution 3* of Council from its meeting on 17 July 2012, that:

"Council:

1. *Adopts the Concept Plan as exhibited for Marine Parade, Kingscliff with the following amendments:*
 - a. *the traffic island to be enlarged near the Marine Parade-Turnock Street intersection to provide increased east to west pedestrian access.*
 - b. *the traffic island to be enlarged adjacent to the existing car park entry and formal pedestrian crossing (opposite Kingscliff Beach Hotel) to provide increased east to west pedestrian access and to better align the street crossing with Council easement from Pearl Street.*
 - c. *Parallel parking to remain outside the existing Amcal Chemist with one disabled parking space provided.*
 - d. *Provide Loading Bay south of pedestrian crossing near Holiday Park entry.*
 - e. *Remove the traffic islands shown in front of Hakkas restaurant. (Not required due to b above).*
2. *Proceeds to detailed design and environmental assessment of the various elements of the Concept Plan.*
3. *Submits a further report on project timing be presented once detailed design and environmental assessment have been completed.*
4. *Arranges a presentation to the Kingscliff and District Chamber of Commerce to enable Council officers to advise the Chamber of the results of the Community Consultation Program and timetable for design and implementation.*
5. *Council officers, in consultation with the Kingscliff and District Chamber of Commerce, further communicate with the business houses in the southern area of Marine Parade to ascertain opportunities for enhancement of the public domain and to further consult with the Kingscliff Residents Association."*

This is the report required by Part 3 above.

RECOMMENDATION:

That Council notes the status of the Marine Parade Kingscliff, one way traffic flow southbound project.

REPORT:

Background

Developer Contribution Plan CP23 - Offsite Parking currently holds approximately \$600,000 for the provision of public car parking (including landscaping) in Kingscliff.

In order to address the parking and road safety concerns raised by the local community, whilst utilising the \$600,000 currently available in Contribution Plan 23 - Offsite Parking, a concept design for the Marine Parade precinct between Seaview Street and Turnock Street was developed by Council Officers in conjunction with the Kingscliff and District Chamber of Commerce. 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 included:

- Making Marine Parade one way southbound from Turnock Street to Seaview Street.
- Providing additional car parking spaces utilising the reduced carriageway width.
- Realigning the road where possible to discourage speeding and complementing this with tree planting in the pedestrian walkways and islands.

The plan was publicly displayed during May and June 2012 and the results reported to Council at its July meeting. Council resolved to proceed to detailed design and construction of the elements shown on the concept plan and this report provides a project update.

Further Consultation

Since the close of the exhibition period Council's Coordinator of Civil Engineering Design has attended the following meetings:

- Kingscliff & District Chamber of Commerce – 17 July 2012
- South (of Fig Tree Marine Parade) Business Group – 17 August 2012

Council Officers have also met with representatives for the applicant for the Kingscliff Beach Hotel upgrade on 16 October 2012 to discuss integrating their proposed works with the Marine Parade proposal.

Follow up letters have also been sent to Kingscliff Ratepayers and Progress Association on 3 August 2012 and the Southern Business Group on 30 October 2012.

Timeframe

The timeframe for the implementation of the Concept Plan is as follows:

Environmental Assessment – October 2012
Planning Application (Part 5 EP and A Act) lodged in week beginning 29 October 2012
Detailed Design Completed – Mid November 2012
Development Consent Issued – December 2012
Construction Commences – 29 January 2013
Construction Completed – 22 March 2013

Note: Good Friday is 29 March 2013

Currently there is no impediment to meeting this timeframe.

Implementation

Funding for survey, design, planning approval and construction is proposed to be sourced from Section 94 Plan No. 23 - Offsite Parking in the 2012/2013 financial year.

The majority of the work will be carried out by Tweed Shire Council work crews from the Works and Recreational Services Units. Specialist contractors, for paving and kerbing, may be engaged if required.

Early Works

In order that roads work construction can commence unhindered, it is proposed to undertake service relocations prior to full construction commencing. The proposed works include:

- Relocation of a Telstra pit and cabling approximately one (1) metre east of its current location in front of the Kingscliff Community Hall. This will enable kerbing to be constructed to enable additional car parking in front of the Hall. (Approximate cost \$10,000).
- Relocation of an existing light pole and Closed Circuit Television (CCTV) camera. This will enable kerbing to be constructed for disabled parking adjacent to the Cenotaph. (Approximate cost \$10,000).

If approved, this work will be undertaken in November or December 2012, prior to the school holidays.

CONCLUSION

Design of the Marine Parade one way traffic flow project from Turnock Street to Seaview Street is well advanced. Work crews from Council's Works Unit and Recreational Services Unit have been assigned for the construction of the works, which subject to receiving development consent, will begin at the end of January 2013.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The Plan is funded using Section 94 Contribution Plan 23 - Offsite Parking, which has a current balance as at 24 October 2012 of \$651,000 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:

Nil.

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23 [EO-CM] EC2012-228 Expressions of Interest for the Supply of Road Construction Materials

SUBMITTED BY: Contracts



Civic Leadership

SUMMARY OF REPORT:

Expressions of Interest have been sought from quarry product producers to establish a Panel of Providers for the annual supply of a range of quarry materials used in Council's day to day road construction and maintenance operations.

RECOMMENDATION:

That:

- 1. In relation to EC2012-228 Expressions of Interest for the Supply of Road Construction Materials Council accepts all suppliers as listed below for inclusion in the Panel of Providers supply arrangement for the supply and loading of Quarry Materials:**

**Boral Resources (Qld) Pty Ltd Trading as Boral Construction Materials
Nucrush Pty Ltd
Holcim (Aust) Pty Ltd
Fulton Hogan
SEE Civil Pty Ltd
Hardings Earthmoving**

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

REPORT:

Expressions of Interest closing 10 October 2012 have been sought from quarry product producers to establish a Panel of Providers for the annual supply of a range of quarry materials used in Council's day to day road construction and maintenance operations.

Submitters were requested to provide a list of prices for the supply and loading of all quarry products to be offered under the Panel of Providers supply arrangement. Quarry products to be supplied are to comply with specific material specification requirements and will be subject to rigid identified quality control procedures.

Purchase decisions will be made with comparative assessment of prices submitted, suitability of materials offered and location of works in relation to supply source.

The supply arrangement will be for a three (3) year term from the date of determination by Council with a possible further two (2) year extension option. Prices are to remain fixed for the initial twelve (12) months and then subject to annual price review.

Following the close of tenders six (6) submissions had been received. Submission details are as follows:

| Supplier | Quarry Location |
|---|-------------------------|
| Boral Resources (Qld) Pty Ltd Trading as Boral Construction Materials | West Burleigh |
| Nucrush Pty Ltd | Oxenford |
| Holcim (Aust) Pty Ltd | Beenleigh |
| Fulton Hogan | Stapylton & Cedar Creek |
| SEE Civil Pty Ltd | Quirks Quarry – Eviron |
| Hardings Earthmoving | Uki |

Tender assessment criteria supplied with the tender documentation is:

- Comparison of tendered schedule rates of material received
- Level of appropriate resources
- Suitability of materials to be specified Technical Standard

OPTIONS:

1. Accept Expressions of Interest as recommended, to maintain the provision of construction and maintenance services.
2. Not accept the Expressions of Interest, which would have an immediate impact on the provision of construction and maintenance services.

CONCLUSION:

That Council accepts all submissions as listed for inclusion in a Panel of Providers supply arrangement for the supply of quarry products.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Version 1.3.

b. Budget/Long Term Financial Plan:

No direct budget implications. Day to day purchases for operational needs to carry out budgeted construction and maintenance functions.

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
- 1.3.2.5 Procurement of works, goods and services by quotation and tendering.
Incorporate "value for money" criteria into Tender Evaluation Plans
- 1.3.2.5.1 Preparation of tender/quotation documents and contract administration and supervision

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Confidential Attachment 1 EC2012-228 Expressions of Interest for the Supply of Road Construction Quarry Materials (ECM 58731037).

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24 [EO-CM] EC2012-233 Supply of Bulk Fuels

SUBMITTED BY: Contracts

FILE REFERENCE: EC2012-233



Civic Leadership

SUMMARY OF REPORT:

Tenders for the Supply and Delivery of Bulk Fuels to Council's Works Depots to service its plant and vehicle fleet have been called.

The tender invited submissions for a non – exclusive contract for the supply of bulk fuels for a three (3) year period with a two (2) year extension option.

RECOMMENDATION:

That:

1. In relation to EC2012-233 Supply and Delivery of Bulk Fuels Council offers non exclusive supply contracts to the following tenderers:
 - Centrel Pty Ltd trading as Reliance Petroleum
 - Caltex Australia Petroleum Pty Ltd
 - Neumann Petroleum Pty Ltd
 - Maxi-Tankers Pty Ltd
 - Park Pty Ltd
2. The non–exclusive supply arrangement will be for a three (3) year period with a two (2) year extension option. Supplier costs charges (Schedule A) are to be reviewed annually.
3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

REPORT:

Tenders closing 10 October 2012 have been called for Supply and Delivery of Bulk Fuels to Council's Murwillumbah and Tweed Heads Depots.

Tenders were received from:

- Centrel Pty Ltd trading as Reliance Petroleum
- Caltex Australia Petroleum Pty Ltd
- Neumann Petroleum Pty Ltd
- Maxi-Tankers Pty Ltd
- Park Pty Ltd

Tenderers were requested to supply prices for the bulk supply of distillate and unleaded petrol (ULP) to the two (2) operational Depots. Suppliers were also requested to provide prices for the supply of Biodiesel if available in their product range.

The proposed supply arrangement will take the form of a non – exclusive supply arrangement with tenderers quoting their charges for delivery /freight, profit margin, administration costs etc listed under Schedule A of the Tender Form that would be added to mandatory Government and Excise Charges (Schedule B) and their (Schedule C) Terminal Gate Price (TGP) for fuel as listed on their websites.

Purchasing decisions would be made following due reference to the tendered charges coupled with the Government and Excise charges and the respective suppliers advertised terminal gate price (TGP) and subject to availability, service and continuity of supply.

The non-exclusive supplier arrangement has been in place for the past five (5) years and has proven quite beneficial with the comparative assessment of suppliers costs prior to each fuel order placement providing significant savings over the term of the arrangement.

Tender assessment criteria supplied with the tender documentation is:

- Comparison of tendered schedule rates received and posted TGP
- Level of appropriate resources
- Demonstrated capability to perform the services as specified
- General performance history
- Relevant experience with contracts of a similar nature
- Financial and operational implications for changes to plant fleet servicing requirements and dispensing infrastructure

OPTIONS:

1. Accept non-exclusive supply contract arrangement for the supply of bulk fuels to service Council's plant and fleet vehicles.
2. To not accept the non exclusive supply contract arrangement would immediately impact on the operation of Council's plant and fleet vehicles.

CONCLUSION:

That Council accepts all submissions as listed and enters into non – exclusive supply contracts with listed tenderers for the supply and delivery of bulk fuels.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Version 1.3.

b. Budget/Long Term Financial Plan:

No direct budget implications. Fuel charges are costed back to budgeted programs across the organisation.

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
- 1.3.2.5 Procurement of works, goods and services by quotation and tendering.
Incorporate “value for money” criteria into Tender Evaluation Plans
- 1.3.2.5.1 Preparation of tender/quotation documents and contract administration and supervision

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. EC2012-233 Supply of Bulk Fuels (ECM 58727893).

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25 [EO-CM] EC2012-243 Supply of Manual Traffic Control Teams

SUBMITTED BY: Contracts



Civic Leadership

SUMMARY OF REPORT:

Tenders have been called for the Supply of Manual Traffic Control Teams for Council works. The contract will be for a twelve (12) month period commencing 1 January 2013 with a possible two (2) by twelve (12) month extension option.

The traffic control tender is one of Council's major service contracts with an estimated contract value in excess of one million dollars per annum. The successful contractor would be expected to supply on average between 30 - 35 traffic control personnel per day.

RECOMMENDATION:

That:

- 1. In relation to EC2012-243 Supply of Manual Traffic Control Teams Council accepts the submission from JHA Recruitment Pty Ltd. The contract will be for a twelve (12) month period commencing 1 January 2013 until 31 December 2013 with a possible two by twelve (12) month extension option.**
- 2 ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains:-**
 - (d) commercial information of a confidential nature that would, if disclosed:**
 - (i) prejudice the commercial position of the person who supplied it, or**
 - (ii) confer a commercial advantage on a competitor of the council, or**
 - (iii) reveal a trade secret.**

REPORT:

Tenders closing 24 October 2012 have been called for the Supply of Manual Traffic Control Teams for Council works. The contract will be for a twelve (12) month period commencing 1 January 2013 with a possible two (2) by twelve (12) month extension option.

The traffic control tender is one of Council's major service contracts with an estimated contract value in excess of one million dollars per annum. The successful contractor would be expected to supply on average between 30 - 35 Traffic Control personnel per day.

For operational reasons it is imperative that Council engages a proven, competent and reliable Contractor to provide traffic control teams to service its works on road reserves within the Shire. Any disruption to the traffic control contract that would not allow Council to source the required daily number of traffic control personnel would have major ramifications on Council's operational functions.

Tenders Received

Following the close of tenders a total of ten (10) submissions had been received. Submission details are as follows:

| Tenderer |
|---------------------------------------|
| Able Secure Traffic Services |
| JHA |
| Traffic Control Services Pty Ltd |
| BFC Traffic Management P/L |
| Workforce International Road Services |
| Aaction Traffic |
| Tweed Traffic Control |
| MG Services |
| K& D Traffic Management |
| Codmah Pty Ltd |

Tender Evaluation

The Tender Evaluation was conducted by Council's Tender Panel, consisting of the Manager Works, Water Unit Operations Engineer and Contracts Unit Engineering Admin Supervisor. A copy of the Tender Evaluation Report is included in **ATTACHMENT 1** which is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest. Recommendations appear below for the Tender.

Based on rates submitted, availability of resources and industry experience, it is recommended that the tenderer JHA Recruitment Pty Ltd be awarded the contract for the Supply of Manual Traffic Control Teams for Council Works.

Details of JHA Recruitment relative competitiveness are shown in the Evaluation Report **CONFIDENTIAL ATTACHMENT 1** which was endorsed by the Evaluation Panel.

OPTIONS:

1. That Council accepts the recommendation to maintain the availability of Traffic Control personnel to service Council projects within road reserve areas.
2. That Council does not accept the recommendation which would have an immediate impact on projects within road reserve areas.

CONCLUSION:

That Council accepts the recommendation to endorse JHA Recruitment as the contract traffic control service provider.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Version 1.3.

b. Budget/Long Term Financial Plan:

No direct budget implications. All works requiring traffic control personnel are programmed and pre budgeted maintenance or construction activities.

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
- 1.3.2.5 Procurement of works, goods and services by quotation and tendering.
Incorporate "value for money" criteria into Tender Evaluation Plans
- 1.3.2.5.1 Preparation of tender/quotation documents and contract administration and supervision

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. EC2012-243 Supply of Manual Traffic Control Teams (ECM 58678445).

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26 [EO-CM] 23 Honeyeater Circuit, South Murwillumbah - Records and Storage Facility

SUBMITTED BY: Design



Civic Leadership

SUMMARY OF REPORT:

Council has recently finalised the construction of a records and storage facility at Honeyeater Circuit, South Murwillumbah.

The facility contains three separate units, one is used for the storage of Council records, a second unit is used for the storage of museum items and the third unit, Unit 1, is vacant.

It is recommended that Council consider the leasing of Unit 1 and that expressions of interest be sought from real estate agents for the management of the rental property.

RECOMMENDATION:

That Council seeks Expressions of Interest from real estate agents for the commercial leasing of Unit 1, 23 Honeyeater Circuit, South Murwillumbah.

REPORT:

Council has recently finalised the construction of a records and storage facility at 23 Honeyeater Circuit, South Murwillumbah.

The building contains three separate units, one is used for the storage of Council paper records, a second unit is used for the storage of museum items and the third unit, Unit 1, is vacant. Unit 1 was built to provide economies of scale and reduce the fixed costs of development for Units 2 and 3.

The units were designed to be entirely separate and self-contained and Unit 1 is now available for sale or lease.

To sell the unit requires the land parcel to be subdivided into a strata property to create separate titles for each unit. The sale of Unit 1 would offset the cost of purchasing the land and construction of the building. This would require a development application for the strata subdivision and would generate development, survey and legal costs in the vicinity of \$5,000 as a minimum.

It is recommended that Council consider the leasing of the Unit 1 and that an expression of interest be sought from real estate agents for the management of the rental property.

OPTIONS:

1. Council seeks expressions of interest from real estate agents for the management of a commercial unit rental being Unit 1, 23 Honeyeater Circuit, South Murwillumbah; or
2. Council initiate the actions required to strata title the property at 23 Honeyeater Circuit, South Murwillumbah as a first step in the sale of Unit 1.

CONCLUSION:

It is recommended that Council seeks expressions of interest for the management of Unit 1 as a commercial rental.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The initial costings for the purchase of land, construction of the facility and financing were provided to Council as a confidential attachment to a report to Council dated 13 December 2011.

In summary, the financing of Unit 1 was through an interest only internal loan from the Waste Management Reserves at 6.36% pa resulting in an annual repayment amount of \$27,350 per annum. A good outcome would be to achieve a rental that closely matched the annual repayments. Indicative figures indicate that this is likely to be achieved in the current market.

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
- 1.3 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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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27 [EO-CM] EC2011-211 Design and Construction of Jim Devine Clubhouse 1st Floor

SUBMITTED BY: Contracts



Supporting Community Life

This report provides an update on the actions taken in relation to the proposed refurbishment of the Murwillumbah Football Club building located within Jim Devine Sportsfield, Murwillumbah.

Open tenders were called for EC2011-211 Design and Construction of Jim Devine Clubhouse 1st Floor on Tuesday 18 September 2012. Tenders closed in Council's Tender Box on 10 October 2012.

The tender prices received were above the estimated budget for the work. Consistent with Local Government (General) Regulation 2005 Clause 178, it is recommended that Council declines to accept any of the tenders, that the tendering process for EC2011-211 be closed and tenderers notified of Council's decision.

In an endeavour to reduce the project costs and potentially bring them closer to budget, it is proposed that Council negotiates with the two lowest priced and fully conforming tenderers.

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

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

RECOMMENDATION:

That:

1. Council declines to accept any of the Tenders received for EC2011-211 Design and Construction of Jim Devine Clubhouse 1st Floor, as no tender received represents value for money.
2. Council enters into direct negotiations, in accordance with the Independent Commission Against Corruption (ICAC) Guidelines, with the two lowest tenderers, Haigh Constructions and The Castlereagh Group, for the work including the potential efficiencies of Council (in conjunction with the Murwillumbah Soccer Club) undertaking some components of the project and subcontracting other components to other entities to provide the best value for money within the available budget.

3. **ATTACHMENT 1 is CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, because it contains:-
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

REPORT:

The Murwillumbah Soccer Club building (Jim Devine Clubhouse Building) is located on the junction of Mooball Street and Queensland Road adjacent to the Murwillumbah Showgrounds. The clubhouse building provides toilets, storage, office space, a canteen and function areas for the Murwillumbah Soccer Club.

The building was previously used for the former caravan park facilities adjacent to the Murwillumbah Showgrounds and was subsequently elevated on a concrete block base. The upstairs (first floor) part of the building, formerly an old Queenslander style house, has undergone substantial modifications over the years. Walls have been removed, archways created, veranda areas enclosed and a rear balcony added. What remains of the old fabric of the building has been significantly modified. The first floor area is also completely inaccessible to wheelchairs and has poor disabled access.

Council has identified a need to upgrade the existing clubhouse to comply with current building standards for community facilities. The existing first floor is proposed to be rebuilt due to the dilapidated state and structural decline of the upper floor. The safe and usable life of the existing first floor has passed and it now requires replacement. In order to replace the first floor structure the existing will be demolished. The existing ground floor will remain with minor variations. Provisions for disabled access to the first floor and new toilet facilities are also included in the scope of work.

Open tenders were called for the Design and Construction of Jim Devine Clubhouse 1st Floor on Tuesday 18 September 2012. Tenders closed in Council's Tender Box on 10 October 2012. There were 5 tenders received as follows:

- Haigh's Constructions
- JVJ Constructions
- Rahmanian
- Stratus Projects Pty Ltd
- The Castlereagh Group

The tender prices received are above the Council budget for the work. Clause 178 of the Local Government Regulation 2005 provides the actions available to Council in this situation and it is intended to pursue the matter in accordance with Clause 178(1)(b) to decline the tenders and sub-clause (3)(e) to enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract with that person/s or party/s to complete the construction and fit outs for the project.

To endeavour to reduce the project costs and potentially bring them closer to budget, it is proposed that Council negotiates with the two lowest priced and fully conforming tenderers.

A direct negotiation process has been chosen rather than re-inviting fresh tenders for applications to achieve project timeframes and to ensure the process produces the best value for money. Direct negotiations shall be undertaken in accordance with Independent Commission Against Corruption (ICAC) guidelines as required by the Local Government Regulation 2005.

CONCLUSION:

The tender prices received were above the estimated budget for the work. On this, and consistent with Local Government Regulation 2005 Clause 178, it is recommended that Council declines to accept any of the tenders, that the tendering process for EC2011-211 be closed and tenderers notified of Council's decision.

To endeavour to reduce the project costs and potentially bring them closer to budget, it is proposed that Council then negotiates with the two lowest priced and fully conforming tenderers.

A direct negotiation process has been chosen rather than re-inviting fresh tenders for applications to achieve project timeframes and to ensure the process produces the best value for money. Direct negotiations shall be undertaken in accordance with Independent Commission Against Corruption (ICAC) guidelines as required by the Local Government Regulation 2005.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy - Not Applicable.

b. Budget/Long Term Financial Plan:

To bring EC2011-211 to within the Council budget allocation

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

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
- 2.3.6.4 Implement Sportfields capital works program
- 2.3.6.4.4 Replace upstairs component of Jim Devine Club House

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Confidential Attachment EC2011-211 Design and Construction of Jim Devine Clubhouse 1st Floor - cost breakdown (ECM 58674175).

28 [EO-CM] Adoption of Amended Section 94 Plan No. 10 - Cobaki Lakes (Version 4)

SUBMITTED BY: Planning and Infrastructure



Civic Leadership

SUMMARY OF REPORT:

Council at its meeting held 15 May 2012 resolved to exhibit Draft S94 Plan No 10 – Cobaki Lakes Open Space and Community Facilities (Version 4). The Draft Plan was exhibited for 28 days from 23 May to 20 June 2012 in accordance with Regulation 28 of the Environmental Planning and Assessment Regulations 2000 via Council’s Tweed Link and website exhibition page.

During the exhibition period one submission was received requesting that Council review costings, timing of works and population yield in the plan. This review has been carried out and where considered justified further amendments in accordance with the submission have been incorporated into the plan recommended for adoption.

The amendments are considered minor in nature, and therefore Amended Section 94 Plan No. 10 - Cobaki Lakes (CP 10) Version 4 is recommended for adoption. 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.
- Increases the yield from 4,300 to 5,500 dwellings as specified in the Cobaki Concept Plan Approval from the NSW Director-General dated November 2010, and applies Council's current adopted density rate of 2.4 persons per lot, resulting in a reduction in expected population from 14,000 persons to 13,200 persons. This results in a minor increase in the Version 4 rates above those that were exhibited.
- Revises the timing of commencement of works.

In addition, Version 4 updates the format and layout of the plan in line with the latest template incorporating Council's brand and reinstates the standard template text at *Clause 2.16 - Allowances for existing development* which was exhibited with the text inadvertently displayed as 'struck-out' due to a formatting error.

Revised contribution rates are as follows:

| | Persons | <i>Version 3 Rate</i> | Version 4 Exhibited Rate (May 2012) | Version 4 Amended Rate (November 2012) |
|-----------------------|---------|-----------------------|--|---|
| Per person | 1 | <i>\$204.93</i> | \$461 | \$488.71 |
| Detached dwelling/lot | 2.4 | <i>\$492</i> | \$1,106 | \$1,173 |
| 1 bedroom unit | 1.3 | <i>\$266</i> | \$599 | \$635 |
| 2 bedroom unit | 1.7 | <i>\$348</i> | \$783 | \$831 |
| 3 bedroom unit | 2.1 | <i>\$430</i> | \$968 | \$1,026 |
| 4+ bedroom unit | 2.4 | <i>\$492</i> | \$1,106 | \$1,173 |

RECOMMENDATION:

That Council:

- 1. Approves S94 Plan No 10 – Cobaki Lakes Version 4 as exhibited, and incorporating the amendments detailed in this report, to repeal and replace the existing version in accordance with Clause 31 of the Environmental Planning & Assessment Regulations 2000;**
- 2. Gives Public Notice in the Tweed Link of Council's decision specifying that Version 4 of S94 Plan No 10 – Cobaki Lakes comes into effect on the date of the notice.**

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 Section 3.3.3 of the amended plan.
- Increases the yield from 4,300 to 5,500 dwellings as specified in the Cobaki Concept Plan Approval from the NSW Director-General dated November 2010, and applies Council's current adopted density rate of 2.4 persons per lot resulting in a reduction in expected population from 14,000 persons to 13,200 persons.
- Revises the timing of commencement of works.
- Updates the format and layout of the plan in line with the latest template incorporating Council's brand.
- Reinstates the standard template text at Clause 2.16 - *Allowances for existing development* which was inadvertently exhibited with the text 'struck-out' due to a formatting error. This minor change reflects Council's practice with regard to existing development, where credits are granted when density is increased.

Summary Schedule - Works Program

| | Funded by this plan | Funded from other sources |
|-----------------------------|---------------------------------------|-------------------------------------|
| Multiuse hall | \$234,555 \$535,800 | |
| Main stage community centre | \$906,870 \$2,036,040 | |
| Branch Library | | \$445,480 \$1,000,160 |
| Neighbourhood Centre | \$636,400 \$1,428,800 | |
| Youth/multipurpose Centre | \$954,600 \$2,143,200 | |
| Community Health Centre | | \$954,600 \$2,143,200 |
| TOTAL | \$2,732,425 \$6,143,840 | |

Revised contribution rates are as follows:

| | Persons | <i>Version 3 Rate</i> | Version 4 Exhibited Rate (May 2012) | Version 4 Amended Rate (November 2012) |
|-----------------------|---------|-----------------------|--|---|
| Per person | 1 | \$204.93 | \$461 | \$488.71 |
| Detached dwelling/lot | 2.4 | \$492 | \$1,106 | \$1,173 |
| 1 bedroom unit | 1.3 | \$266 | \$599 | \$635 |
| 2 bedroom unit | 1.7 | \$348 | \$783 | \$831 |
| 3 bedroom unit | 2.1 | \$430 | \$968 | \$1,026 |
| 4+ bedroom unit | 2.4 | \$492 | \$1,106 | \$1,173 |

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, (\$17,587 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. Exhibition

Council at its meeting held 15 May 2012 resolved to exhibit Draft S94 Plan No 10 – Cobaki Lakes Open Space and Community Facilities (Version 4). The Draft Plan was exhibited for 28 days from 23 May to 20 June 2012 in accordance with Regulation 28 of the Environmental Planning and Assessment Regulations 2000 via Council's Tweed Link and website exhibition page.

During the exhibition period one submission was received requesting that Council review costings, timing and population yield in the plan. This review has been carried out and issues are addressed later in this report.

4. 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 did not alter the mechanism of this plan and were 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 Minister for Planning and Infrastructure was notified of this plan's exhibition and invited to comment. No comment was received.

5. Submissions

One submission (copy attached) was received from Darryl Anderson Consulting Pty Ltd (DAC) on behalf of their client Leda Manorstead which raised three issues with the draft plan. The issues raised are addressed as follows:

1. Population Projections

Extract from DAC submission:

"The plan refers to and utilises the population projections of Tweed Development Control Plan 2008, Section B7 Cobaki Lakes which contemplated a yield of approximately 4300 dwellings. Tweed Development Control Plan 2008 Section B7 Cobaki Lakes has since been repealed.

The population projections should now more relevantly reference the Cobaki Concept Plan Approval. The approved Concept Plan provides for up to 5500 dwellings, including small lot housing."

Response:

A new Concept Plan and Development Code applies to development in Cobaki Lakes, in place of the DCP and it is acknowledged that this was overlooked in this amendment. While S94 Plan No 10 needs to be updated in this regard, the references to the DCP are few, and relate primarily to the Open Space component, which was not subject to review in this amendment.

Nevertheless, the request to review the yields is a valid one, and it is agreed that the current increased yield of 5,500 lots must be incorporated into Version 4. The figure for expected population has therefore been revised from 14,000 to 13,200 persons, based on 5,500 lots x 2.4 persons (Council's adopted density rate per lot). It should be noted that the Director-General's Report on Cobaki Estate Residential Development Major Project 06_0316 (Concept Plan Approval) makes the following observation in relation to the information supplied by the developer regarding yields:

"5.2.2 Dwelling Yield and Density

The concept plan seeks approval for dwelling numbers and densities. However, only indicative dwelling yields and densities were provided for the concept plan in its entirety, not for each individual precinct. The proponent was asked to confirm whether actual or indicative yields are to be considered and to provide further detail in relation to yields across each of the precincts.

The PPR provided no further details on proposed densities or yields to be provided on the site, however the proponent has proposed after discussions with Council, an addition to their Statement of Commitments whereby for each application for subdivision a masterplan will be provided detailing, amongst other things, densities by precinct."

Action: The changes proposed by the submission regarding the increased allotment yield from the Cobaki development are accepted and have been incorporated into the latest version of the plan for adoption. The population density has been revised from 14,000 to 13,200 persons and the S94 Plan and related calculations have been amended accordingly. References to the DCP will be deleted in a future amendment.

2. Estimate of Building Costs

Extract from DAC submission:

"The estimate of building costs applied in the Draft Amendment to the Plan increase from \$1591.00 per m² (2009) to \$3572.00 per m² (2012).

The report accompanying the draft amendment states that the increased cost is based on an extrapolation of the construction costs of the Murwillumbah Community Centre building at Knox Park, Murwillumbah.

The rate appears to be excessively high possibly due to constraints encountered at the Murwillumbah site such as flooding and construction type which should not be required at Cobaki lakes.

A preliminary design of a proposed community centre building has been prepared and Leda has obtained a building cost estimate so that Council can more accurately account for costed items in the works program (see attached).

The Quantity Survey's cost estimate is \$2091.21 per m². With an allowance for at grade car parking, landscaping and furniture the estimate is unlikely to exceed \$2400.00 per m². It is requested that the revised rates be included in the Amended Contribution Plan."

Response:

The cost per square metre of \$3,572 in the exhibited plan was derived by applying the ABS IPD Index for Engineering Construction to the actual cost of construction of the Murwillumbah Community Centre (minus 20% to allow for Murwillumbah site constraints). This is consistent with construction estimates currently used in CP15 Community Facilities. To ensure that this standardised cost is reasonable and accurate for the purpose of responding to this submission, Council has now carried out detailed costings of the various Cobaki community facilities based on current unit rates.

This exercise has resulted in a range of costs per square metre depending on facility type, from \$4,160/m² for a multi-use hall, \$3,893/m² for a community centre / civic centre, \$3,128/m² for a neighbourhood centre, and \$3,475/m² for a co-located youth centre. Combining these facilities to provide an average unit rate cost for community facilities gives \$3,593/m², which is very close to the rate used in the exhibited draft CP10. The detailed costing spreadsheet has been provided as an attachment to this report.

Detailed review of DAC's construction cost estimate has also been carried out to identify the main differences with Council's estimates. This comparison is provided in the table below, and can be summarised as:

- Discrepancy in Building Cost - Council estimates the building cost at a rate of \$2,456/m² whereas DAC estimates the building cost at a rate of \$1,975/m². DAC's estimate lacks detail, however the building rate difference appears to be due to the cost of inclusions such as data and electrical services, fitout, water and sewer connection, and 'green' measures such as insulation, solar power and heating, and rainwater tanks.
- Discrepancy in total area - There is difference between the estimates regarding total areas, be they floor areas or other outdoor embellished areas, though this should not have a significant bearing on the overall rates.

- Discrepancy in "overheads" of carparking, landscaping, contributions and contingencies: - in Council's estimate, total overheads are calculated to be \$1,955,200, or 32% of total project cost whereas in DAC estimates \$833,684.50, or 18% of total project cost.

Based on actual construction costs of similar projects, Council's detailed estimates are considered to be more realistic, and are based on community expectations of finishes, fitout and services. As Council's detailed costings generally align with the cost per square metre of \$3,572 as exhibited in the Amended Plan, no change to the Plan's Works Program is proposed.

| COUNCIL ESTIMATE | | | |
|---|---------------------|------|----------------|
| | Total Building Area | 1720 | m2 |
| TOTAL BUILDING COSTS | \$ 4,224,000 | rate | \$ 2,456 /m2 |
| (refer attached spreadsheet for detailed breakdown) | | | |
| <u>Additional allowances</u> | | | |
| Design and construction overheads | \$ 700,800 | | |
| Carparking | \$ 390,000 | | |
| Landscaping | \$ 115,000 | | |
| Planning and contributions | \$ 399,000 | | |
| Contingency | \$ 350,400 | | |
| TOTAL OVERHEADS | \$ 1,955,200 | 32% | of grand total |
| GRAND TOTAL | \$ 6,179,200 | | |
| Unit rate | \$ 3,593 | | /m2 |
| DAC ESTIMATE | | | |
| | Total Building Area | 1955 | m2 |
| <u>Building costs</u> | | | |
| Amenities and support areas | \$ 735,000 | | |
| Deck / covered external areas | \$ 147,600 | | |
| Entry areas and features | \$ 441,600 | | |
| External play area | \$ 84,000 | | |
| Multi use spaces | \$ 1,629,600 | | |
| Youth centre | \$ 822,600 | | |
| TOTAL BUILDING COSTS | \$ 3,860,400 | | |
| <u>Additional allowances</u> | | | |
| Consultant fees and site investigation costs | \$ 230,000 | | |
| Subtotal | \$ 4,090,400 | rate | \$ 2,092 /m2 |
| Rate for car parking, landscaping, furniture | \$ 308 | | /m2 |
| Subtotal | \$ 601,600 | | |
| TOTAL OVERHEADS | \$ 831,600 | 18% | of grand total |
| GRAND TOTAL | \$ 4,692,000 | | |
| Unit Rate | \$ 2,400 | | /m2 |

Table - comparison of Council and DAC cost estimates

Action: Based on detailed estimates of cost, the changes proposed by the submission have not been accepted, and therefore no action is required.

3. Timing of Works

Extract from DAC submission:

"The timing of works is based on previous estimates prepared at or prior to 2009, assuming that the development would commence in 2009.

The timing of works should more appropriately be linked to a lot or dwelling release threshold. Council's consultant's recommendation is 60% of build out (3300 lots), however a lower threshold of say 2000 lots for the provision of community facilities may be appropriate given the scale of the development. Bearing in mind that these facilities are separate from the open space, sports fields and amenities to be provided with the initial releases under Development consents DA10/800 and DA10/8001.

Setting an appropriate timing for the construction of the community facilities must also be linked to the ability of the developer to provide the proposed land for the Community Facilities. In separate discussions with Council Officers it was explained that the land to be dedicated for the community facilities is located on the western side of the central open space area and will not be provided with services or a constructed road frontage (beyond the existing standard of Sandy Lane) with the development of Precincts 1, 2 or 6. The construction of services to the Community Centre site including a substantial array of culverts crossing the central open space is not economically viable unless it is associated with the creation of residential lots.

On this basis it is not practical or reasonable for the works program to require the construction of the community facilities until such time as there is a demand for the services. Since the Plan does not include contributions for land value, and Council will not accept the site unless it is serviced, the availability of the land may be adequately secured by another mechanism such as an appropriate Deed of Agreement with Council."

Response:

With regard to the staging of the various components of the community facilities in the Works Program, DAC have proposed that a population threshold of 3,300 (equivalent to 60% of total population) could be modified to 2,000 to enable earlier provision.

The current Works Program actually includes both an initial stage of facility provision, timed to match the start of housing construction, followed by a main stage of facilities at the 60% threshold. This arrangement should be retained so that some facilities can be provided to support the new community at the crucial initial stage of development.

The simplest way to achieve this is to post-date the thresholds by three years from the previous 2010 initial date, so that the initial development would occur in 2013, and the major stage in 2018.

Following the most important initial phase, and subject to negotiation with the developer, future adjustments to the main stage date could be considered if circumstances warrant and finances at the time permit.

Action: Changes have been proposed to the timing column of the Works Program in the S94 Plan in response to the submission by the addition of 3 years - this can be reviewed in a later amendment following negotiation with the developer.

OPTIONS:

1. Adopt the amended plan as exhibited and amended by this report - contribution rate will be updated to reflect current construction costs.
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.

The plan as exhibited has been further amended in response to a submission received from DAC Consulting as outlined above and is now recommended for adoption. A copy of the plan for adoption is attached to this report.

COUNCIL IMPLICATIONS:

a. Policy:

Contributions Plan No. 10 - Cobaki Lakes Version 4.

b. Budget/Long Term Financial Plan:

If the Amended 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 has been exhibited in accordance with the requirements of the Environmental Planning and Assessment Act and Regulations and submissions received have been addressed in this report prior to adoption.

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:

- Attachment 1. S94 Plan No 10 - Cobaki Lakes Version 4 (ECM 58680526).
 - Attachment 2. Submission from DAC Consulting Pty Ltd (ECM 52145799).
 - Attachment 3. Detailed costings (ECM 58637141).
-

29 [EO-CM] Seabreeze Entry Statement - Water Feature

SUBMITTED BY: Recreation Services



Supporting Community Life

SUMMARY OF REPORT:

In 2002, Metricon completed construction of the initial stages of the Seabreeze development west of Pottsville. Stage 1 included the dedication to Council of entry statement parklands which included a small park, footpaths, landscaping and a pond/water feature.

The pond/water feature operated by means of a pump circulating water from the pond to the top of the entry where the water flows through a constructed creek bed back into the pond.

Due to the recently experienced extended period of dry weather, the pond began to dry out and Council received a number of complaints about the decreasing amenity of the pond and concern for fauna using the pond. This incident highlighted the fact that in the absence of rain, the pond is designed to be recharged with town water. This design presents significant cost and sustainability issues for Council and is contrary to the strategies Council is implementing through the water demand management program.

RECOMMENDATION:

That Council removes the pond section of the entry water feature in Stage 1 of the Seabreeze Estate and develops an alternative design in consultation with the Seabreeze community.

REPORT:

Background:

In 2002, Metricon completed construction of the initial stages of the Seabreeze development west of Pottsville. Stage 1 included the dedication to Council of entry statement parklands which included a small park, footpaths, landscaping and a pond/water feature (Figure 1).

Due to the recently experienced extended period of dry weather, the pond began to dry out and Council received a number of complaints about the decreasing amenity of the pond and concern for fauna using the pond (photos 1 and 2). Investigation into the complaints revealed that the pond levels are maintained by a float which triggers an outlet supplied by town water to refill the pond when the water levels are reduced to a certain level, and switches the water off at a defined level. There is also a pump which circulates the water in the pond to the top of the creek bed. Maintenance staff advised that an issue they face repeatedly has been people tampering with and breaking the float mechanism and pumps and also regularly turning the water off. It appears that the town water supply had been turned off for some time but due to previous periods of consistent rain it was not noticed.

Water Consumption:

Table 1 illustrates the water consumption and cost associated with constantly 'topping-up' the pond. These figures do not include power costs to run the circulating pump.

| YEAR | CONSUMPTION (kl) | COST (\$) |
|---------|------------------|-----------|
| 2007/08 | 5640 | \$6937 |
| 2008/09 | 6594 | \$8968 |
| 2009/10 | 5729 | \$8593 |
| 2010/11 | 1594 | \$2630 |
| 2011/12 | 3778 | \$6989 |

Table 1: Water consumption and costs figures for the Seabreeze water feature.

Water usage has been as high as 32-33kL/day which is unsustainable for a feature which is solely aesthetic. It would also seem to indicate that the pond loses water by other means than simply evaporation. To place this in perspective, the Pottsville North Caravan Park uses approximately 28kL/day. The water consumption charge this financial year is \$2.05/kL (up from \$1.85 last year) and this will apply to the next read in Nov 2012. Council's revenue policy for water has the water consumption charge increasing annually by \$0.20/kL so these costs will continue to increase. Table 1 illustrates that water usage of over 6,000kL can be expected and the annual cost to maintain the water levels in the pond estimated at \$10,000.

Demand Management Program:

Council is undertaking a shire wide Demand Management Program which aims to reduce water use by various sectors in the shire over a 3-year period. The strategy includes the Tweed's Top 20 and Tweed's Top 100 water saving programs for the Tweed's highest non-residential water users. It also includes the Council's Own Top 20 Program which is addressing water use by properties that are owned and operated by Council such as Council buildings, parks and gardens, caravan parks and treatment plants. The aim is to reduce Council's own demand for potable water and to find alternatives to water use wherever possible. A number of initiatives have already been implemented toward this goal and more projects and initiatives are planned. The high use of water required to maintain the

pond levels, particularly through drier periods, is a concern and counter to the practices Council is attempting to implement.



Seabreeze Stage 1
Entry Statement Water Feature

0 5 10 20 30 40 50 Meters

Figure 1: Seabreeze Stage 1 entry statement



Photos 1 and 2: The Seabreeze pond after an extended dry period (Sept 2012)

Flora and Fauna:

The site was inspected by Council's Senior Environmental Scientist during an early morning (diurnal period) and an evening (nocturnal period) on the 16 and 17 October 2012 reporting the following observations. Bird species were generally typical of park or garden type environments. Given that the aquatic environment is fresh water, and not connected to natural creeks or streams, only common amphibian species such as Dwarf Tree Frogs and Striped Marsh Frog, as well as the introduced Cane Toad, were heard or observed. These species are common and widespread. It is unlikely that the site provides habitat for threatened fauna although highly mobile species such as insectivorous bats may forage in the air space above the site.

In the event that the primary ponded section is removed, it is likely that the bird fauna would largely remain at the site given the density of the planted vegetation providing cover for some species and that many of the plant species would continue to provide a nectar and subsequent foraging resource for the local bird fauna. There is likely to be a reduction in frog fauna although if small ponded elements could remain in the system, frog species adapted to ephemeral environments would likely persist. Aquatic fauna would need to be relocated.

Redesign:

Council's Landscape Architect advised that a possible solution is to reconstruct the pond area to reduce or eliminate the water body, converting the area to an extension of the creek bed where water will flow through to the stormwater outlet in times of rain. The surrounds could be re contoured and converted to turf and landscaping. This redesign would eliminate the requirement for constant recharging with town water.

The estimate to redesign the pond as described above is \$10,000 to \$20,000 (depending on the final design).

Use of Treated Effluent Water:

The trucking of treated effluent water from the Round Mountain Sewerage Plant to top up the pond may be considered an option.

If the pond was to be intermittently refilled with treated effluent, the pond would require approval from the NSW Office of Water as a Recycled Water Project Application under Section 60 of the Local Government Act. Applications for recycled water projects are assessed against and must conform to Australian Guidelines for Water Recycling. Works that would be required include: Assessment of Risks to the Public and Environment, Community Consultation and Preparation of Management Plans.

According to Table 3.8 of The Australian Guidelines the pond would be classified as unrestricted and therefore would require tertiary treated effluent with levels of microbial indicator organisms such as E. coli of <1 per 100ml. The Hastings Point Waste Water Treatment Plant (WWTP) currently produces median E.Coli levels of < 10 per 100ml. In order to maintain the water quality objectives of the guideline additional disinfection and monitoring would be required. Application dependant, this would potentially be onerous and costly to maintain to reduce risk to the public.

Specialised investigation would be required but some of the likely risks of the proposed works that would need to be overcome would include potential human contact with waters

(potentially fencing or other forms of public access restriction) and potential environment impacts of recycled water entering receiving waters.

The complexities and level of detail required for these activities should not be underestimated.

Theoretically the Kingscliff would produce an effluent quality that may be suitable to this application. In other recent applications several onerous downstream controls (e.g. ongoing monitoring and re-chlorination) have been placed on end users that add significantly to ongoing operation and maintenance costs.

There may also be other Development Approvals that may be required.

The practicality of transporting the water presents challenges in that there are limited vehicles that are able to transport treated effluent. The majority are required to transport potable water and cannot contaminate their tanks. The cost of transportation therefore would be significant, particularly if transport is required from Kingscliff

Generally small scale projects such as this are not economically feasible for use of recycled water.

Seabreeze Community:

Council has received a number of communications from local residents expressing concern at any proposals to remove the pond or cease the practice of constant recharging (ref to article from Daily News 12 September 2012 reproduced below). In recognition of the unpleasant state of the pond the community was advised that the pond would be refilled whilst the issue was considered.

Whilst sections of the local community value the pond and the amenity it provides and are likely to be dissatisfied with its removal, it is simply considered unsustainable to continue the current practice. It is proposed that Council's Landscape Architect develop an alternate proposal as described above for consideration by the community.

OPTIONS:

1. Redesign the pond section of the entry statement to eliminate the requirement for use of town water.
2. Continue the current practice of recharging the pond with town water.
3. Leave the pond in its current form, but do not recharge with town water relying solely on rain to fill the pond. The pond will be left to dry out during dry periods.

CONCLUSION:

The constant refilling of the pond element of the Seabreeze Stage 1 entry statement with town water is considered unsustainable. This practice is counter to initiatives and policies developed by Council for sustainable water use and also represent a significant financial burden.

The redesign of the pond to eliminate the requirement for the regular use of town water will attempt to retain the amenity of the area and continue to provide an asset for the local community. It is anticipated that sections of the local community will be dissatisfied with this outcome, but the continued practice cannot be justified.

COUNCIL IMPLICATIONS:

a. Policy:

Water Demand Management Program.

b. Budget/Long Term Financial Plan:

1. Cost to re landscape pond area \$10,000 to \$20,000 (depending on design).
2. Approximately \$10,000/annum water costs.

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
- 2.3 Provide well serviced neighbourhoods
- 2.3.2.1.3 Develop and promote permanent water saving measures

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES

30 [TCS-CM] 2011/2012 Statutory Financial Reports/Audit Report

SUBMITTED BY: Financial Services



Civic Leadership

SUMMARY OF REPORT:

Council's Statutory General Purpose and Special Purpose Financial Reports in accordance with Section 413 of the Local Government Act, 1993 for the financial year ended 30 June 2012 have been completed and audited. The Reports, including significant accounting policies and associated independent Audit Report from Thomas, Noble and Russell (TNR), presents Council with a financial overview of its operations for the year 2011/2012.

The financial result for the year reveals that Council's finances are in a stable position and that the internal financial management practices are sound.

The Financial Reports for 2011/2012 are now presented to Council for adoption.

RECOMMENDATION:

That Council adopts the 2011/2012 Statutory General Purpose and Special Purpose Financial Reports.

REPORT:

Background

Council's General Purpose Financial Report, including significant accounting policies for year ended 30 June 2012 have now been completed and the auditor's report received.

A copy of the Financial Reports will be tabled to this meeting.

These reports were completed by Council and audited by Council's auditors, Thomas Noble and Russell.

Legislation Requirements:

The Local Government Act, 1993 ("the Act") relating to the preparation of Council's annual financial reports requires that:

1. Section 413 – A council must prepare financial reports for each year, and must refer them for audit as soon as practicable after the end of that year.
2. Section 413 (2) – A council's financial reports must include:
 - (a) a general purpose financial report;
 - (b) any other matter prescribed by the regulations; and
 - (c) a statement in the approved form by the council as to its opinion on the general purpose financial report.
3. Section 413 (3) – The general purpose financial report must be prepared in accordance with the Act and the regulations and the requirements of:
 - (a) the publications issued by the Australian Accounting Standards Board, as in force for the time being, subject to regulations; and
 - (b) such other standards as may be prescribed by the regulations.
4. Section 416 – A council's financial reports for a year must be prepared and audited within the period of 4 months after the end of that year.
5. Section 418 – Upon receiving the Auditor's Report, the Act requires the Council to give at least 7 days public notice of the meeting at which it proposes to present its audited financial reports, together with the Auditor's Report, to the public.
6. Section 420 – Any person may make a submission to the Council with respect to the Council's audited financial reports or with respect to the Auditor's Report.
7. Section 428(4)(a) – The audited financial reports must be included in the Council's annual report.
8. Clause 215 of the Local Government (General) Regulation, 2005 requires that the Statement under Section 413 (2) (c) on the annual financial report must be made by resolution of the Council and signed by the Mayor, at least one (1) other member of Council, the General Manager and the Responsible Accounting Officer.

9. It is a requirement of the Division of Local Government that lodgement of the Audited Financial Statements and the Auditors Report be submitted to the Director General (Chief Executive) by 7 November of each year. (Note: This requirement has been met with Council submitting the Statements on 26 October 2012).

Council's responsibility

Council is responsible for the preparation of the financial reports and adequate disclosures. This includes the maintenance of adequate accounting records and internal controls, the selection and application of accounting policies, and the safeguarding of the assets of Council. As the Responsible Accounting Officer, the Manager Financial Services, Mr Michael Chorlton has stated the accounting records have been maintained in accordance with Section 412 of the Act and in a manner that permitted the preparation of the General and Special Purpose Financial Reports for the year ended 30 June 2012.

Update No. 20 to the Local Government Code of Accounting Practice and Financial Reporting was issued in May of this year and is relevant to accounting periods ending 30 June 2012.

Benefits and Purpose of Annual Financial Reporting

The primary benefits of financial reporting are:

- It makes Council accountable to the community for its financial management
- It provides the community and other interested parties with access to information about the current financial status of Council and its operational performance for the period in question.

The purpose of financial reporting, or the preparation of annual financial statements, is to communicate information about the financial position and operating results of Council to those who need to know or have an interest in Council operations.

Parties who have an interest in, or need to know financial reporting information include:

- councillors and management;
- residents/ratepayers;
- government departments and public authorities;
- community groups; and
- financial institutions

The users of financial reporting information are varied and financial statements must, therefore, be structured to meet all their respective requirements. This is achieved through conformity with the Australian Accounting Standards, which apply to the majority of business operations in Australia.

Annual Financial Reporting System

General Purpose Financial Reports

Under the requirements of Australian Accounting Standards, Council is required to prepare the following reports for each financial year.

Income Statement

This shows the operating result and change in net assets from operations for the year.

Statement of Comprehensive Income

Components of the statement of comprehensive income are items of income and expense that are not recognised in profit and loss as required or permitted by other Australian Accounting Standards. These items were previously recorded in the statement of change in equity, but due to the change in AASB101 *Presentation of Financial Statements*, are now recorded in this new statement.

Balance Sheet

This discloses the assets, liabilities and equity of Council.

Statement of Changes in Equity

This reconciles opening and closing balances for each class of equity during the reporting period and gives details of any movement in these classes of equity.

Cash Flow Statement

This shows information about cash flows associated with Council's operating, financing and investing activities.

Notes to the Financial Statements

These disclose the accounting policies adopted by Council and provide additional material necessary for evaluating and interpreting the financial statements.

In addition to the General Purpose Financial Reports, Council must also submit the Auditor's Reports in accordance with Section 417(1) of the Act and Council's Statement in accordance with Section 413(2)(c) of the Act.

Special Purpose Financial Reports

The National Competition Policy requires Local Government to complete Special Purpose Financial Reports for all Council's declared business activities:- Tweed Water, Tweed Sewerage, Tweed Coast Holiday Parks and Commercial Waste.

Special Schedules

The Division of Local Government, the Local Government Grants Commission and the NSW Office of Water require a series of schedules. These provide additional details on Council's net cost of services; internal and external loans; operating statements and statements of net assets committed for water and sewerage services; and information on water and sewerage rates and charges.

Audit Mandate

Council's Auditors, Thomas Noble and Russell, have completed the audit of Council's general purpose financial reports for the year ended 30 June 2012 under Section 417 of the Local Government Act 1993.

The audit included:

- An examination of the financial information for the purpose of expressing an opinion on financial statements to help establish the credibility of those statements

- An examination of financial information for the purpose of reporting on the legality and control of operations and the probity of those dealing with public funds, and including the expression of an opinion on an entity's compliance with the statutory requirements and regulations that govern the activities of Council.

Council's auditor must prepare two reports to Council (Section 417 (1)):

- A report on the general purpose financial report, and
- A report on the conduct of the audit.

As soon as practicable after receiving the auditor's reports, Council must send a copy of the audited financial reports and the auditor's reports to the NSW Division of Local Government.

Management Responsibility - Audit

The performance of an audit or the provision of an audit report does not in any way absolve or relieve management of its responsibility in the maintenance of adequate accounting policies and the preparation of financial information such as budget preparation and the quarterly budget reviews submitted to Council each three months. Council has strong internal management reporting practices in place that ensures all costs and income are monitored and acted upon.

Management has the responsibility to safeguard Council assets and prescribe policies and procedures that are consistent with the economic and efficient use of resources.

Performance Indicators

Council remains in a sound financial position regarding its short-term liquidity. The key financial performance ratios, as shown in the statements and listed in the following table, remain at satisfactory levels.

| Performance Indicators | 2011/12 | 2010/11 | 2009/10 | 2008/09 |
|---|---------|---------|---------|---------|
| Unrestricted Current Ratio | 3.07:1 | 2.77:1 | 2.65:1 | 2.37:1 |
| Debt Service Ratio | 14.05% | 13.81% | 11.67% | 8.94% |
| Rates and Annual Charges Coverage Ratio | 44.41% | 47.02% | 42.70% | 43.01% |
| Rates and Annual Charges Outstanding | 8.08% | 7.28% | 7.22% | 5.82% |

To clarify the meaning and implication, a basic definition of each indicator is listed below.

- Unrestricted Current Ratio – The total current cash or cash convertible assets available, divided by current liabilities, excluding assets and liabilities, which relate to activities that are restricted to specific purposes by legislation. This is a measure of Council's liquidity.
- Debt Service Ratio – The amount used to repay borrowings as a percentage of total operating revenues. The indicator shows the amount of revenue necessary to service annual debt obligations.
- Rates and Annual Charges Coverage Ratio – This percentage is based on rates and annual charges revenues as a percentage of total operating revenues. This is a measure of Council's dependency on rate income.

- d) Rates and Annual Charges Outstanding Percentage – This percentage is based on the amount outstanding as a percentage of the amount to be collected for rates and annual charges. This indicator measures the effectiveness of Council in recovering legally owed debts.

Financial Statements 2012

Tweed Shire Council

Income Statement for the financial year ended 30 June 2012

| Budget ⁽¹⁾ | | Notes | Actual | Actual |
|--|--|-------|----------------|-----------------|
| 2012 | \$ '000 | | 2012 | 2011 |
| Income from Continuing Operations | | | | |
| <i>Revenue:</i> | | | | |
| 77,934 | Rates & Annual Charges | 3a | 78,970 | 73,336 |
| 32,034 | User Charges & Fees | 3b | 34,382 | 31,866 |
| 7,640 | Interest & Investment Revenue | 3c | 11,829 | 10,202 |
| 1,872 | Other Revenues | 3d | 2,396 | 6,861 |
| 15,560 | Grants & Contributions provided for Operating Purposes | 3e,f | 26,367 | 18,762 |
| 15,162 | Grants & Contributions provided for Capital Purposes | 3e,f | 23,859 | 15,822 |
| 150,202 | Total Income from Continuing Operations | | 177,803 | 156,849 |
| Expenses from Continuing Operations | | | | |
| 43,601 | Employee Benefits & On-Costs | 4a | 43,112 | 44,705 |
| 13,290 | Borrowing Costs | 4b | 14,105 | 12,940 |
| 42,349 | Materials & Contracts | 4c | 43,714 | 40,754 |
| 38,142 | Depreciation & Amortisation | 4d | 38,167 | 37,192 |
| - | Impairment | 4d | - | - |
| 13,367 | Other Expenses | 4e | 13,647 | 13,890 |
| - | Net Losses from the Disposal of Assets | 5 | 5,570 | 4,663 |
| - | Net Share of interests in Joint Ventures & Associated Entities using the equity method | 19 | 20 | 17 |
| 150,749 | Total Expenses from Continuing Operations | | 158,335 | 154,161 |
| (547) | Operating Result from Continuing Operations | | 19,468 | 2,688 |
| Discontinued Operations | | | | |
| - | Net Profit/(Loss) from Discontinued Operations | 24 | - | - |
| (547) | Net Operating Result for the Year | | 19,468 | 2,688 |
| (547) | Net Operating Result attributable to Council | | 19,468 | 2,888 |
| - | Net Operating Result attributable to Minority Interests | | - | - |
| (15,709) | Net Operating Result for the year before Grants and Contributions provided for Capital Purposes | | (4,391) | (13,134) |

(1) Original Budget as approved by Council - refer Note 16

Tweed Shire Council

Balance Sheet
as at 30 June 2012

| \$ '000 | Notes | Actual 2012 | Actual 2011 |
|---|-------|-------------------------|-------------------------|
| ASSETS | | | |
| Current Assets | | | |
| Cash & Cash Equivalents | 6a | 13,019 | 9,035 |
| Investments | 6b | 96,942 | 109,400 |
| Receivables | 7 | 21,908 | 19,185 |
| Inventories | 8 | 1,667 | 1,660 |
| Other | 8 | 2,261 | 2,369 |
| Non-current assets classified as "held for sale" | 22 | - | - |
| Total Current Assets | | <u>135,797</u> | <u>141,649</u> |
| Non-Current Assets | | | |
| Investments | 6b | 65,380 | 54,190 |
| Receivables | 7 | 3,102 | 2,913 |
| Infrastructure, Property, Plant & Equipment | 9 | 2,542,307 | 2,526,044 |
| Investments accounted for using the equity method | 19 | - | - |
| Investment Property | 14 | 1,327 | 1,688 |
| Intangible Assets | 25 | 730 | 615 |
| Total Non-Current Assets | | <u>2,612,846</u> | <u>2,585,450</u> |
| TOTAL ASSETS | | <u>2,748,643</u> | <u>2,727,099</u> |
| LIABILITIES | | | |
| Current Liabilities | | | |
| Payables | 10 | 13,756 | 14,786 |
| Borrowings | 10 | 9,024 | 6,419 |
| Provisions | 10 | 15,770 | 16,916 |
| Total Current Liabilities | | <u>38,550</u> | <u>38,121</u> |
| Non-Current Liabilities | | | |
| Payables | 10 | 486 | 523 |
| Borrowings | 10 | 182,028 | 180,510 |
| Provisions | 10 | 5,219 | 4,943 |
| Total Non-Current Liabilities | | <u>187,733</u> | <u>185,976</u> |
| TOTAL LIABILITIES | | <u>226,283</u> | <u>224,097</u> |
| Net Assets | | <u>2,522,360</u> | <u>2,503,002</u> |
| EQUITY | | | |
| Retained Earnings | 20 | 1,207,322 | 1,211,450 |
| Revaluation Reserves | 20 | 1,315,038 | 1,291,552 |
| Council Equity Interest | | 2,522,360 | 2,503,002 |
| Minority Equity Interest | | - | - |
| Total Equity | | <u>2,522,360</u> | <u>2,503,002</u> |

Tweed Shire Council

Statement of Changes in Equity
for the financial year ended 30 June 2012

| \$ '000 | Notes | Retained Earnings | Reserves (Refer 20b) | Council Interest | Minority Interest | Total Equity |
|--|----------|-------------------|----------------------|------------------|-------------------|------------------|
| 2012 | | | | | | |
| Opening Balance (as per Last Year's Audited Accounts) | | 1,211,450 | 1,291,552 | 2,503,002 | - | 2,503,002 |
| a. Correction of Prior Period Errors | 20 (c) | (23,596) | - | (23,596) | - | (23,596) |
| b. Changes in Accounting Policies (prior year effects) | 20 (d) | - | - | - | - | - |
| Revised Opening Balance (as at 1/7/11) | | 1,187,854 | 1,291,552 | 2,479,406 | - | 2,479,406 |
| c. Net Operating Result for the Year | | 19,468 | - | 19,468 | - | 19,468 |
| d. Other Comprehensive Income | | | | | | |
| - Revaluations : IPP&E Asset Revaluation Rsve | 20b (ii) | - | 23,486 | 23,486 | - | 23,486 |
| - Revaluations: Other Reserves | 20b (ii) | - | - | - | - | - |
| - Transfers to Income Statement | 20b (ii) | - | - | - | - | - |
| - Impairment (loss) reversal relating to I,PP&E | 20b (ii) | - | - | - | - | - |
| - Other Movements | 20b (ii) | - | - | - | - | - |
| Other Comprehensive Income | | - | 23,486 | 23,486 | - | 23,486 |
| Total Comprehensive Income (c&d) | | 19,468 | 23,486 | 42,954 | - | 42,954 |
| e. Distributions to/(Contributions from) Minority Interests | | - | - | - | - | - |
| f. Transfers between Equity | | - | - | - | - | - |
| Equity - Balance at end of the reporting period | | 1,207,322 | 1,315,038 | 2,522,360 | - | 2,522,360 |

| \$ '000 | Notes | Retained Earnings | Reserves (Refer 20b) | Council Interest | Minority Interest | Total Equity |
|--|----------|-------------------|----------------------|------------------|-------------------|------------------|
| 2011 | | | | | | |
| Opening Balance (as per Last Year's Audited Accounts) | | 1,166,657 | 1,166,042 | 2,332,699 | - | 2,332,699 |
| a. Correction of Prior Period Errors | 20 (c) | - | - | - | - | - |
| b. Changes in Accounting Policies (prior year effects) | 20 (d) | 42,105 | - | 42,105 | - | 42,105 |
| Revised Opening Balance (as at 1/7/10) | | 1,208,762 | 1,166,042 | 2,374,804 | - | 2,374,804 |
| c. Net Operating Result for the Year | | 2,688 | - | 2,688 | - | 2,688 |
| d. Other Comprehensive Income | | | | | | |
| - Revaluations : IPP&E Asset Revaluation Rsve | 20b (ii) | - | 125,510 | 125,510 | - | 125,510 |
| - Revaluations: Other Reserves | 20b (ii) | - | - | - | - | - |
| - Transfers to Income Statement | 20b (ii) | - | - | - | - | - |
| - Impairment (loss) reversal relating to I,PP&E | 20b (ii) | - | - | - | - | - |
| - Other Movements | 20b (ii) | - | - | - | - | - |
| Other Comprehensive Income | | - | 125,510 | 125,510 | - | 125,510 |
| Total Comprehensive Income (c&d) | | 2,688 | 125,510 | 128,198 | - | 128,198 |
| e. Distributions to/(Contributions from) Minority Interests | | - | - | - | - | - |
| f. Transfers between Equity | | - | - | - | - | - |
| Equity - Balance at end of the reporting period | | 1,211,450 | 1,291,552 | 2,503,002 | - | 2,503,002 |

Tweed Shire Council

Statement of Cash Flows

for the financial year ended 30 June 2012

| Budget 2012 | \$ '000 | Notes | Actual 2012 | Actual 2011 |
|---|---------|------------|-----------------|-----------------|
| Cash Flows from Operating Activities | | | | |
| Receipts: | | | | |
| 77,934 | | | 77,994 | 72,765 |
| 32,035 | | | 32,658 | 32,109 |
| 7,640 | | | 12,613 | 9,641 |
| 30,722 | | | 34,653 | 26,281 |
| - | | | 143 | 207 |
| 1,872 | | | 2,948 | 2,125 |
| Payments: | | | | |
| (43,601) | | | (43,627) | (43,751) |
| (41,105) | | | (44,948) | (38,287) |
| (13,291) | | | (14,050) | (12,004) |
| - | | | - | (22) |
| (14,611) | | | (13,964) | (14,992) |
| 37,595 | | 11b | 44,420 | 34,072 |
| Cash Flows from Investing Activities | | | | |
| Receipts: | | | | |
| - | | | 156,000 | 67,535 |
| - | | | 258 | - |
| 3,587 | | | 3,668 | 1,348 |
| - | | | 108 | 108 |
| Payments: | | | | |
| - | | | (154,330) | (93,815) |
| (78,473) | | | (50,242) | (46,134) |
| - | | | (20) | (17) |
| (74,886) | | | (44,558) | (70,975) |
| Cash Flows from Financing Activities | | | | |
| Receipts: | | | | |
| 9,443 | | | 9,725 | 33,847 |
| Payments: | | | | |
| (6,513) | | | (5,602) | (6,126) |
| 2,930 | | | 4,123 | 27,721 |
| (34,361) | | | 3,985 | (9,182) |
| 124,477 | | 11a | 9,035 | 18,217 |
| 90,116 | | 11a | 13,020 | 9,035 |
| Additional Information: | | | | |
| | | 6b | 162,322 | 163,590 |
| | | | 175,342 | 172,625 |

Please refer to Note 11 for additional cash flow information

OPTIONS:

Not Applicable.

CONCLUSION:

The Financial Reports for 2011/2012 are now presented to Council for adoption.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

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
- 1.2.3.1.2 Audited Annual Financial Reports

UNDER SEPARATE COVER/FURTHER INFORMATION:

Note: The Statutory General Purpose and Special Purpose Financial Statements for the year 2011/2012 are included with the 2011/2012 Annual Report (ECM58591944).

31 [TCS-CM] Tweed Shire Council Annual Report 2011/2012

SUBMITTED BY: Corporate Governance



Civic Leadership

SUMMARY OF REPORT:

The Tweed Shire Council Annual Report 2011/2012 is an integral part of Council's Integrated Planning and Reporting Framework and a mechanism for accountability between Council and its community.

The Annual Report is comprised of four distinct components which include:

1. The Tweed Shire Council Annual Report 2011/2012.
2. Statutory information required by the *Local Government Act 1993* (NSW).
3. Tweed Shire Council Audited Financial Statements 2011/2012.
4. State of the Environment Report for the Northern Rivers Region 2012 expected to be released on 12 November 2012 by Northern Rivers Catchment Management Authority, which will be referenced via Council's website and tabled at the Council meeting of 15 November 2012, should it be available.

Council will make available all documents comprising its Annual Report for 2011/2012 on its website for public access. Hard copies of all documents will be available on request to assist members of the public who do not have internet access.

In addition Tweed Shire Council will notify the Minister for Local Government of the URL address to enable access to each component of the Tweed Shire Council Annual Report 2011/2012.

RECOMMENDATION:

That:

1. Council receives and notes the Tweed Shire Council Annual Report 2011/2012 and associated documents as a responsible mechanism of reporting to the community.
 2. The Tweed Shire Council Annual Report 2011/2012 and associated documents are made available to the public on Council's website.
 3. Council advises the Minister for Local Government of the Tweed Shire Council Annual Report 2011/2012 and associated documents URL links.
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REPORT:

The Tweed Shire Council Annual Report 2011/2012 is an integral part of Council's Integrated Planning and Reporting Framework and a mechanism for accountability between Council and its community.

The Annual Report is presented as a package comprising four components of accountability:

1. The Tweed Shire Council Annual Report 2011/2012.
2. Statutory information required by the *Local Government Act 1993* (NSW).
3. Tweed Shire Council Audited Financial Statements 2011/2012.
4. State of the Environment Report for the Northern Rivers Region 2012 expected to be released on 12 November 2012 by Northern Rivers Catchment Management Authority, which will be referenced via Council's website and tabled at the Council meeting of 15 November 2012, should it be available.

The first component focuses on Council's progress in implementing its Delivery Program and Operational Plan 2011/2012. The Annual Report details achievements by Council for each the strategic themes; Civic Leadership, Supporting Community Life, Strengthening the Economy and Caring for the Environment. In addition Council has provided a State of the Environment summary specific for the Tweed.

The second component details additional statutory requirements that are additional to the Delivery Program and Financial Statements.

The third component is Council's Audited Financial Statements 2011/2012. In addition to key income and expenditure areas for the past financial year the Statements contains asset report with Special Schedule 7 Condition of Public Works and Note 9(a) detailing particulars of asset management.

The fourth component is a State of the Environment ('SOE') report for the Northern Rivers Region. Fifteen Northern Rivers local councils together with the Northern Rivers Catchment Management Authority (NRCMA) have worked to prepare a regional report for 2012, which is expected to be released on 12 November 2012. A link to the regional SOE is provided on Council website.

At the Council meeting of 21 August 2012, it was resolved to incorporate the Community Strategic Plan end of term report as an addendum to the 2011/2012 Annual Report.

Council will make available all documents comprising its Annual Report for 2011/2012 on its website for public access. Hard copies of all documents will be available on request to council to assist members of the public who do not have internet access. In addition Tweed Shire Council will notify the Minister for Local Government of the URL address to enable access to each component of the Tweed Shire Council Annual Report 2011/2012.

OPTIONS:

There is a Statutory Requirement to adopt an Annual Report.

CONCLUSION:

The Tweed Shire Council Annual Report 2011/2012 document collection is provided as a mechanism of accountability to the community. The Annual Report is comprised of four components and is available on Councils website for the community and the Minister for Local Government review.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

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
- 1.2.1.4 Comply with Division of Local Government Strategic Task requirements

UNDER SEPARATE COVER/FURTHER INFORMATION:

- Attachment 1. 2011/2012 Annual Report (ECM 58591947)
 - Attachment 2. 2012 Community Strategic Plan End of Term report (ECM 54578677).
 - Attachment 3. General Purpose Financial Statements for the year ended 30 June 2012 (ECM 58591944)
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32 [TCS-CM] Corporate Quarterly Report - 1 July to 30 September 2012

SUBMITTED BY: Corporate Governance



Civic Leadership

SUMMARY OF REPORT:

The Corporate Quarterly Report for the period 1 July to 30 September 2012 is presented for consideration by Council.

This report and accompanying attachments detail the progress of the 2012/2013 Operational Plan Activities up to 30 September 2012.

RECOMMENDATION:

That Council endorses the Corporate Quarterly Report as at 30 September 2012.

REPORT:

At the Council meeting held Tuesday 26 June 2012 the Operational Plan 2012/2013 was adopted by Council and a reporting structure has been developed which is based upon four themes identified below:



Civic Leadership - Aim: To set the overall direction and long-term goals for the Tweed in accordance with community aspirations.



Supporting Community Life - Aim: To create a place where people are healthy, safe, connected and in harmony with the natural environment, to retain and improve the quality of community life.



Strengthening the Economy- Aim: To strengthen and diversify the region's economic base in a way that complements the environmental and social values of the Tweed.



Caring for the Environment - Aim: For Council and the community to value, respect and actively participate in the care and management of our natural environment for current and future generations.

Some highlights of the quarter 1 July to 30 September 2012 are as follows:

1.1.1.2.1 Prepare Draft LEPs in accordance with sustainability objectives of the Environmental Planning and Assessment Act 1979 and other relevant legislation

Council endorsement of final planning proposal approval for extension of Billabong Caravan Park South Tweed Heads and Boyds Bay Garden World site, Tweed Heads.

1.2.3.1.2 Audited Annual Financial Reports

The result in all these areas is pleasing and places Council in a strong short-term financial position. In the longer term, continued control of debt levels, reduction in outstanding debtors and increases in asset funding are the key objectives.

1.2.3.2.2 Coordinate the progress of asset improvement program as defined in section 8 of the Asset Management Plans

The implementation of the new Fleet Asset System in October 2012 has been a good achievement. The new Enterprise Asset Management System (EAM), a module of the Technology One Corporate system, will in time be rolled out to the other asset areas of Council for roads, drains, buildings, water and sewer. The new system provides a works order system integrated with asset registers, general ledgers and CRM systems and will provide asset data not previously captured. The end result will be better decision making on asset renewal, upgrade and decommissioning, better data for officers in the field and live asset registers.

1.3.1.9.2 Acquire and update remote sensing imagery (photographs etc) for targeted locations in the Tweed Shire

Council entered into a joint venture MOU with the LPI for capture of 10cm and 20cm imagery in the Tweed Shire, which has resulted in positive cost savings and is an example of Government resource sharing. The photography was undertaken by a private vendor and has been received and loaded to Council's GIS. Load of the new imagery to Tweed Maps (Council's Public Mapping web

- site) is scheduled to occur in mid October.
- 1.3.2.2.1 Construct and move to a permanent records and museum storage facility**
Construction of the new building in Honeyeater Circuit has been completed and the facility handed over to Council. All records have been moved from the temporary facilities at Lundberg Drive to the new facility. The new facility offers storage that meets record storage obligations under the State Records Act.
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan**
Conduct of Council's second biennial Staff Satisfaction Survey
- 1.3.1.33.6 Implement appropriate Equal Employment Opportunity training**
Bullying, Harassment and Discrimination training "Reflect Respect" has been developed and is ready for rollout across the organisation. Development of Code of Conduct Training is on hold until the finalisation by the Division of Local Government of the new Model Code.
- 2.1.3.3.1 Develop the Tweed River Regional Museum collection and displays as a valued community resource**
- On schedule to have entire collection of more than 8000 items relocated from the TRRM Murwillumbah into storage by the first week of December 2012.
 - Full implementation of Vernon Collections Management System achieved including migration of legacy data as well as entry of data and images collected as part of the Murwillumbah assessment and relocation project.
- 2.3.3.9.1 Inspect on-site sewage management systems for compliance with relevant legislative and Tweed Shire Council requirements**
The Environmental and Health Section of the Building and Environmental Health Unit has had an excellent quarter in relation to its inspection of onsite sewage management systems achieving a total of 206 inspections carried out well exceeding the target criteria of 125. Although the number of failing systems as a percentage of the total number of system inspections has exceeded the target criteria, this could be interpreted as a consequence of the increased vigilance of such systems by council officers resulting in detection and the application of corrective action before such systems can contribute further to any potential health and/or environmental concern.
- 2.3.4 Provision of high quality, best practice, solid waste disposal with energy recovery, and improving resource recovery practices and infrastructure which meets health and environmental requirements and projected demand**
- Completed the construction of a household hazardous waste storage facility at Stotts Creek Resource Recovery Centre. Following fit out, the facility will be available for residents to responsibly dispose of household quantities of unwanted chemicals and paint.
 - Completed the Regional Waste Disposal Strategy which identified interim and long term options for disposal of waste, both within and outside of the Northern Rivers Region.
- 4.1.3.1.1 Develop, implement and maintain best practice procedures**
The Building Section of the Building and Environmental Health Unit has worked hard during the quarter to achieve a substantial reduction in the target criteria for both the average time to process a complying building application (target 10 days – achieved 4 days) and average time to determine a Building Unit development application (target 40 days – achieved 27 days). This achievement will have likely attributed to greater customer satisfaction with

council's service and potential cost savings to council's clients in relation to construction.

2.1.2 Preserve Indigenous and Non-indigenous cultural places and values

Memorandum of Understanding for the Aboriginal Cultural Heritage Plan.

2.1.2.3.1 Review of Community Heritage Study and advance statutory and policy processes for new heritage item listing in Council

The Community Based Heritage Study (CBHS) has been adopted by the Council. The list of items is being introduced to the draft Tweed LEP 2012 for implementation.

2.3.2 Provision of a secure, high quality and reliable drinking water supply services which meets health and environmental requirements and projected demand

- Launch of two new Water Savings initiatives: Tweed Top 100 and Residential Rebate for Dual Flush Toilets.
- Commissioning of the new Tyalgum Water Treatment Plant.

4.2.2 Encourage and promote rehabilitation and management of native vegetation and wildlife habitat in Tweed Shire

- Bush Futures Project won the National LandCare Partnership Award
- Council received a grant for \$40,000 for restoration of endangered ecological communities and habitat at Pottsville Environment Park.
- Received a grant from the Federal Department of Sustainability, Environment, Water, Population and Communities for the amount of \$2,017,000 for linking Koala Habitat and Endangered Ecological Communities.
- National Tree Day plantings at Koala Beach Estate and the Tweed River at Dum Dum.
- Kingscliff High School students helped plant 300 riparian species on Cudgen Creek.

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 first quarterly report on the progress of the 2012/2013 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:

- Attachment 1. Quarterly Report - Civic Leadership (ECM 58392818)
 - Attachment 2. Quarterly Report - Supporting Community Life (ECM58283549)
 - Attachment 3. Quarterly Report - Strengthening the Economy (ECM58283550)
 - Attachment 4. Quarterly Report - Caring for the Environment (ECM58283551)
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33 [TCS-CM] Quarterly Budget Review - September 2012

SUBMITTED BY: Financial Services



Civic Leadership

SUMMARY OF REPORT:

This is the first quarter statutory budget review for this financial year and summarises the estimated expenditure and income changes to the 2012/2013 Budget.

This statutory report is prepared in accordance with the Local Government (General) Regulations 2005, sections 202 and 203. Council will have a balanced budget as at 30 September 2012 in all Funds.

RECOMMENDATION:

That the:

1. Quarterly Budget Review Statement as at 30 September 2012 be adopted.
2. Expenditure and income, as summarised below and detailed within the report, be voted and adjusted in accordance with the revised total expenditure and income for the year ending 30 June 2013.

| Description | Change to Vote | |
|--------------------------|----------------|---------|
| | Deficit | Surplus |
| General Fund | | |
| <u>Expenses</u> | | |
| Employee costs | 0 | 109,568 |
| Materials & Contracts | 553,707 | 0 |
| Interest | 0 | 0 |
| Other Operating costs | 48,781 | 0 |
| Capital | 126,898 | 0 |
| Loan Repayments | 0 | 0 |
| Transfers to Reserves | 50,000 | 0 |
| | 779,386 | 109,568 |
| <u>Income</u> | | |
| Rates and Annual Charges | 0 | 0 |
| Interest revenue | 0 | 83,068 |
| Operating Grants & Conts | 166,712 | 0 |
| Capital Grants & Conts | 0 | 0 |
| User Charges & Fees | 0 | 0 |
| Other Operating Revenue | 0 | 0 |
| Loan Funds | 0 | 54,933 |

| Description | Change to Vote | |
|--------------------------|------------------|------------------|
| Recoupments | 0 | 268,549 |
| Transfers from Reserves | 0 | 119,980 |
| Asset Sales | 0 | 310,000 |
| | <u>166,712</u> | <u>836,530</u> |
| Net Surplus/(Deficit) | | <u>0</u> |
| | Deficit | Surplus |
| Sewer Fund | | |
| <u>Expenses</u> | | |
| Employee costs | 0 | 0 |
| Materials & Contracts | 266,049 | 0 |
| Interest | 0 | 0 |
| Other Operating costs | 0 | 0 |
| Capital | 5,661,528 | 0 |
| Loan Repayments | 0 | 0 |
| Transfers to Reserves | 0 | 497,199 |
| | <u>5,927,577</u> | <u>497,199</u> |
| <u>Income</u> | 0 | 0 |
| Rates and Annual Charges | 0 | 0 |
| Interest revenue | 0 | 1,266,270 |
| Operating Grants & Conts | 0 | 0 |
| Capital Grants & Conts | 0 | 21,892 |
| User Charges & Fees | 0 | 0 |
| Other Operating Revenue | 0 | 0 |
| Loan Funds | 0 | 0 |
| Recoupments | 0 | 349,329 |
| Transfers from Reserves | 0 | 3,792,887 |
| Asset Sales | 0 | 0 |
| | <u>0</u> | <u>5,430,378</u> |
| Net Surplus/(Deficit) | | <u>0</u> |
| Water Fund | | |
| <u>Expenses</u> | | |
| Employee costs | 0 | 0 |
| Materials & Contracts | 944,184 | 0 |
| Interest | 0 | 0 |
| Other Operating costs | 0 | 0 |
| Capital | 1,951,612 | 0 |
| Loan Repayments | 0 | 0 |
| Transfers to Reserves | 0 | 2,163,848 |
| | <u>2,895,796</u> | <u>2,163,848</u> |
| <u>Income</u> | | |
| Rates and Annual Charges | 0 | 0 |
| Interest revenue | 0 | 345,227 |
| Operating Grants & Conts | 0 | 0 |
| Capital Grants & Conts | 71,633 | 0 |
| User Charges & Fees | 0 | 0 |
| Other Operating Revenue | 0 | 0 |
| Loan Funds | 0 | 0 |

| Description | Change to Vote | |
|-------------------------|------------------|------------------|
| Recoupments | 0 | 1,855,966 |
| Transfers from Reserves | 1,397,612 | 0 |
| Asset Sales | 0 | 0 |
| | <u>1,469,245</u> | <u>2,201,193</u> |
| Net Surplus/(Deficit) | | <u>0</u> |

REPORT:

Budget Review 30 September 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 and Expenses Statement, consolidated and by fund
- Funding Statement, consolidated and by fund, which gives the total budget result
- Capital Budget Review Statement
- Cash & Investments Budget Review Statement
- Budget Review Key Performance Indicators Statement
- Budget Review Contracts (part A) and Other Expenses (part B)

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

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

| Description | \$ | \$ |
|-------------------------------------|---|-------------------------------|
| General Fund | Net Effect on 2012/2013 Budget | Net Effect on LTFP |
| Financial Assistance Grant general | 202,855 | 202,855 |
| Rates Extra Charges Interest | (83,068) | |
| Telephone expenses | (20,607) | (20,607) |
| Workers Comp wages | (80,000) | (80,000) |
| Election expenses | (69,000) | (69,000) |
| Regional library contribution | 20,030 | 20,030 |
| Workers comp adjustment premium | (159,850) | |
| Training expenses | 51,000 | |
| Employee health & fitness | 8,500 | 8,500 |
| Contact Centre expenses | | 63,000 |
| Quarry Operations - gravel issues | | 1,500,000 |
| Quarry Operations - expenses | | (1,290,000) |
| Regional roads maintenance | | 62,000 |
| Regional roads RMS grant | | (62,000) |
| Senior Information Proects Officer | 47,072 | |
| Art Gallery salaries | 8,710 | 8,710 |
| Opportunity/Matching grants reserve | 50,000 | 50,000 |
| Art Gallery electricity | 24,358 | 24,358 |
| | 0 | 417,846 |

Detailed list of changes

| In/Ex | Item | Category | Description | Current Vote | Change to Vote | Details / Comments |
|-------------------------------|------|-------------|--|--------------|----------------|---|
| 1. Proposed Variations | | | | | | |
| General | | | | | | |
| Ex | 1 | Ex-OpOther | Contribution to Murwillumbah Cricket Club | 0 | 25,000 | Work on John Rabjones/Les Cave Clubhouse |
| In | 1 | In-Recoup | Contribution Plan 5 | 0 | -25,000 | Funding for above |
| In | 2 | In-OG&C | Financial Assistance Grant general | -6,573,303 | 202,855 | Advice received |
| In | 3 | In-Interest | Rates Extra Charges Interest | 0 | -83,068 | Unbudgeted interest |
| In | 4 | In-OG&C | Financial Assistance Grant roads | -2,485,782 | 38,632 | Advice received |
| Ex | 4 | Ex-Op | Financial Assistance Grant roads | 2,485,782 | -38,632 | Advice received |
| Ex | 5 | Ex-Op | Beach Vehicle Access Beach Vehicle Licence Income | 0 | 16,000 | Access Ramp Cudgen Surf Club |
| In | 5 | In-TFR | Reserve | 0 | -16,000 | Funding for above |
| Ex | 6 | Ex-OpOther | Telephone expenses | 483,989 | -20,607 | Savings due to VOIP |
| Ex | 7 | Ex-OpEmp | Workers Comp wages | 154,500 | -80,000 | Savings due to legislative changes |
| Ex | 8 | Ex-Op | Election expenses | 450,000 | -69,000 | Advice received |
| Ex | 9 | Ex-Op | Coastline cycleway Tweed Coast Estuaries Management Plan | 135,414 | 188,703 | Cudgen Ck boardwalk contract |
| Ex | 9 | Ex-Op | Contribution Plan 22 | | -72,727 | Funding for above |
| In | 9 | In-Recoup | Murwillumbah office internal reconfiguration | | -115,976 | Funding for above |
| Ex | 10 | Ex-Op | | | 35,000 | Reconfiguration of Engineering office space |

| In/Ex | Item | Category | Description | Current Vote | Change to Vote | Details / Comments |
|-------|------|-------------|--|--------------|----------------|---|
| In | 10 | In-TFR | Asset Management Reserve Office extensions | | -35,000 | Funding for above |
| Ex | 11 | Ex-OpOther | Regional library contribution | 2,079,570 | 20,030 | Advice received |
| Ex | 12 | Ex-Capital | Chinderah Bay Drive foreshore | 0 | 17,500 | Allocate funds from Footpaths |
| Ex | 12 | Ex-Capital | Footpaths | 128,420 | -17,500 | Funding for above |
| Ex | 13 | Ex-OpEmp | Workers comp adjustment premium | -508,763 | -159,850 | Refund received Anti-bullying training - timesheet staff |
| Ex | 14 | Ex-OpEmp | Training expenses | 324,786 | 51,000 | |
| Ex | 15 | Ex-OpEmp | Employee health & fitness | 36,050 | 8,500 | Audiometric testing |
| Ex | 16 | Ex-OpEmp | Contact Centre expenses | 856,208 | 45,000 | Additional team member |
| Ex | 16 | Ex-OpEmp | Internal transfers | | -45,000 | Contribution from Water, Sewer & Waste |
| Ex | 16 | Ex-OpEmp | Waste administration | 394,900 | 15,000 | Contribution to contact Centre |
| In | 16 | In-TFR | Waste reserves | -920,000 | -15,000 | Funding for above |
| Ex | 17 | Ex-Op | Quarry Operations - gravel issues | -1,629,359 | 1,500,000 | Internal income reduced - closure of Quirks |
| Ex | 17 | Ex-Op | Quarry Operations - expenses | 1,415,396 | -1,290,000 | Closure of Quirks |
| Ex | 17 | Ex-Op | Kinnears Quarry | | 100,000 | Complete development |
| In | 17 | In-Sales | Sale of quarry | | -310,000 | Funding for above |
| Ex | 18 | Ex-Op | Regional roads maintenance | 1,696,000 | 62,000 | Advice received |
| Ex | 18 | In-OG&C | Regional roads RMS grant | -1,696,000 | -62,000 | Advice received |
| Ex | 19 | Ex-OpEmp | Seniors Information Projects Officer | 0 | 47,072 | Rollover Grant |
| Ex | 20 | Ex-OpEmp | Art Gallery salaries | 473,180 | 8,710 | Re-estimate of employee costs |
| Ex | 21 | Ex-Capital | Newell Park Murwillumbah | 22,293 | 44,586 | Upgrading works |
| Ex | 21 | Ex-Capital | World Heritage Rainforest Centre | 620,935 | -22,293 | Funding for above |
| Ex | 21 | Ex-Op | Parks asset renewal | 265,312 | -22,293 | Funding for above |
| Ex | 22 | Ex-Op | Tweed Heads Civic Centre | | 50,000 | New replacement Air Conditioning |
| In | 22 | In-TFR | Asset Management Reserve Office extensions | | -50,000 | Funding for above |
| Ex | 23 | Ex-TTR | Opportunity/Matching grants reserve | | 50,000 | New reserve to take advantage of new opportunities |
| Ex | 24 | Ex-OpOther | Art Gallery electricity | 127,064 | 24,358 | Projection based on July/August accounts |
| Ex | 25 | Ex-Capital | Airstrip capital works | 13,305 | -13,305 | Reclassification of expenditure from capital to operating |
| Ex | 25 | Ex-Op | Airstrip resurfacing | 0 | 13,305 | Reclassification of expenditure from capital to operating |
| | | | | | 0 | |
| | | | Sewer Fund | | | |
| Ex | 26 | Ex-Op | Various Operating Expenses | | 266,049 | Review of operating budget |
| In | 26 | In-Interest | Interest | | -1,266,270 | Interest rate reviewed |
| In | 26 | In-CG&C | Grants and Contributions - Capital | | -21,892 | s64 charges reviewed |
| Ex | 26 | Ex-TTR | Reversal of s64 income | | 21,892 | Restriction of above |
| Ex | 26 | Ex-Capital | Various Capital Works | | 5,661,528 | Carry forwards and adjustments |
| Ex | 26 | Ex-TTR | Transfers to Asset Replacement Reserve | | -519,091 | Funding adjustment |
| In | 26 | In-TFR | Transfers from Asset Replacement Reserve | | -3,792,887 | Funding adjustment |
| In | 26 | In-Recoup | Transfers from Capital Contributions Reserve | | -349,329 | Funding adjustment |
| | | | | | 0 | |
| | | | Water Fund | | | |
| Ex | 27 | Ex-Op | Various Operating Expenses | | 944,184 | Carry forwards and adjustments |
| In | 27 | In-Interest | Interest | | -345,227 | Interest rate reviewed |
| In | 27 | In-CG&C | Grants and Contributions - Capital | | 71,633 | s64 charges reviewed |
| Ex | 27 | Ex-TTR | Reversal of s64 income | | -71,633 | Restriction of above |
| Ex | 27 | Ex-Capital | Various Capital Works | | 1,951,612 | Carry forwards and adjustments |
| Ex | 27 | Ex-TTR | Transfers to Asset Replacement Reserve | | -2,092,215 | Funding adjustment |

| In/Ex | Item | Category | Description | Current Vote | Change to Vote | Details / Comments |
|---|------|--------------|--|--------------|------------------|---------------------------|
| In | 27 | In-TFR | Transfers from Asset Replacement Reserve | | 1,397,612 | Funding adjustment |
| In | 27 | In-Recoup | Transfers from Capital Contributions Reserve | | -1,855,966 | Funding adjustment |
| | | | | | 0 | |
| 2. Variations Arising from Council Resolutions | | | | | | |
| Ex | 28 | Ex-Op | Community Options Program | 391,660 | 12,775 | Council meeting 17/7/2012 |
| In | 28 | In-OG&C | ADHC grant | 0 | -12,775 | Council meeting 17/7/2012 |
| Ex | 29 | Ex-Capital | Records storage | | 117,910 | Council meeting 17/7/2012 |
| In | 29 | In-TFR | Transfer from Land Development Reserve | | -3,980 | Council meeting 17/7/2012 |
| Ex | 29 | Ex-Op | IT/Records budget | | -58,997 | Council meeting 17/7/2012 |
| In | 29 | In-Loan | Museum loan | | -54,933 | Council meeting 17/7/2012 |
| Ex | 30 | Ex-Op | Cudgen Creek footbridge contract | | 207,573 | Council meeting 21/8/12 |
| Ex | 30 | Ex-Op | Tweed Coast Estuaries Management | | -80,000 | Council meeting 21/8/12 |
| In | 30 | In-Recoup | CP22 Cycleways | | -127,573 | Council meeting 21/8/12 |
| | | | | | 0 | |
| Summary of Votes by Type | | | | | | |
| | | | 2011/12 Variations | | 0 | |
| | | | Council Resolutions | | 0 | |
| | | | Carried forward | | 0 | |
| | | | | | 0 | |
| Key to Category codes | | | | | | |
| | | Ex-OpEmp | Employee costs | | | |
| | | Ex-Op | Materials & contracts | | | |
| | | Ex-Interest | Interest on loans | | | |
| | | Ex-OpOther | Other operating expenses | | | |
| | | Ex-Capital | Capital works | | | |
| | | Ex-Loan | | | | |
| | | Reps | Repayment on principal on loans | | | |
| | | Ex-TTR | Transfers to reserves | | | |
| | | In-Rates | Rates & annual charges | | | |
| | | In-Interest | Interest income | | | |
| | | In-OG&C | Operating grants & contributions | | | |
| | | In-CG&C | Capital grants & contributions | | | |
| | | In-Operating | User charges & fees | | | |
| | | In-OpOther | Other operating income | | | |
| | | In-Loan | Loan funds | | | |
| | | In-Recoup | Recoupment from s64 & s94 funds | | | |
| | | In-TFR | Transfers from reserves | | | |
| | | In-Sales | Proceeds from sale of assets | | | |
| | | | <u>Expenses</u> | | | |
| | | | Employee costs | | -109,568 | |
| | | | Materials & Contracts | | 1,763,940 | |
| | | | Interest | | 0 | |
| | | | Other Operating costs | | 48,781 | |
| | | | Capital | | 7,740,038 | |
| | | | Loan Repayments | | 0 | |
| | | | Transfers to Reserves | | -2,611,047 | |
| | | | | | 6,832,144 | |
| | | | <u>Income</u> | | | |
| | | | Rates and Annual Charges | | 0 | |
| | | | Interest revenue | | -1,694,565 | |
| | | | Operating Grants & Conts | | 166,712 | |
| | | | Capital Grants & Conts | | 49,741 | |
| | | | User Charges & Fees | | 0 | |
| | | | Other Operating Revenue | | 0 | |
| | | | Loan Funds | | -54,933 | |
| | | | Recoupments | | -2,473,844 | |
| | | | Transfers from Reserves | | -2,515,255 | |

| In/Ex | Item | Category | Description | Current Vote | Change to Vote | Details / Comments |
|---------------------------------------|------|----------|---------------------------------|--------------|-------------------|--------------------|
| | | | Asset Sales | | <u>-310,000</u> | |
| | | | | | <u>-6,832,144</u> | |
| | | | Net | | <u>0</u> | |
| Summary of Votes - by Division | | | | | | |
| | | | Technology & Corporate Services | | <u>-31,170</u> | |
| | | | Planning & Regulation | | <u>0</u> | |
| | | | Community & Natural Resources | | <u>27,443</u> | |
| | | | Engineering & Operations | | <u>95,020</u> | |
| | | | General Manager | | <u>-91,293</u> | |
| | | | | | <u>0</u> | |

Results by fund:

General Fund

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

Water Fund

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

Sewer Fund

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

Quarterly Budget Review Statements

Income and Expense - Consolidated Budget Review Statement for the quarter ended 30 September 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 | 85,185 | - | - | 85,185 | - | 85,185 | 21,867 |
| User Charges and Fees | 34,749 | - | - | 34,749 | - | 34,749 | 8,129 |
| Interest and Investment Revenue | 6,088 | - | - | 6,088 | 1,694 | 7,782 | 4,121 |
| Other Revenues | 1,854 | - | - | 1,854 | - | 1,854 | 449 |
| Grants & Contributions - Operating | 16,215 | - | - | 16,215 | (167) | 16,048 | 3,172 |
| Grants and Contributions - Capital | 1,957 | - | - | 1,957 | 22 | 1,979 | 6,198 |
| - Contributions (S94) | 5,742 | - | - | 5,742 | (72) | 5,670 | 690 |
| Net gain from the disposal of assets | - | - | - | - | - | - | 1 |
| Share of interests in joint ventures | - | - | - | - | - | - | - |
| Total Income | 151,790 | - | - | 151,790 | 1,477 | 153,267 | 44,627 |

| | 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) | | | |
| Expense | | | | | | | |
| Employee costs | 45,737 | - | - | 45,737 | 36 | 45,773 | 10,552 |
| Borrowing Costs | 13,589 | - | - | 13,589 | - | 13,589 | 3,397 |
| Materials & Contracts | 45,835 | - | - | 45,835 | 1,333 | 47,168 | 12,164 |
| Depreciation | 39,643 | - | - | 39,643 | - | 39,643 | 9,911 |
| Legal Costs | 441 | - | - | 441 | - | 441 | 64 |
| Consultants | 624 | - | - | 624 | 284 | 908 | 184 |
| Other Expenses | 14,878 | - | - | 14,878 | 49 | 14,927 | 4,005 |
| Interest and Investment Losses | - | - | - | - | - | - | - |
| Net Loss from Disposal of Assets | - | - | - | - | - | - | - |
| Share of interests in joint ventures | - | - | - | - | - | - | - |
| Total Expenses | 160,747 | - | - | 160,747 | 1,702 | 162,449 | 40,277 |
| Net Operating Result | (8,957) | - | - | (8,957) | (225) | (9,182) | 4,350 |
| Net Operating Result before capital items | (10,914) | - | - | (10,914) | (247) | (11,161) | (1,848) |

Funding Statement - Consolidated - Source & Application of Funds

| | | | | | | |
|---|---------------|----------|----------|---------------|--------------|---------------|
| Operating Result (Income Statement) | (8,957) | - | - | (8,957) | (225) | (9,182) |
| Add Back non-funded items: | | | | | | |
| Depreciation | 39,643 | - | - | 39,643 | - | 39,643 |
| | | - | - | - | - | - |
| Add non-operating funding sources | | | | | | |
| Transfers from Externally Restricted Cash | 13,519 | - | - | 13,519 | 2,473 | 15,992 |
| Transfers from Internally Restricted Cash | 14,841 | - | - | 14,841 | 2,515 | 17,356 |
| Proceeds from sale of assets | 2,294 | - | - | 2,294 | 310 | 2,604 |
| Loan Funds Utilised | 6,660 | - | - | 6,660 | 55 | 6,715 |
| Repayments from Deferred Debtors | - | - | - | - | - | - |
| Funds Available | 68,000 | - | - | 68,000 | 5,128 | 73,128 |
| Funds were applied to: | | | | | | |
| Purchase and construction of assets | 41,956 | - | - | 41,956 | 7,740 | 49,696 |
| Repayment of principal on loans | 7,094 | - | - | 7,094 | - | 7,094 |
| Transfers to Externally Restricted Cash | 5,529 | - | - | 5,529 | - | 5,529 |
| Transfers to Internally Restricted Cash | 13,421 | - | - | 13,314 | 50 | 13,364 |
| Funds Used | 68,000 | - | - | 67,893 | 7,790 | 75,683 |

| | 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) | | | |
| Increase/(Decrease) in Available Working Capital | - | - | - | 107 | (2,662) | (2,555) | |

Income and Expense- General Fund Budget Review Statement for the quarter ended 30 September 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 | 60,632 | | | 60,632 | - | 60,632 | 15,522 |
| User Charges and Fees | 17,709 | | | 17,709 | - | 17,709 | 4,388 |
| Interest and Investment Revenue | 3,135 | | | 3,135 | 83 | 3,218 | 2,433 |
| Other Revenues | 1,627 | | | 1,627 | - | 1,627 | 368 |
| Grants & Contributions - Operating | 15,282 | | | 15,282 | (167) | 15,115 | 3,147 |
| Grants and Contributions - Capital | 1,957 | | | 1,957 | - | 1,957 | 6,198 |
| - Contributions (S94) | 1,587 | | | 1,587 | | 1,587 | 232 |
| Net gain from the disposal of assets | | | | - | | - | 1 |
| Share of interests in joint ventures | | | | - | | - | |
| Total Income | 101,929 | - | - | 101,929 | (84) | 101,845 | 32,289 |

Expense

| | | | | | | | |
|--------------------------------------|---------|---|---|---------|-------|---------|--------|
| Employee costs | 35,415 | | | 35,415 | (110) | 35,305 | 8,367 |
| Borrowing Costs | 6,221 | | | 6,221 | - | 6,221 | 1,555 |
| Materials & Contracts | 35,254 | | | 35,254 | 554 | 35,808 | 10,670 |
| Depreciation | 24,055 | | | 24,055 | | 24,055 | 6,013 |
| Legal Costs | 366 | | | 366 | | 366 | 64 |
| Consultants | 70 | | | 70 | | 70 | 141 |
| Other Expenses | 11,379 | | | 11,379 | 49 | 11,428 | 3,519 |
| Interest and Investment Losses | | | | - | | - | |
| Net Loss from Disposal of Assets | | | | - | | - | |
| Share of interests in joint ventures | | | | - | | - | |
| Total Expenses | 112,760 | - | - | 112,760 | 493 | 113,253 | 30,329 |

Net Operating Result

| | | | | | | |
|----------|---|---|----------|-------|----------|-------|
| (10,831) | - | - | (10,831) | (577) | (11,408) | 1,960 |
|----------|---|---|----------|-------|----------|-------|

Net Operating Result before capital items

| | | | | | | |
|----------|---|---|----------|-------|----------|---------|
| (14,375) | - | - | (12,788) | (577) | (13,365) | (4,238) |
|----------|---|---|----------|-------|----------|---------|

Funding Statement - General Fund - Source and Application of Funds

| | | | | | | |
|-------------------------------------|----------|--|--|----------|-------|----------|
| Operating Result (Income Statement) | (10,831) | | | (10,831) | (577) | (11,408) |
| Add Back non-funded items: | | | | | | |
| Depreciation | | | | | - | |

| | 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) | | | |
| | 24,055 | | | 24,055 | | 24,055 | |
| Add non-operating funding sources | | | | | | | |
| Transfers from Externally Restricted Cash | 2,346 | | | 2,346 | 268 | 2,614 | |
| Transfers from Internally Restricted Cash | 2,189 | | | 2,189 | 120 | 2,309 | |
| Proceeds from sale of assets | 2,294 | | | 2,294 | 310 | 2,604 | |
| Loan Funds Utilised | 6,660 | | | 6,660 | 55 | 6,715 | |
| Internal charges | 7,318 | | | 7,318 | | 7,318 | |
| Repayments from Deferred Debtors | | | | - | | - | |
| Funds Available | 34,031 | - | - | 34,031 | 176 | 34,207 | |
| Funds were applied to: | | | | | | | |
| Purchase and construction of assets | 22,606 | | | 22,606 | 127 | 22,733 | |
| Repayment of principal on loans | 3,072 | | | 3,072 | - | 3,072 | |
| Transfers to Externally Restricted Cash | 2,357 | | | 2,357 | | 2,357 | |
| Transfers to Internally Restricted Cash | 5,996 | | | 5,996 | 50 | 6,046 | |
| Funds Used | 34,031 | - | - | 34,031 | 177 | 34,208 | |
| Increase/(Decrease) in Available Working Capital | - | - | - | - | (1) | (1) | |

Income and Expense- Sewer Fund Budget Review Statement for the quarter ended 30 September 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 | 20,546 | | | 20,546 | - | 20,546 | 5,315 |
| User Charges and Fees | 1,401 | | | 1,401 | - | 1,401 | 345 |
| Interest and Investment Revenue | 1,891 | | | 1,891 | 1,266 | 3,157 | 1,297 |
| Other Revenues | 20 | | | 20 | - | 20 | 22 |
| Grants & Contributions - Operating | 455 | | | 455 | - | 455 | 25 |
| Grants and Contributions - Capital | | | | - | 22 | 22 | |
| - Contributions (S94) | 1,349 | | | 1,349 | | 1,349 | 172 |
| Net gain from the disposal of assets | | | | - | | - | |
| Share of interests in joint ventures | | | | - | | - | |
| Total Income | 25,662 | - | - | 25,662 | 1,288 | 26,950 | 7,176 |
| Expense | | | | | | | |
| Employee costs | | | | | | | |

| | Original Budget (000's) | Approved Changes | | Revised Budget (000's) | Recommended changes for Council Resolution (000's) | Projected year end result (000's) | Actual YTD (000's) |
|--------------------------------------|----------------------------|-----------------------|-----------------------|---------------------------|---|--------------------------------------|-----------------------|
| | | Sep Review (000's) | Dec Review (000's) | | | | |
| | 6,300 | | | 6,300 | 52 | 6,352 | 1,281 |
| Borrowing Costs | 2,595 | | | 2,595 | - | 2,595 | 649 |
| Materials & Contracts | 4,719 | | | 4,719 | 214 | 4,933 | 599 |
| Depreciation | 8,534 | | | 8,534 | | 8,534 | 2,134 |
| Legal Costs | 75 | | | 75 | | 75 | |
| Consultants | 434 | | | 434 | | 434 | 13 |
| Other Expenses | 1,923 | | | 1,923 | - | 1,923 | 239 |
| Interest and Investment Losses | | | | - | | - | |
| Net Loss from Disposal of Assets | | | | - | | - | |
| Share of interests in joint ventures | | | | - | | - | |
| Total Expenses | 24,580 | - | - | 24,580 | 266 | 24,846 | 4,915 |

| | | | | | | | |
|-----------------------------|-------|---|---|-------|-------|-------|-------|
| Net Operating Result | 1,082 | - | - | 1,082 | 1,022 | 2,104 | 2,261 |
|-----------------------------|-------|---|---|-------|-------|-------|-------|

| | | | | | | | |
|--|-------|---|---|-------|-------|-------|-------|
| Net Operating Result before capital items | 1,082 | - | - | 1,082 | 1,000 | 2,082 | 2,261 |
|--|-------|---|---|-------|-------|-------|-------|

Funding Statement - Sewer Fund - Source and Application of Funds

| | | | | | | |
|---|---------------|----------|----------|---------------|--------------|---------------|
| Operating Result (Income Statement) | 1,082 | - | - | 1,082 | 1,022 | 2,104 |
| Add Back non-funded items: | | | | | | |
| Depreciation | 8,534 | - | - | 8,534 | - | 8,534 |
| Add non-operating funding sources | | | | | | |
| Transfers from Externally Restricted Cash | 4,108 | | | 4,108 | 349 | 4,457 |
| Transfers from Internally Restricted Cash | 5,797 | | | 5,797 | 3,793 | 9,590 |
| Proceeds from sale of assets | | | | - | | - |
| Loan Funds Utilised | | | | - | | - |
| Repayments from Deferred Debtors | | | | - | | - |
| Funds Available | 19,521 | - | - | 19,521 | 5,164 | 24,685 |
| Funds were applied to: | | | | | | |
| Purchase and construction of assets | 10,811 | | | 10,811 | 5,661 | 16,472 |
| Repayment of principal on loans | 3,001 | | | 3,001 | - | 3,001 |
| Transfers to Externally Restricted Cash | 340 | | | 340 | | 340 |
| Transfers to Internally Restricted Cash | 1,901 | | | 1,901 | (497) | 1,404 |
| Internal charges | 3,468 | | | 3,468 | | 3,468 |
| Funds Used | 19,521 | - | - | 19,521 | 5,164 | 24,685 |

| | 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) | | | |
| Increase/(Decrease) in Available Working Capital | - | - | - | - | - | - | |

Income and Expense- Water Fund Budget Review Statement for the quarter ended 30 September 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 | 4,007 | | | 4,007 | - | 4,007 | 1,030 |
| User Charges and Fees | 15,639 | | | 15,639 | - | 15,639 | 3,396 |
| Interest and Investment Revenue | 1,062 | | | 1,062 | 345 | 1,407 | 391 |
| Other Revenues | 207 | | | 207 | - | 207 | 59 |
| Grants & Contributions - Operating | 478 | | | 478 | - | 478 | |
| Grants and Contributions - Capital | | | | - | | - | |
| - Contributions (S94) | 2,806 | | | 2,806 | (72) | 2,734 | 286 |
| Net gain from the disposal of assets | | | | - | | - | |
| Share of interests in joint ventures | | | | - | | - | |
| Total Income | 24,199 | - | - | 24,199 | 273 | 24,472 | 5,162 |
| Expense | | | | | | | |
| Employee costs | 4,022 | | | 4,022 | 94 | 4,116 | 904 |
| Borrowing Costs | 4,773 | | | 4,773 | - | 4,773 | 1,193 |
| Materials & Contracts | 5,862 | | | 5,862 | 565 | 6,427 | 895 |
| Depreciation | 7,054 | | | 7,054 | | 7,054 | 1,764 |
| Legal Costs | | | | - | | - | |
| Consultants | 120 | | | 120 | 284 | 404 | 30 |
| Other Expenses | 1,576 | | | 1,576 | - | 1,576 | 247 |
| Interest and Investment Losses | | | | - | | - | |
| Net Loss from Disposal of Assets | | | | - | | - | |
| Share of interests in joint ventures | | | | - | | - | |
| Total Expenses | 23,407 | - | - | 23,407 | 943 | 24,350 | 5,033 |
| Net Operating Result | 792 | - | - | 792 | (670) | 122 | 129 |
| Net Operating Result before capital items | (792) | - | - | (792) | 670 | (122) | (129) |

Funding Statement - Water Fund - Source and Application of Funds

| | | | | | | |
|--|-------|---|---|-------|-------|-------|
| Operating Result (Income Statement) | 792 | - | - | 792 | (670) | 122 |
| Add Back non-funded items: | | | | | | |
| Depreciation | 7,054 | - | - | 7,054 | - | 7,054 |
| Add non-operating funding sources | | | | | | |

| | 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) | | | |
| Transfers from Externally Restricted Cash | 7,065 | | | 7,065 | 1,856 | 8,921 | |
| Transfers from Internally Restricted Cash | 6,855 | | | 6,855 | (1,398) | 5,457 | |
| Proceeds from sale of assets | | | | - | - | - | |
| Loan Funds Utilised | | | | - | - | - | |
| Repayments from Deferred Debtors | | | | - | | - | |
| Funds Available | 21,766 | - | - | 21,766 | (212) | 21,554 | |
| Funds were applied to: | | | | | | | |
| Purchase and construction of assets | 8,539 | | | 8,539 | 1,952 | 10,491 | |
| Repayment of principal on loans | 1,021 | | | 1,021 | - | 1,021 | |
| Transfers to Externally Restricted Cash | 2,832 | | | 2,832 | | 2,832 | |
| Transfers to Internally Restricted Cash | 5,524 | | | 5,524 | (2,164) | 3,360 | |
| Internal charges | 3,850 | | | 3,850 | | 3,850 | |
| Funds Used | 21,766 | - | - | 21,766 | (212) | 21,554 | |
| Increase/(Decrease) in Available Working Capital | - | - | - | - | - | - | |

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 30 September 2012 and should be read in conjunction with other documents in the QBRS.

Capital Budget Review Statement - Consolidated - for the quarter ended 30 September 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 | 23,421 | | | 23,421 | 1,684 | 25,105 | 5,785 |
| Capital Grants & Contributions | 2,976 | | | 2,976 | | 2,976 | 924 |
| Internal Restrictions (Reserves) | 10,007 | | | 10,007 | 3,797 | 13,804 | 1,696 |
| External Restrictions | | | | | | | |
| - s64 & s94 funds | 5,543 | | | 5,543 | 2,205 | 7,748 | 924 |
| Other Capital Funding Sources | | | | | | | |
| - loans | 4,810 | | | 4,810 | 55 | 4,865 | 1,510 |
| Income from sale of assets | | | | | | | |
| - plant and equipment | 2,293 | | | 2,293 | | 2,293 | 712 |
| - Land, Buildings, Furniture, Fittings | | | | | | | |
| Total Capital Funding | 49,050 | | | 49,050 | 7,741 | 56,791 | 11,551 |

Capital Expenditure

| | 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) | | | |
| New Assets | | | | | | | |
| - Plant and Equipment | | | | | | | |
| - Land,Buildings,Furniture,Fittings | | | | | 118 | 118 | 771 |
| - Roads, Bridges, Footpaths | 652 | | | 652 | | 652 | 2,301 |
| - Drainage | | | | | | | |
| - Water & Sewer Infrastructure | 9,440 | | | 9,440 | (205) | 9,235 | 1,996 |
| - Other | 2,689 | | | 2,689 | | 2,689 | 222 |
| Renewals (Replacement) | | | | | | | |
| - Plant and Equipment | 5,231 | | | 5,231 | | 5,231 | 988 |
| - Land,Buildings,Furniture,Fittings | 500 | | | 500 | (22) | 478 | 59 |
| - Roads, Bridges, Footpaths | 8,905 | | | 8,905 | | 8,905 | 340 |
| - Drainage | 1,591 | | | 1,591 | | 1,591 | 320 |
| - Water & Sewer Infrastructure | 2,561 | | | 2,561 | 1,381 | 3,942 | 263 |
| - Other | 13 | | | 13 | (13) | | 12 |
| Upgrades | | | | | | | |
| - Plant and Equipment | | | | | | | |
| - Land,Buildings,Furniture,Fittings | 150 | | | 150 | | 150 | 664 |
| - Roads, Bridges, Footpaths | 450 | | | 450 | | 450 | 1,410 |
| - Drainage | 2,425 | | | 2,425 | | 2,425 | 483 |
| - Water & Sewer Infrastructure | 7,349 | | | 7,349 | 6,437 | 13,786 | 818 |
| - Other | | | | | 45 | 45 | 59 |
| Loan Repayments (principal) | 7,094 | | | 7,094 | | 7,094 | 845 |
| Total Capital Expenditure | 49,050 | | | 49,050 | 7,741 | 56,791 | 11,551 |

Capital Budget Review Statement - General Fund - for the quarter ended 30 September 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 | 13,045 | | | 13,045 | 69 | 13,114 | 4,069 |
| Capital Grants & Contributions | 2,976 | | | 2,976 | | 2,976 | 924 |
| Internal Restrictions (Reserves) | 1,770 | | | 1,770 | 4 | 1,774 | 551 |
| External Restrictions | | | | | | | |
| - s64 & s94 funds | 784 | | | 784 | | 784 | 243 |
| Other Capital Funding Sources | | | | | | | |
| - loans | 4,810 | | | 4,810 | 55 | 4,865 | 1,510 |
| Income from sale of assets | | | | | | | |
| - plant and equipment | 2,293 | | | 2,293 | | 2,293 | 712 |
| - Land,Buildings,Furniture,Fittings | | | | | | | |
| Total Capital Funding | 25,678 | | | 25,678 | 128 | 25,806 | 8,009 |

Capital Expenditure

New Assets

| | | | | | | | |
|-----------------------|--|--|--|--|--|--|--|
| - Plant and Equipment | | | | | | | |
|-----------------------|--|--|--|--|--|--|--|

| | 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) | | | |
| - Land,Buildings,Furniture,Fittings | | | | | 118 | 118 | 771 |
| - Roads, Bridges, Footpaths | 652 | | | 652 | | 652 | 2,301 |
| - Drainage | | | | | | | |
| - Water & Sewer Infrastructure | | | | | | | |
| - Other | 2,689 | | | 2,689 | | 2,689 | 222 |
| Renewals (Replacement) | | | | | | | |
| - Plant and Equipment | 5,231 | | | 5,231 | | 5,231 | 988 |
| - Land,Buildings,Furniture,Fittings | 500 | | | 500 | (22) | 478 | 59 |
| - Roads, Bridges, Footpaths | 8,905 | | | 8,905 | | 8,905 | 340 |
| - Drainage | 1,591 | | | 1,591 | | 1,591 | 320 |
| - Water & Sewer Infrastructure | | | | | | | |
| - Other | 13 | | | 13 | (13) | | 12 |
| Upgrades | | | | | | | |
| - Plant and Equipment | | | | | | | |
| - Land,Buildings,Furniture,Fittings | 150 | | | 150 | | 150 | 664 |
| - Roads, Bridges, Footpaths | 450 | | | 450 | | 450 | 1,410 |
| - Drainage | 2,425 | | | 2,425 | | 2,425 | 483 |
| - Water & Sewer Infrastructure | | | | | | | |
| - Other | | | | | 45 | 45 | 59 |
| Loan Repayments (principal) | 3,072 | | | 3,072 | | 3,072 | 380 |
| Total Capital Expenditure | 25,678 | | | 25,678 | 128 | 25,806 | 8,009 |

Capital Budget Review Statement - Sewer Fund - for the quarter ended 30 September 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 | 8,957 | | | 8,957 | 1,519 | 10,476 | 1,543 |
| Capital Grants & Contributions | | | | | | | |
| Internal Restrictions (Reserves) | 2,836 | | | 2,836 | 3,793 | 6,629 | 488 |
| External Restrictions | | | | | | | |
| - s64 & s94 funds | 2,019 | | | 2,019 | 349 | 2,368 | 348 |
| Other Capital Funding Sources | | | | | | | |
| - loans | | | | | | | |
| Income from sale of assets | | | | | | | |
| - plant and equipment | | | | | | | |
| - Land,Buildings,Furniture,Fittings | | | | | | | |
| Total Capital Funding | 13,812 | | | 13,812 | 5,661 | 19,473 | 2,379 |

Capital Expenditure

New Assets

| | | | | | | | |
|-------------------------------------|--|--|--|--|--|--|--|
| - Plant and Equipment | | | | | | | |
| - Land,Buildings,Furniture,Fittings | | | | | | | |
| - Roads, Bridges, Footpaths | | | | | | | |

| | 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) | | | |
| - Drainage | | | | | | | |
| - Water & Sewer Infrastructure | 5,350 | | | 5,350 | 275 | 5,625 | 1,625 |
| - Other Renewals (Replacement) | | | | | | | |
| - Plant and Equipment | | | | | | | |
| - Land,Buildings,Furniture,Fittings | | | | | | | |
| - Roads, Bridges, Footpaths | | | | | | | |
| - Drainage | | | | | | | |
| - Water & Sewer Infrastructure | 1,058 | | | 1,058 | 876 | 1,934 | 111 |
| - Other Upgrades | | | | | | | |
| - Plant and Equipment | | | | | | | |
| - Land,Buildings,Furniture,Fittings | | | | | | | |
| - Roads, Bridges, Footpaths | | | | | | | |
| - Drainage | | | | | | | |
| - Water & Sewer Infrastructure | 4,403 | | | 4,403 | 4,510 | 8,913 | 417 |
| - Other Loan Repayments (principal) | 3,001 | | | 3,001 | | 3,001 | 226 |
| Total Capital Expenditure | 13,812 | | | 13,812 | 5,661 | 19,473 | 2,379 |

Capital Budget Review Statement - Water Fund - for the quarter ended 30 September 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 | 1,419 | | | 1,419 | 96 | 1,515 | 173 |
| Capital Grants & Contributions | | | | | | | |
| Internal Restrictions (Reserves) | 5,401 | | | 5,401 | | 5,401 | 657 |
| External Restrictions | | | | | | | |
| - s64 & s94 funds | 2,740 | | | 2,740 | 1,856 | 4,596 | 333 |
| Other Capital Funding Sources | | | | | | | |
| - loans | | | | | | | |
| Income from sale of assets | | | | | | | |
| - plant and equipment | | | | | | | |
| - Land,Buildings,Furniture,Fittings | | | | | | | |
| Total Capital Funding | 9,560 | | | 9,560 | 1,952 | 11,512 | 1,163 |

Capital Expenditure

| | | | | | | | |
|-------------------------------------|-------|--|--|-------|-------|-------|-----|
| New Assets | | | | | | | |
| - Plant and Equipment | | | | | | | |
| - Land,Buildings,Furniture,Fittings | | | | | | | |
| - Roads, Bridges, Footpaths | | | | | | | |
| - Drainage | | | | | | | |
| - Water & Sewer Infrastructure | 4,090 | | | 4,090 | (480) | 3,610 | 371 |

| | 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) | | | |
| - Other | | | | | | | |
| Renewals (Replacement) | | | | | | | |
| - Plant and Equipment | | | | | | | |
| - Land,Buildings,Furniture,Fittings | | | | | | | |
| - Roads, Bridges, Footpaths | | | | | | | |
| - Drainage | | | | | | | |
| - Water & Sewer Infrastructure | 1,503 | | | 1,503 | 505 | 2,008 | 152 |
| - Other | | | | | | | |
| Upgrades | | | | | | | |
| - Plant and Equipment | | | | | | | |
| - Land,Buildings,Furniture,Fittings | | | | | | | |
| - Roads, Bridges, Footpaths | | | | | | | |
| - Drainage | | | | | | | |
| - Water & Sewer Infrastructure | 2,946 | | | 2,946 | 1,927 | 4,873 | 401 |
| - Other | | | | | | | |
| Loan Repayments (principal) | 1,021 | | | 1,021 | | 1,021 | 239 |
| Total Capital Expenditure | 9,560 | | | 9,560 | 1,952 | 11,512 | 1,163 |

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 30 September 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 30 September 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 | 4,138 | | | 4,138 | | 4,138 | 933 |
| Externally restricted | | | | | | | |
| RTA Contributions | 141 | | | 141 | | 141 | 141 |
| Developer contributions | 25,521 | | | 25,521 | 268 | 25,789 | 24,950 |
| Domestic waste management | 6,603 | | | 6,603 | (15) | 6,588 | 6,573 |
| Special Rates | 229 | | | 229 | | 229 | 229 |
| Special purpose grants | 2,722 | | | 2,722 | | 2,722 | 2,722 |
| Water Supplies | 13,689 | | | 13,689 | (2,622) | 11,067 | 24,032 |
| Sewerage Services | 19,675 | | | 19,675 | (4,639) | 15,036 | 52,864 |
| Other | 45,488 | | | 45,488 | | 45,488 | 45,488 |
| Total Externally restricted | 114,068 | 0 | 0 | 114,068 | (7,008) | 107,060 | 156,999 |

| | 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) | | | |
| Internally restricted | | | | | | | |
| Employee Leave entitlements | 2,199 | | | 2,199 | | 2,199 | 2,199 |
| Unexpended loans | 6,488 | | | 6,488 | | 6,488 | 6,488 |
| Unexpended grants | 3,404 | | | 3,404 | | 3,404 | 3,404 |
| 7 Year Plan | 2,978 | | | 2,978 | | 2,978 | 2,978 |
| Works Carried Forward | 4,584 | | | 4,584 | | 4,584 | 4,584 |
| Replacement of Plant and Vehicles | 20 | | | 20 | | 20 | 20 |
| Tip improvements | 3,375 | | | 3,375 | | 3,375 | 3,375 |
| Asset renewals | 838 | | | 838 | (50) | 788 | 738 |
| Other | 5,342 | | | 5,342 | (5) | 5,337 | 5,332 |
| Total Internally restricted | 29,228 | 0 | 0 | 29,228 | (55) | 29,173 | 29,118 |
| Total Restricted | 143,296 | 0 | 0 | 143,296 | (7,063) | 136,233 | 186,117 |
| Total cash and investments | 147,434 | 0 | 0 | 147,434 | (7,063) | 140,371 | 187,050 |
| Available cash | 4,138 | 0 | 0 | 4,138 | 0 | 4,138 | 933 |

* 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 | 186,117 |
| Total invested funds as per December Investment Report | 173,090 |
| 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 30 September 2012

Reconciliation of cash and investments:

| | |
|-----------------------------------|----------------|
| | (000's) |
| Cash and investments as per above | 187,050 |
| Cash on hand and at bank | 13,960 |
| Investments | <u>173,090</u> |
| | 187,050 |

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 30 September 2012 and should be read in conjunction with other documents in the QBRS.

Key Performance Indicators Budget Review Statement for the quarter ended 30 September 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 |
|--|---------------|-----------|
| 1. Unrestricted Current Ratio | | |
| | (000's) | |
| <u>Current assets less all external restrictions</u> | <u>78,380</u> | 2.93:1 |
| Current liabilities | 26,708 | |

Purpose:

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

Comment:

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

| | Amounts | Indicator |
|------------------------------|--------------|-----------|
| 2. Debt Service Ratio | | |
| | (000's) | |
| <u>Debt Service Cost</u> | <u>4,242</u> | 11.91% |
| Selected operating income | 35,608 | |

Purpose:

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

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 30 September 2012 and should be read in conjunction with other documents in the QBRS.

Budget Review Contracts and Other Expenses for the quarter ended 30 September 2012

| PART A-Contracts Listing | | Contract value | Commencement | Duration of | Budgeted |
|----------------------------------|---|----------------|--------------|-------------|----------|
| Contractor | Contract detail & purpose | \$ | date | contract | (Y/N) |
| Scape Shapes Landscaping Pty Ltd | EC2012-196 Chinderah Bay Foreshore Park Upgrade | 138,427 | 03/09/2012 | 16 weeks | Y |
| Scape Shapes Landscaping Pty Ltd | EC2012-115 Cycleway/Boardwalk Kennedy Drive | 542,626 | 06/08/2012 | 26 weeks | Y |

| PART B - Consultancy and Legal expenses | | Expenditure YTD | Budgeted |
|---|--|-----------------|----------|
| Expense | | \$ | (Y/N) |
| Consultancies | | 277,593 | Y |
| Legal expenses | | 88,749 | Y |

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 30 September 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 30/09/2012 indicates that Council’s projected financial position at 30/6/2013 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 30/10/2012
“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:

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
- 1.2.3 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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34 [TCS-CM] Monthly Investment and Section 94 Developer Contributions Report for the Period Ending 31 October 2012

SUBMITTED BY: Financial Services



Civic Leadership

SUMMARY OF REPORT:

This report is provided to Council to advise details of monies Council has invested in accordance with Section 625 of the Local Government Act 1993.

There is a requirement by Council's investment consultant to allow at least five (5) working days following the end of the month to provide the statistics for this report. Due to this time constraint and the Council requirement to receive reports ten (10) days prior to the Council meeting, there will be an addendum report provided to Council for consideration at its meeting on 15 November 2012.

RECOMMENDATION:

Refer to addendum report.

REPORT:

As per summary.

OPTIONS:

Not Applicable.

CONCLUSION:

Not Applicable.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Local Government (General) Regulations 2005 - Section 212 - Reports on council investments

"(1) The responsible accounting officer of a council:

(a) must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:

(i) if only one ordinary meeting of the council is held in a month, at that meeting, or

(ii) if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and

(b) must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies.

(2) The report must be made up to the last day of the month immediately preceding the meeting."

d. Communication/Engagement:

Inform - We will keep you informed.

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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35 [TCS-CM] In Kind and Real Donations - July to September 2012

SUBMITTED BY: Financial Services



Civic Leadership

SUMMARY OF REPORT:

Details of in kind and real donations for the period July to September 2012 are reproduced in this report for Council's information.

RECOMMENDATION:

That Council notes the total donations of \$200,845.06 for the period July to September 2012.

REPORT:

Council maintains a register of in kind and real donations. Details of these donations for the period July to September 2012 are reproduced as follows:

Financial Assistance

| Amount | Recipient | Donated Item | Date |
|-------------|--|---|------------|
| \$12,000.00 | International River Foundation | Budget Allocation | 01/07/2012 |
| \$24,822.10 | Arts Northern Rivers Inc | Budget Allocation | 01/07/2012 |
| \$5,356.00 | North Coast Academy of Sports Inc | Budget Allocation | 04/07/2012 |
| \$2,000.00 | Murwillumbah Festival of Performing Arts Inc | First Round Donation-2012/2013 | 11/07/2012 |
| \$17,000.00 | Cooly Rocks On Festival Inc | First Round Donation-2012/2013 | 11/07/2012 |
| \$7,500.00 | Tweed Shire Senior Citizens Week Committee | First Round Donation-2012/2013 | 11/07/2012 |
| \$6,000.00 | Tyalgum Festival Committee | First Round Donation-2012/2013 | 11/07/2012 |
| \$1,500.00 | Coolangatta - Mt Warning Dragon Boat Club Inc | First Round Donation-2012/2013 | 11/07/2012 |
| \$1,500.00 | Murwillumbah Rowing Club | First Round Donation-2012/2013 | 11/07/2012 |
| \$1,500.00 | Kids In Need Association | First Round Donation-2012/2013 | 11/07/2012 |
| \$1,000.00 | Cabarita Beach Pottsville Beach Lions Club Inc | First Round Donation-2012/2013 | 11/07/2012 |
| \$3,500.00 | Caldera Environment Centre | First Round Donation-2012/2013 | 11/07/2012 |
| \$1,500.00 | On Track Community Programs Ltd | First Round Donation-2012/2013 | 11/07/2012 |
| \$3,000.00 | Cladera Farmers Market Murwillumbah Inc | First Round Donation-2012/2013 | 11/07/2012 |
| \$3,000.00 | Ukitopia Arts Collective | First Round Donation-2012/2013 | 11/07/2012 |
| \$7,500.00 | Tweed Valley Banana Festival | First Round Donation-2012/2013 | 11/07/2012 |
| \$5,000.00 | Island Style Promotions | First Round Donation-2012/2013 | 11/07/2012 |
| \$7,500.00 | Tweed River Agricultural Society Ltd | First Round Donation-2012/2013 | 11/07/2012 |
| \$1,000.00 | Tweed River Canine Club | First Round Donation-2012/2013 | 18/07/2012 |
| \$70.00 | Vietnam Veterans Club South Tweed | Donation | 25/07/2012 |
| \$12,501.00 | Australian Volunteer Coast Guard Association | Budget Allocation | 25/07/2012 |
| \$909.09 | On Track Community Programs Ltd | Donation - Tweed Mental Health Awareness Family Fun Day | 07/08/2012 |
| \$5,000.00 | Tweed Valley Wildlife Carers Inc | Budget Allocation | 10/08/2012 |
| \$25,000.00 | Uki Sport & Recreation Club | Donation - Tennis Club Building | 15/08/2012 |
| \$11,139.00 | Careflight (Qld) Limited | Budget Allocation | 15/08/2012 |
| \$750.00 | Tweed River Classic Boat Regatta | First Round Donation-2012/2013 | 29/08/2012 |
| \$800.00 | Tweed Unlimited Arts | First Round Donation-2012/2013 | 29/08/2012 |
| \$1,500.00 | Cooloon Children's Centre Inc | First Round Donation-2012/2013 | 29/08/2012 |
| \$450.00 | Combined Groups Neighbourhood Watch Tweed Valley | First Round Donation-2012/2013 | 29/08/2012 |
| \$300.00 | Tweed Hospital Pink Ladies | First Round Donation-2012/2013 | 29/08/2012 |
| \$1,500.00 | Chillingham Community Preschool | First Round Donation-2012/2013 | 29/08/2012 |
| \$560.00 | Tweed Heads Community Men's Shed Inc | First Round Donation-2012/2013 | 29/08/2012 |
| \$1,000.00 | Coolangatta Tweed Heads Legacy Laural Club | First Round Donation-2012/2013 | 29/08/2012 |
| \$1,000.00 | Tyalgum District Community Association | First Round Donation-2012/2013 | 29/08/2012 |
| \$1,000.00 | Chillingham Voices Community Choir | First Round Donation-2012/2013 | 29/08/2012 |
| \$1,290.00 | Mothers Milkbank Pty Ltd | First Round Donation-2012/2013 | 29/08/2012 |
| \$500.00 | Gold Coast District Orchid Society | First Round Donation-2012/2013 | 29/08/2012 |
| \$1,500.00 | Joey's Pouch Educational Child Care Centre | First Round Donation-2012/2013 | 29/08/2012 |

| Amount | Recipient | Donated Item | Date |
|---------------------|--|--------------------------------|------------|
| \$2,000.00 | Studio Aperio Incorporation | Donation | 29/08/2012 |
| \$650.00 | Murwillumbah Potters Inc | First Round Donation-2012/2013 | 05/09/2012 |
| \$10,000.00 | QSM Sports | First Round Donation-2012/2013 | 05/09/2012 |
| \$250.00 | Kids in Community Inc | Donation | 13/09/2012 |
| \$1,818.18 | Tweed Region Life Education Action Group | Budget Allocation | 26/09/2012 |
| \$193,665.37 | | | |

Goods and/or Materials

| Amount | Recipient | Donated Item | Date |
|-----------------|--|-------------------|------------|
| \$17.00 | Stokers Siding Riding for the Disabled | 6 Shrubs & Trees | 09/07/2012 |
| \$84.00 | St Joseph's School Banora Point | 30 Shrubs & Trees | 26/07/2012 |
| \$21.00 | Stokers Siding Riding for the Disabled | 6 Shrubs & Trees | 13/08/2012 |
| \$115.00 | Murwillumbah High School | 30 Shrubs & Trees | 13/08/2012 |
| \$196.00 | Twin Towns Garden Club | 70 Shrubs & Trees | 11/09/2012 |
| \$433.00 | | | |

Provision of Labour and/or Plant and Equipment

| Amount | Recipient | Donated Item | Date |
|-------------------|-------------------------------|-------------------------------------|-----------|
| \$927.20 | Tweed Valley Banana Festival | Provision of Labour & Council Plant | Aug/Sept |
| \$2,675.79 | Life Education Van Relocation | Provision of Labour & Council Plant | July/Sept |
| \$3,602.99 | | | |

Tweed Link Advertising

| Amount | Recipient | Donated Item | Date |
|-------------------|---------------------------|--------------|------------|
| \$45.90 | Various Community Notices | Advertising | 03/07/2012 |
| \$186.30 | Various Community Notices | Advertising | 10/07/2012 |
| \$45.90 | Various Community Notices | Advertising | 17/07/2012 |
| \$86.40 | Various Community Notices | Advertising | 24/07/2012 |
| \$178.20 | Various Community Notices | Advertising | 31/07/2012 |
| \$81.00 | Various Community Notices | Advertising | 07/08/2012 |
| \$105.30 | Various Community Notices | Advertising | 14/08/2012 |
| \$94.50 | Various Community Notices | Advertising | 21/08/2012 |
| \$162.00 | Various Community Notices | Advertising | 28/08/2012 |
| \$67.50 | Various Community Notices | Advertising | 04/09/2012 |
| \$67.50 | Various Community Notices | Advertising | 11/09/2012 |
| \$86.40 | Various Community Notices | Advertising | 18/09/2012 |
| \$199.80 | Various Community Notices | Advertising | 25/09/2012 |
| \$1,406.70 | | | |

Room Hire

| Amount | Recipient | Donated Item | Date |
|----------|------------------------------------|--------------------------------------|------------|
| \$115.00 | Tweed Theatre Company | Room Hire - Tweed Heads Civic Centre | 06/07/2012 |
| \$230.00 | Tweed Theatre Company | Room Hire - Tweed Heads Civic Centre | 07/07/2012 |
| \$145.00 | Tweed Theatre Company | Room Hire - Tweed Heads Civic Centre | 08/07/2012 |
| \$60.00 | Northern Rivers Symphony Orchestra | Room Hire - Tweed Heads Civic Centre | 15/07/2012 |
| \$45.00 | Tweed Theatre Company | Room Hire - Tweed Heads Civic Centre | 17/07/2012 |

| Amount | Recipient | Donated Item | Date |
|-------------------|---|--|------------|
| \$115.00 | Northern Rivers Symphony Orchestra | Room Hire - Tweed Heads Civic Centre | 29/07/2012 |
| \$75.00 | Tweed Heads Ladies Hospital Auxiliary AGM Meeting | Room Hire - Tweed Heads Civic Centre | 06/08/2012 |
| \$75.00 | Tweed Heads Ladies Hospital Auxiliary Meeting | Room Hire - Tweed Heads Civic Centre | 03/09/2012 |
| \$210.00 | Twin Towns Garden Club Flower Show | Room Hire - Tweed Heads Civic Centre | 14/09/2012 |
| \$50.00 | Blind & Vision Impaired Support Group | Room Hire - Coolamon Room Banora Pt Com Centre | 16/07/2012 |
| \$50.00 | Blind & Vision Impaired Support Group | Room Hire - Coolamon Room Banora Pt Com Centre | 20/08/2012 |
| \$50.00 | Blind & Vision Impaired Support Group | Room Hire - Coolamon Room Banora Pt Com Centre | 17/09/2012 |
| \$35.00 | Twin Towns Friends | Room Hire - South Tweed HACC | 11/07/2012 |
| \$35.00 | Twin Towns Friends | Room Hire - South Tweed HACC | 08/08/2012 |
| \$35.00 | Twin Towns Friends | Room Hire - South Tweed HACC | 12/09/2012 |
| \$85.00 | Tweed Heads Hospital Ladies Auxiliary | Room Hire - Tweed Heads Meeting Room | 02/07/2012 |
| \$72.00 | Christmas Day Lunch Committee | Room Hire - Tweed Heads Meeting Room | 12/07/2012 |
| \$85.00 | South Sea Islanders Meeting | Room Hire - Tweed Heads Meeting Room | 14/07/2012 |
| \$85.00 | South Sea Islanders Meeting | Room Hire - Tweed Heads Meeting Room | 04/08/2012 |
| \$85.00 | South Sea Islanders Meeting | Room Hire - Tweed Heads Meeting Room | 08/09/2012 |
| \$1,737.00 | | | |

\$200,845.06 Total Donations 1st Quarter (July, August, September 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:

Not Applicable.

d. Communication/Engagement:

Inform - We will 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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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36 [TCS-CM] Community Membership on Aboriginal Advisory Committee**SUBMITTED BY: Corporate Governance****Civic Leadership****SUMMARY OF REPORT:**

Expressions of Interest were invited from members of the community to serve on nominated Council Advisory Committees for the term of the current Council, which expires in September 2016. At the close of the Expressions of Interest process there were no nominations received from member organisations named in the Aboriginal Advisory Committee Terms of Reference.

Requests were subsequently made to the nominated organisations and nominations representing some of the member organisations have now been received which require endorsement by Council to form the committee.

RECOMMENDATION:

That Council makes the following appointments to the Aboriginal Advisory Committee:

| Member Organisation | Nominated Delegate |
|--|--|
| Tweed Byron Local Aboriginal Land Council | Des Williams Larissa Smyth (alternate) |
| Tweed Wollumbin Aboriginal Education Consultative Group | Jackie McDonald Glenda Nalder (alternate) Marcia Browning (alternate) |
| Tweed Aboriginal Corporation for Sport | Leweena Williams Kerry Lehmann (alternate) |
| Canowindra - Cedric House | Aunty Joyce Summers Veronese Burgess (alternate) |

REPORT:

Expressions of Interest were advertised in the Tweed Link inviting members of the community to serve on nominated Council Advisory committees for the term of the current Council, which expires in September 2016. At the close of the Expressions of Interest process there were no nominations received from member organisations named in the Aboriginal Advisory Committee Terms of Reference.

Requests were subsequently made to the nominated organisations and nominations representing some of the member organisations have now been received which require endorsement by Council to form the committee.

The updated Terms of Reference (TOR) of the Aboriginal Advisory Committee was adopted by Council on 25 September 2012. The TOR states that membership will consist of a maximum of nine members including:

- One (1) Representative from Tweed Byron Local Aboriginal Land Council
- One (1) Representative from Tweed Wollumbin Aboriginal Education Consultative Group
- One (1) Representative from Tweed Aboriginal Corporation for Sport
- One (1) Representative from Minjungbal Trading Company
- One (1) Representative from Tweed Aboriginal Co-op
- One (1) Representative from Bundjalung Aboriginal Home Care
- One (1) Representative from Canowindra – Cedric House
- One (1) Representative from Bugalwena Aboriginal Health Services
- One (1) Representative from elected Council

The Terms of Reference also states that each organisation will nominate an alternate delegate.

Due to the updated Membership and Composition requirements of the Terms of Reference no nominations have been considered from community members who have not been nominated as a member of the respective organisations.

The table below summarises delegates representing Aboriginal community services that have been received by Council to date:

| Member Organisation | Nominated Delegate |
|---|------------------------------|
| Tweed Byron Local Aboriginal Land Council | Des Williams |
| | Larissa Smyth (alternate) |
| Tweed Wollumbin Aboriginal Education Consultative Group | Jackie McDonald |
| | Glenda Nalder (alternate) |
| | Marcia Browning (alternate) |
| Tweed Aboriginal Corporation for Sport | Leweena Williams |
| | Kerry Lehmann (alternate) |
| Canowindra - Cedric House | Aunty Joyce Summers |
| | Veronese Burgess (alternate) |

Council representatives to this committee are Councillor Bagnall (Delegate) and Councillor Milne (alternate).

The Terms of Reference prescribes that a quorum at any meeting of the Committee shall comprise five (5) members. With the nominations received and the appointed councillor representative a quorum will be achieved at each meeting provided that all the nominated or alternate representatives are in attendance.

OPTIONS:

1. Appoint delegates as nominated by member organisations.
2. Not appoint delegates as nominated by member organisations, and leave the Aboriginal Advisory Committee in abeyance until further nominations are received.

CONCLUSION:

The Aboriginal Advisory Committee has not met since August 2012 and there are a number of pressing Council matters to be considered by the Committee. Now that a quorum can be achieved it is recommended that nominations from member organisations be endorsed by Council.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Budget for Aboriginal Advisory Committee Meetings is included within the Community and Cultural Services operational budget.

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
- 1.2.4 Involve communities including youth, elderly and aboriginal groups in decision making that affects their area and the wider Tweed community
- 1.2.4.3 Administer community based Advisory Committees

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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37 [TCS-CM] Draft Compliments and Complaints Handling Policy Version 1.4

SUBMITTED BY: Corporate Governance



Civic Leadership

SUMMARY OF REPORT:

An opportunity has been taken to review the Complaints Handling Policy to incorporate compliments and prescribe actions to be taken in association with anonymous compliments, complaints and requests. As part of this review it was determined to rename the Policy to reflect incorporation of compliments.

RECOMMENDATION:

That Council places the Compliments and Complaints Handling Policy Version 1.4 on public exhibition in accordance with Section 160 of the Local Government Act 1993, for 28 days and seeks public submissions for 42 days.

REPORT:

An opportunity has been taken to review the Complaints Handling Policy to incorporate compliments and prescribe actions to be taken in association with anonymous compliments, complaints and requests. As part of this review it was determined to rename the Policy to reflect incorporation of compliments.

In relation to compliments that may be received by the organisation the following wording has been included:

"Compliments

There are many instances where Council is complimented on the broad range of services it provides to the community, often in the form of a follow up phone call, written thank you or certificate of appreciation. These occasions highlight when Council has met or exceeded citizen expectations. Information about compliments Council receives often goes unrecognised because, unlike complaints, they require little action. However Council values its staff and compliments are an important feedback mechanism to organisational performance as well as a good sign of an engaged and active community.

Compliments are welcomed because they:

- *Indicate which Council services and programs that citizens value.*
- *Assist in recognising staff whom provide exceptional customer service in their daily duties and ultimately recognise staff who demonstrate Council's values.*
- *Provides Council and Councillors the chance to share and reinforce examples of best practice in serving the community.*
- *Builds morale and recognises a job well done across a diverse workforce.*

Anonymous compliments will be forwarded to Council's Public Officer, however, identified compliments will be dealt with in the following manner.

Council will ensure any compliment received is:

- *Registered in the Records Management System.*
- *Letters/emails mentioning a specific staff member or team will be forwarded to that team, recognised appropriately and also copied to Human Resources for personnel file.*
- *Certificates of Appreciation from organisations are displayed in a central folder in the public area Murwillumbah.*

Compliments can be sent to:

- *The General Manager, Tweed Shire Council PO Box 816 Murwillumbah NSW 2484*
- *Emailed to tsc@tweed.nsw.gov.au*
- *Sent through an online feedback form at www.tweed.nsw.gov.au*
- *Made in person at Council offices or over the phone on (02) 6670 2400 or 1300 292 872"*

Also, in relation to the handling of any anonymous complaints and requests it is proposed as follows:

"Dealing with anonymous complaints

Details of anonymous complaints should be recorded on a file note and referred to the Public Officer and under normal circumstances will not be pursued unless it is determined that further investigation is warranted based on the merit, seriousness and nature of the complaint and the information provided.

Due to anonymity, Council will be unable to provide any decision of any actions that may be taken.

Anonymous Customer Request

Anonymous Customer Requests are recorded within councils Customer Request Management (CRM) system. The anonymous request will be entered and recorded, no further action will be undertaken unless it is identified that the issue may affect public safety or council infrastructure safety.

Anonymous Customer Requests have the propensity to redirect council resources from the conduct and provision of other vital services. "

Other minor amendments are indicated and identified in the following overleaf for the proposed Draft Compliments and Complaints Handling Policy, Version 1.4.



Policy

Compliments and Complaints Handling

Version v1.43

Adopted by Council at its meeting on ~~24 July 2009~~

Minute No: ~~453~~

Division: Technology and Corporate Services
Section: Corporate Compliance
File Reference:
Historical Reference: [1.3 Adopted by Council 21 July 2009](#)
[Minute No 453](#), 1.2 Adopted by Council 13
November 2007, 1.1 Adopted by Council 2
November 2005 Minute No 556, 1.0
Adopted by Council 15 December 2004
Minute No 866

Compliments and Complaints Handling

Policy Statement

This policy provides a framework for effectively managing ~~and resolving~~ customer compliments, complaints and requests. The policy is designed to:

- Ensure complaints are received, appropriately recorded and resolved in a timely manner
- Deal with complaints in a fair and equitable manner
- Increase the level of customer satisfaction with the way feedback is handled, and in the delivery of services and systems.
~~The Tweed Shire Complaints Handling Policy is a framework for the effective management of complaints. The Policy is a tool, which will enable dissatisfied residents, non residents or any authority/organisation to make a complaint to Council and to have the complaint managed efficiently within Council.~~
- Recognise and acknowledge compliments Council receives.

~~A major outcome of this policy will be the improvement in Council's efficiency and effectiveness in handling complaints, improved service delivery and strengthening public support.~~

Compliments

There are many instances where Council is complimented on the broad range of services it provides to the community, often in the form of a follow up phone call, written thank you or certificate of appreciation. These occasions highlight when Council has met or exceeded citizen expectations. Information about compliments Council receives often goes unrecognised because, unlike complaints, they require little action. However Council values its staff and compliments are an important feedback mechanism to organisational performance as well as a good sign of an engaged and active community.

Compliments are welcomed because they:

- Indicate which Council services and programs that citizens value.
- Assist in recognising staff whom provide exceptional customer service in their daily duties and ultimately recognise staff who demonstrate Council's values.
- Provides Council and Councillors the chance to share and reinforce examples of best practice in serving the community.
- Builds morale and recognises a job well done across a diverse workforce.

Anonymous compliments will be forwarded to Council's Public Officer, however, identified compliments will be dealt with in the following manner.

Council will ensure any compliment received is:

- Registered in the Records Management System.

- Letters/emails mentioning a specific staff member or team will be forwarded to that team, recognised appropriately and also copied to Human Resources for personnel file.
- Certificates of Appreciation from organisations are displayed in a central folder in the public area Murwillumbah.

Compliments can be sent to:

- The General Manager, Tweed Shire Council PO Box 816 Murwillumbah NSW 2484
- Emailed to tsc@tweed.nsw.gov.au
- Sent through an online feedback form at www.tweed.nsw.gov.au
- Made in person at Council offices or over the phone on (02) 6670 2400 or 1300 292 872

Complaint Definition

WHAT IS A COMPLAINT

- A complaint is an expression of dissatisfaction, made in respect to:
- A Council Officer's role in the provision of service delivery or lack of service delivery that has allegedly affected an individual, group or body of stakeholders whether justified nor not.
 - The quality of service provided by council.
 - Council failing to act upon a request from the public.
 - The policies adopted by council.
 - ~~Council's lack of action~~ Dissatisfaction with Council's action following the lodgement of a request for service (management through Council's customer request management system) or a request for information (managed through Government Information Public Access Act).

Dealing with anonymous complaints

Details of anonymous complaints should be recorded on a file note and referred to the Public Officer and under normal circumstances will not be pursued unless it is determined that further investigation is warranted based on the merit, seriousness and nature of the complaint and the information provided.

Due to anonymity, Council will be unable to provide any decision of any actions that may be taken.

WHAT IS NOT A COMPLAINT

- A request for service is covered by ~~at the~~ customer request management (CRM) process ~~work request (CWR).~~ Examples are; reporting of road potholes, water leaks, dust and noise, overgrown allotments and dog issues.
- A request for information or an explanation of a policy or procedure.
- Objections to a development application before Council determination or appeals in relation to the determination by council.

- Concerns raised regarding decisions of the elected council.

Anonymous Customer Requests

Anonymous Customer Requests are recorded within councils Customer Request Management (CRM) system. The anonymous request will be entered and recorded, no further action will be undertaken unless it is identified that the issue may effect public safety or council infrastructure safety.

Anonymous Customer Requests have the propensity to redirect council resources from the conduct and provision of other vital services.

~~• A complaint can progress from Council's lack of action following the lodgement of a request for service or a request for information.~~

COMPLAINTS DEALT WITH OUTSIDE OF THIS POLICY

- Complaints made under the Code of Conduct or allegations of corrupt conduct, maladministration or criminal activity are administered through the application of the Code of Conduct, Protected Disclosures as well as by agencies external to council.

Disclosure of personal information

Sensitive personal information disclosed by a complainant in a complaint will not be released by Council to another party unless consent from the ~~complainant~~ complainant is given. Sensitive personal information may include your name, contact and other personal details. Council is obliged to disclose sensitive information without your consent in very limited situations where there is a serious and immediate threat to a persons health or safety.

Sourcing of the Policy

The procedure is available on the:

- ~~• Council's Internet www.tweed.nsw.gov.au,~~
- ~~• Council's Intranet under Policies and Procedures~~
- ~~• At Council's Murwillumbah and Tweed Heads Civic Centres~~

How to Lodge a Complaint

Council's Preferred Action

- In writing to
The General Manager
Tweed Shire Council
P.O. Box 816
Murwillumbah NSW 2484
- By email to
tsc@tweed.nsw.gov.au

Other Forms of Lodgement

- Telephone Council on (02) 6670 2400 or 1300 292 872 to a Council Officer

- In person at either of Council's ~~Civic Centre offices~~ located at Murwillumbah or Tweed Heads.

Recording of Complaints

Council will record all complaints received ~~(other than anonymous complaints)~~ in the Electronic Content Records Management System. The principal benefit for recording complaints is that it provides a valuable tool for identifying trends and organisational weaknesses. Further, the information will be utilised as part of a program of continuous improvement.

~~Council's Corporate Compliance Officer will analyse and report to Council on complaints received by type and outcomes/actions on a quarterly basis.~~

How Complaints are reviewed

Complaints will be reviewed in accordance with Council's Compliments and Complaints Handling Procedure, which provides an efficient, fair and accessible mechanism for resolving complaints. It recognises, promotes and protects the rights of individuals or organisations to comment and lodge complaints.

~~The Complaints Handling Procedure is located on Council's web site and outlines the actions which Council Officers will implement at each of the three levels of complaint review handling.~~

Dealing with anonymous complaints

~~Anonymous complaints will not be rejected, however, Council's ability to investigate anonymous complaints will be dependent upon the substance of the information supplied.~~

~~Due to anonymity, Council will be unable to provide for any decision of actions taken.~~

Dealing with difficult complainants

Council recognises and accepts members of the public will sometimes display frustration or other behaviour. Council staff are to ensure difficult complainants are not unreasonably denied rights.

Protecting Complainants

Council acknowledges the rights of members of the public to make a complaint. Council will ensure that people who complain are not subjected to victimisation, harassment, discriminated against or ~~other~~ prejudged.

Disciplinary action will be taken against any member of staff who breaches this policy.

Complaints Handling Officer

Council's Corporate Compliance Officer is responsible for ensuring that Council's management of complaints is carried out in accordance with the [Compliments and Complaints Handling Policy and Procedures](#).

The Corporate Compliance Officer will monitor policy and procedure compliance and undertake independent investigations of complaints when requested.

Reporting

Council's Corporate Compliance Officer will analyse and report to Council on compliments and complaints received by type and outcomes/actions on a quarterly basis.

Sourcing of the Policy

The policy is available on the:

- [Council's Internet www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au)
- ~~[Council's Intranet under Policies and Procedures](#)~~
- ~~[At Council's offices located at Murwillumbah and Tweed Heads Civic Centres.](#)~~

A Compliments and Complaints Handling Procedure for reference by staff is located on Council's web site and outlines the actions which Council Officers will implement when receiving either a compliment or complaint and at each of the three levels of complaint review handling.

OPTIONS:

To place the Compliments and Complaints Handling Policy Version 1.4 on public exhibition.

CONCLUSION:

That Council places the Compliments and Complaints Handling Policy Version 1.4 on public exhibition in accordance with Section 160 of the Local Government Act 1993, for 28 days and seeks public submissions for 42 days.

COUNCIL IMPLICATIONS:

a. Policy:

Complaints Handling Policy Version 1.3.

Version 1.3 to be updated to Compliments and Complaints Handling Policy Version 1.4 following public exhibition.

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:

- 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
 - 1.2.1.5 Council Policies are compliant with legislation and guidelines
 - 1.2.1.5.1 Council policies reviewed, reported to Council and placed on public exhibition as required

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

38 [TCS-CM] Draft Code of Meeting Practice Version 2.3

SUBMITTED BY: Corporate Governance



Civic Leadership

SUMMARY OF REPORT:

Council at its meeting held 25 October 2012 considered a report on dates and times of Council meetings and resolved, as part of that matter, the following:

.....

5. *The Code of Meeting Practice Version 2.2 be updated to reflect the change in meeting regularity and community submissions, as well as other resulting procedural issues.*

Section 361 of the Local Government Act 1993 prescribes that prior to Council adopting the Code of Meeting Practice, a draft Code must be prepared and publicly exhibited to not less than twenty-eight (28) days with submissions being received for a period of forty-two (42) days.

This report provides the proposed update to the Code of Meeting Practice for consideration by Council and therefore allowing the exhibition phase to commence.

RECOMMENDATION:

That in accordance with Section 361 of the Local Government Act 1993 the draft Code of Meeting Practice Version 2.3 be placed on public exhibition for a period of twenty-eight (28) days, with submissions being received for a period of forty-two (42) days.

REPORT:

Council at its meeting held 25 October 2012 considered a report on dates and times of Council meetings and resolved, as part of that matter, the following:

.....

5. *The Code of Meeting Practice Version 2.2 be updated to reflect the change in meeting regularity and community submissions, as well as other resulting procedural issues.*

Section 361 of the Local Government Act 1993 prescribes that prior to Council adopting the Code of Meeting Practice, a draft Code must be prepared and publicly exhibited to not less than twenty-eight (28) days with submissions being received for a period of forty-two (42) days.

It is worth noting that as the current Council Meeting format is to be reviewed in February 2013, the Code of Meeting Practice public submission phase will only recently have closed. Depending on the public submissions received and the council resolution of February 2013 for future meeting dates and times, further amendments maybe required to this Code.

This report provides the proposed update to the Code of Meeting Practice for consideration by Council and therefore allowing the exhibition phase to commence.

As a result of the Council resolution on the dates and times of Council meetings, an opportunity has been taken to comprehensively review the Code of Meeting Practice with the review including:

- Order of Business
- Receipt of Petitions
- Delegates Reports
- Time limits on Council meetings
- Community Submissions

OPTIONS:

1. To adopt the proposed draft Code of Meeting Practice Version 2.3, place on public exhibition and seek submissions.
2. To further amend the proposed Code of Meeting Practice Version 2.3, place on public exhibition and seek submissions.

CONCLUSION:

To place the adopted Code of Meeting Practice Version 2.3 on public exhibition and invite submissions.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice Version 2.2.

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:

- 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
- 1.2.1.1 Compliance with Code of Conduct and Code of Meeting Practice

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Code of Meeting Practice Version 2.2 (ECM 50285335).

Attachment 2. Draft Code of Meeting Practice Version 2.3 (ECM 58878299).

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39 [TCS-CM] Local Infrastructure Renewal Scheme

SUBMITTED BY: Financial Services



Civic Leadership

SUMMARY OF REPORT:

The following Notice of Motion was adopted at Council's meeting of 18 October 2011:

"RESOLVED that given the State Government commitment to paying half the interest on borrowings for infrastructure, moves that Council brings forward a report as to how Council can take advantage of this offer given the identified backlog in infrastructure maintenance."

The following resolution was passed at 24 January 2012 Council meeting:

RESOLVED that Council:

1. *Notifies the Division of Local Government of its interest in the Local Infrastructure Renewal Scheme for the general 2012/2013 Drainage Construction program and the West Kingscliff Drainage project.*
2. *Discusses the inclusion of the above loans in the proposed 2012/2013 budget workshops.*

Correspondence has been received from the Chief Executive of the Division of Local Government advising that Council has been successful in the two applications for Local Infrastructure Renewal Scheme (LIRS) loan subsidies and requesting Council to execute the necessary funding agreements. The applications were for the 2012/2013 Drainage general program and the Blue Jay Circuit Drainage project.

RECOMMENDATION:

That the Local Infrastructure Renewal Scheme funding agreement for the Drainage - General and the Blue Jay Circuit Drainage Scheme be accepted and completed under the Common Seal of Council.

REPORT:

The Division of Local Government released the Local Infrastructure Renewal Scheme Guidelines on 6 January 2012.

Scheme

The Local Infrastructure Renewal Scheme (LIRS) provides the opportunity for councils to access interest subsidies for the purpose of funding legitimate infrastructure backlogs.

The LIRS will provide a **4%** interest subsidy to assist councils with legitimate infrastructure backlogs to cover the cost of borrowing. The subsidy aims to provide an incentive to councils to make greater use of debt funding to accelerate investment in infrastructure backlogs and augment funding options already available to councils.

The LIRS is being administered by the Division of Local Government. Applications are assessed by an Assessment Panel comprising an Independent Chair and representatives from the Division, NSW Treasury and the Department of Planning and Infrastructure.

Projects

Council submitted two applications to the LIRS for loan subsidies:-

| <u>Project</u> | <u>Loan Amount</u> |
|-----------------------------|--------------------|
| Drainage - General | \$1,099,000 |
| Drainage - Blue Jay Circuit | \$2,335,440 |

Outcome

Correspondence has been received from the Chief Executive of the Division of Local Government advising that Council has been successful in the two applications for Local Infrastructure Renewal Scheme (LIRS) loan subsidies and requesting Council to execute the necessary funding agreements.

OPTIONS:

Not applicable.

CONCLUSION:

As an outcome of being granted successful applications under the Local Infrastructure Renewal Scheme loan subsidies, it is now appropriate to execute the funding agreements under the Common Seal of Council.

COUNCIL IMPLICATIONS:

a. Policy:

Not Applicable

b. Budget/Long Term Finance Plan:

Loan repayments have been included in the Long Term Financial Plan.

The interest subsidies associated with this agreement will be taken into account in the formulation of the 2013/2014 Operational Plan and resultant Long Term Financial Plan.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership.
- 1.2.3 Financial requirements and the community's capacity to pay will be taken into account when meeting the community's desired levels of service.
- 1.2.3.2 Review of the Integrated Reporting Framework Resourcing Strategy.
- 1.2.3.2.1 Annual review of the Long-Term Financial Plan in conjunction with the Operational Plan.

UNDER SEPARATE COVER:

Nil.

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REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

40 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 18 October 2012

VENUE:

Mt Warning Meeting Room

TIME:

Commencing at 10.00am

PRESENT:

Committee Members: Cr Barry Longland, Ms Liz Smith, Roads and Maritime Services of NSW, Snr Constable Ray Wilson, NSW Police

Informal: Mr Danny Rose (Chairman), Mr Ray Clark, Mr Leon McLean; Ms Sandra Zietlow (Minutes Secretary).

APOLOGIES:

Mr Thomas George MP, Member for Lismore; Mr Col Brooks, Mr Geoff Provest MP, Member for Tweed; Mr Rod Bates; Mr Paul Brouwer

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

[LTC] Confirmation of Previous LTC Minutes of Meeting held 23 August 2012

SUMMARY OF REPORT:

Resolved that the Minutes of the Local Traffic Committee held 23 August 2012 be adopted as a true and accurate record of proceedings of that meeting.

SCHEDULE OF OUTSTANDING RESOLUTIONS

[LTC-SOR] Schedule of Outstanding Resolutions - 18 October 2012

From Meeting held 18 October 2012

1. [LTC] Murwillumbah Primary School - Parking (B5)

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.

From Meeting held 21 June 2012:

The Committee was advised that bus operators have discussed this matter and in principle support removal of bus zones in Condong Street if the school frontage of Eyles Avenue, can be entirely dedicated to bus parking during bus drop off and pick up times. Council officers will need to verify the street width in this area.

Current Status: That Item 4 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 23 August 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 April 2012 (Item B5).

-
2. [LTC] Cooley Street, Bogangar (B6)

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.

Current Status: That Item 5 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 23 August 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 April 2012 (Item B6).

BUSINESS ARISING

Nil.

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES

A1 [LTC] Wharf and Frances Street, Tweed Heads

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 57558326; Traffic - Committee; Traffic- Roundabouts; Wharf Street, Frances Street, Tweed Heads

SUMMARY OF REPORT:

The roundabout at the intersection of Wharf Street and Frances Street Tweed Heads is a site of numerous crash incidents.

The potential conflict points are eastbound vehicles from Frances Street impacting with north bound vehicles on Wharf Street and west bound vehicles on Frances Street being squeezed into one lane when exiting the roundabout. It was also observed on site that drivers turning right north bound on Wharf Street were using the left lane and conflicting with vehicles going straight through.

It is proposed to modify the line marking at the roundabout to reduce the east/west lanes to one lane and to limit the west bound left lane on Frances Street to left turn (southbound) only.

Draft plans will be provided at the meeting for comment from the Committee.

COMMITTEE ADVICE:

That the concept plan to modify linemarking at the intersection of Frances Street and Wharf Street, Tweed Heads be implemented subject to funding availability.

RECOMMENDATION TO COUNCIL:

That the concept plan to modify linemarking at the intersection of Frances Street and Wharf Street, Tweed Heads be implemented subject to funding availability.

FOR VOTE - Ms Liz Smith, Snr Const Ray Wilson, Cr Barry Longland.

A2 [LTC] Banora Point Primary School - School Crossing

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 55896232; 55897259; Traffic - Committee; Traffic - School Zones; Pedestrian Crossings; School - Banora Point; Westray Street; Pioneer Street

SUMMARY OF REPORT:

The children's crossing in Westray Street, Banora Point has been observed to not be in operation for some time. Advice was sought from the principal of Banora Point Primary School on whether the crossing will be used (flagged) in the future. The principal has advised Council that he is supportive of the removal of the crossing.

COMMITTEE ADVICE:

That the children's crossing and associated line marking in Westray Street near Pioneer Parade, Banora Point be removed.

RECOMMENDATION TO COUNCIL:

That the children's crossing and associated line marking in Westray Street near Pioneer Parade, Banora Point be removed.

FOR VOTE - Ms Liz Smith, Snr Const Ray Wilson, Cr Barry Longland.

A3 [LTC] Prince Lane, Murwillumbah

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 55217410; Traffic - Committee; Directional Signage; Speed Zones; Safety; Parking Zones; Pedestrian Safety; Prince Lane

SUMMARY OF REPORT:

Request received in relation to parking, cars speeding and danger to pedestrians on Prince Lane, Murwillumbah.

"1. *Cars are parking along the laneway, half on the road, half on the curb (sic). This is especially prevalent near the rear of the King Street pharmacy which frequently runs out of car parks and results in drivers mounting the gutter and parking half on the road.*

Because a number of houses have a single entrance to their properties and that is via the laneway. We have been frequently parked into our own homes, unable to reverse our cars out of our property because of cars parked along the laneway.

2. *Cars using the laneway as a main road. Cars frequently reach fast speeds along the lane, which has no speed limit signs in place. Drivers assume the laneway is a 60 km/hr zone and this is despite:*

- *Properties which use the laneway as their sole access. People (sic) living in the houses reverse their cars onto the laneway, extremely dangerous when other drivers are travelling (sic) down the lane at relatively high speed (35-50km/h+). There is no signage indicating hidden driveways, and reversing out is dangerous when cars are flying down the lane.*
- *Pedestrians are forced to share the laneway with cars. There is no footpath along the Prince lane, so pedestrians are forced to walk along the lane dodging these sometimes fast moving cars.*

These problems are also further exacerbated by the presence of the mechanic on the corner of Prince Lane. When their garage is full they start parking cars down the laneway and many of the cars driving dangerously down the road appear to come from the mechanic. The presence of the mechanic has increased the level of traffic going down the lane. Cars

travelling along the road quickly face the risks of a car reversing out onto the laneway, pedestrians stepping out onto the laneway and then the blind corner at the end which could easily see a head on collision.

What I would suggest the council do to remedy the situation:

- *Signage indicating a 20-25 km/h speed limit along the lane*
- *Two speed bumps along the lane*
- *No parking signs in front of the houses which use the lane as their sole access point.*
- *Making the laneway 1-way travelling west to east.*
- *Possibly a bubble mirror at the blind corner end of the laneway*

Also, ideally a footpath should be added to the laneway, so pedestrians aren't taking such a risk, walking on the road with fast moving vehicles.

It is only a matter of time before a car driving along here hits a pedestrian or another car. We have already had a car ram into our back gate, destroying it. People drive like idiots and ignore the dangers of the hidden driveways, pedestrians sharing the road and cars coming around the blind corner.

At the moment for us, it is a risk reversing onto the laneway, it is also a risk walking along it and we have the frequent inconvenience of being unable to get cars out of our home when parked in."

Prince Lane is a low speed, low volume residential lane and therefore speed bumps are not warranted. Council does not install 'No Parking' signs for single residential driveways. Designating the lane one-way is unlikely to address the issues raised in this correspondence. It would be difficult to locate a convex mirror due to the geometry of the intersection with Factory Lane. It is noted that there is insufficient need and inadequate width for the provision of a footpath.

Site inspections were conducted and it was observed that vehicles were parking close to the intersection on Brisbane Street. It is considered that there is insufficient sight distance for drivers exiting Prince Lane and that the minimum of 10 metres should be provided on Brisbane Street on the northern side of Prince Lane.

No vehicles were observed to be parked in Prince Lane and driveways were not obstructed. The pavement width is approximately 3.2 metres, however with the low traffic volumes in Prince Lane this does not appear to be a major problem for passing movements.

With regard to pedestrian movements both Prince and King Streets have footpaths provided and it is not essential for people to walk down Prince Lane.

COMMITTEE ADVICE:

That "No Stopping" signage be installed on Brisbane Street on the north side of Prince Lane for length of 10 metres.

RECOMMENDATION TO COUNCIL

That "No Stopping" signage be installed on Brisbane Street on the north side of Prince Lane for length of 10 metres.

FOR VOTE - Ms Liz Smith, Snr Const Ray Wilson, Cr Barry Longland.

B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE

B1 [LTC] Pioneer Parade, Banora Point

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 55902624; Traffic - Committee; Pedestrian Safety; Signs - Traffic Issues; Traffic - Speed Zones; Pioneer Parade; Short Street; View Street; Kittiwake Street; Banora Boulevard

SUMMARY OF REPORT:

Request received for the installation of speed reducing devices on Pioneer Parade.

"The opening of Short Street with a four-way intersection recently has created a "race-way" for speeding vehicles along Pioneer Parade between Short Street and Kittiwake Street. It is currently 5.22am and I have witnessed eighteen vehicles in the past twelve minutes, driving at excessive speeds along Pioneer Parade in both directions. Some of these vehicles have turned into and out of View Street, also at excess speeds.

There are a number of elderly people who regularly use the road for walking and to gain access to the Banora Point shopping centre using the pedestrian stairs off Banora Boulevard.

We have a New South Wales public primary school located on Pioneer Parade. The children attending New South Wales primary schools are between five and twelve years of age. There are many parents and carers who walk their young families to and from school along Pioneer Parade.

We have no footpath on Pioneer Parade between Short Street and Kittiwake Street, to walk our children safely to school so do our best to negotiate the safest route possible along grass across driveways and on and off the road. I have concerns about the increased traffic use of Pioneer Parade and in particular the excessive speed that the vehicles are currently travelling on this stretch of road.

Please help keep our kids safe and install physical speed reducing devices on Pioneer Parade to avoid a serious injury or death of a child due to speeding vehicles on a residential road. We do not have signage currently erected indicating traffic speeds on Pioneer Parade. Once this is in place, I do not believe that this alone would be enough to slow down the traffic.

I appeal to you personally and as a collective group of parties with an interest in this stretch of road to please ensure the safety of our pedestrians and specifically our young school community."

COMMITTEE ADVICE:

That speed and vehicle counts be conducted on Pioneer Parade to determine any changes in traffic conditions and this item be placed on the Schedule of Outstanding Resolutions for further consideration.

B2 [LTC] Pottsville Road

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 56883966; Traffic - Committee; Traffic - Speed Zones; Pottsville Road

SUMMARY OF REPORT:

Council is requesting a review of the 100km/h speed limit on Pottsville Road due to the high incidence of speed related type crashes.

In the five year period July 2006 to June 2011 there were 31 recorded crashes with 27 of those crashes "off path on curve".

The 85th percentile speeds and Average Daily Traffic are as follows:

| | Date | 85 th Percentile Speeds | Date | ADT |
|---|------------|------------------------------------|------------|------|
| POTTSVILLE ROAD - MOOBALL END | 5/02/2008 | 80 | 5/02/2008 | 847 |
| | 3/07/2002 | 85 | | |
| POTTSVILLE ROAD - NORTH of TREATMENT PLANT | 7/04/2011 | 85 | 7/04/2011 | 850 |
| POTTSVILLE ROAD - NORTH of TWEED VALLEY WAY | 7/04/2011 | 82 | 7/04/2011 | 852 |
| | 24/03/2010 | 85 | 24/03/2010 | 930 |
| | 5/02/2008 | 80 | 5/02/2008 | 847 |
| | | | 25/05/2005 | 1077 |
| | | | 28/08/2002 | 841 |
| POTTSVILLE ROAD - OFF CUDGERA CREEK ROAD | 15/02/2012 | 76 | 15/02/2012 | 1093 |
| | 31/03/2010 | 77 | 31/03/2010 | 1335 |
| | | | 25/05/2005 | 3390 |
| | | | 5/09/2002 | 2596 |

COMMITTEE ADVICE:

That the speed limit on Pottsville Road be referred to Roads & Maritime Services (RMS) for review in consideration of the speed related crash history on this road and be placed on the Schedule of Outstanding Resolutions.

B3 [LTC] Powell Street, Tweed Heads

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 56870114; Traffic - Committee; Speed Zones; Pedestrian Crossings; Safety; Powell Street; Hospital - Tweed Heads

SUMMARY OF REPORT:

Request received from Tweed Hospital staff that consideration be given to:

1. The installation of a pedestrian crossing in Powell Street adjacent to the bus zones or in a nearby safe location.
2. A reduction in the speed zone for Powell Street

Current traffic counts show approximately 303 vehicles per hour, which means that the warrants would be unlikely to be met at this location.

The most recent speed survey completed on 24 May 2012 determined that the 85th percentile speed was 44km/h, which is under the existing 50km/h speed limit.

Pedestrian counts will be tabled at the meeting however observations have shown that staff and visitors to the hospital currently utilise the Bowling Club carpark and cross Powell Street at the driveway access. It is further noted that a development application is before Council for development of the carpark site. Pedestrians are observed to cross this road where most convenient to them.

RMS guidelines do not allow a speed limit reduction at this location.

Observations were conducted of the site on 27 September 2012, and there were 115 pedestrian movements and 331 vehicle movements in an hour period (11am to 12noon). Whilst these numbers meet the bare minimum warrants, the product these numbers is 38,000 where as the warrant requires a minimum of 60,000.

COMMITTEE ADVICE:

That:

1. Subject to non compliance with the pedestrian crossing warrants a marked pedestrian crossing cannot be installed on Powell Street adjacent to the hospital.

2. Subject to non compliance with RMS guidelines speed reduction cannot be supported in this area.
-

B4 [LTC] Prince Lane, Murwillumbah - *"This item was moved to Section A3 at the request of the Chairperson and the RMS Representative, please refer to Item A3 Prince Lane, Murwillumbah for decision on this matter."*

B5 [LTC] Byangum Road, Murwillumbah

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 55898294; Traffic - Committee; Traffic - Safety; Byangum Road; Thompson Street; Harwood Street

SUMMARY OF REPORT:

Request received in relation to speeding and hooning on Byangum Road, Murwillumbah between Thompson Street and Harwood Street.

"....over the past 12 months there has been no less than 5 cars that have left the road due to driver loosing control whilst performing hooning acts. Several years ago there was 2 cars that ended in my front yard breaking through my fence destroying both cars in two different accidents.

.....currently the road surface on Byangum road is a wash of tyre patterns burnt into the road..... These acts are happening 24 hours a day.

.....A permanent physical road solution is required."

Hooning activities are a matter for the Police and little can be done from a road design perspective.

COMMITTEE ADVICE:

That the matter of hooning and speeding on Byangum Road, Murwillumbah be referred to the NSW Police.

B6 [LTC] Bay Street, Tweed Heads

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 57551893; 57501966; CRM POL12/0218; Traffic - Committee; Parking Zones; Bus Services - General; Bay Street, Tweed Heads

SUMMARY OF REPORT:

Residents in Bay Street are reporting non compliance of existing prohibitive signage for bus parking and bus drivers not adhering to "No Through Road" for buses signage. They are also reporting that buses are parking with their motors running, which affects their amenity.

The signage was installed several years ago to address these issues that have been raised and since their installation there has been few reported compliance issues. Bay Street, Tweed Heads has become a 'defacto' bus depot as the Tweed Shire routes terminate here and you cannot continue to Queensland without boarding another service which operates under a different system and fare structure.

Bay Street is used by drivers between shifts and buses are left unattended while the driver takes a rest break. A designated area has been installed adjacent to the shopping centre for this purpose however this appears to be inadequate for the number of vehicles.

COMMITTEE ADVICE:

That Council:

1. Writes to Surfside Bus Lines advising that the parking of buses adjacent to residential premises affects residents' amenity and considers alternate sites for drivers to use on structured rest breaks.
2. Rangers educate bus drivers on their responsibility to comply with signage in Bay Street, Tweed Heads.

B7 [LTC] Chinderah Bay Drive, Waugh Street, Wommin Bay Road and Phillip Street, Chinderah - Speed Zone Review

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 55562377; Traffic - Committee; Traffic - Speed Zones; Chinderah Bay Drive; Waugh Street; Wommin Bay Road; Phillip Street, Chinderah

SUMMARY OF REPORT:

Advice received from the Roads and Maritime Services (RMS) regarding a completed speed zone review of Chinderah Bay Drive, Waugh Street, Wommin Bay Road and Phillip Street, Chinderah. The outcome is as follows:

- "1. That the existing 60km/h speed limit on Waugh Street, Wommin Bay Road and Phillip Street is reduced to 50km/h.*
- 2. That the existing 60km/h speed limit on Chinderah Bay Drive is reduced to 50km/h from 20m south of Chinderah Road to 50m north of Waugh Street.*
- 3. That the existing 60km/h from 50m north of Waugh Street to the Fingal Road roundabout is retained. This is a total distance of 1km."*

COMMITTEE ADVICE:

That:

1. The Committee notes the speed zone review of Chinderah Bay Drive, Waugh Street, Wommin Bay Road and Phillip Street, Chinderah.
2. Item 1 of Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 23 August 2012 be removed from the list of Outstanding Resolutions.

B8 [LTC] Clothiers Creek Road, Condong to Bogangar/Cabarita - Speed Zone Review

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 55655353; Traffic - Committee; Traffic - Speed Zones; Directional Signs; Clothiers Creek Road, Condong, Nunderi, Clothiers Creek, Tanglewood

SUMMARY OF REPORT:

Advice received from the Roads and Maritime Services (RMS) regarding a completed speed zone review of Clothiers Creek Road from Condong to Bogangar/Cabarita. The outcome is as follows:

- "1. The existing 70km/h speed limit at Nunderi is reduced to 60km/h from 1.7km east to 300m west of Boyd Street. This is a total distance of 2km.*
- 2. The existing 60km/h speed limit at the Pacific Highway interchange is reduced in length by 200m from 100m east of the eastern roundabout, Tanglewood to 800m west of the western roundabout, Clothiers Creek. This is a total distance of 1.2km (including the overbridge).*
- 3. The existing 80km/h speed limit at the Pacific Highway interchange is extended in length by 200m from 600m east of the eastern roundabout, Tanglewood to 600m east of Watty Bishop Road. This is a total distance of 1.3m.*
- 4. Council is requested to upgrade delineation along Clothiers Creek Road to provide enhanced guidance to road users."*

The RMS representative advised that dot point 3 should be revised to say:-

3. The existing 80km/h speed limit at the Pacific Highway interchange is extended in length by 200m from 100m east of the eastern roundabout, to Tanglewood to 600m east of Watty Bishop Road. This is a total distance of 1.3m.

COMMITTEE ADVICE:

That:

1. The Committee notes the speed zone review of Clothiers Creek Road from Condong to Bogangar/Cabarita.
2. Item 3 of Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 23 August 2012 be removed from the list of Outstanding Resolutions.

B9 [LTC] Kingscliff Triathlon Multisport Weekend 24 to 25 November 2012

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 55999468; Traffic - Committee; Traffic - Safety; Traffic - Control; Festivals - Events; Bridges - Cudgen Creek; Boat Ramps; Parks - Jack Julius; Parks - Faulks - Kingscliff

SUMMARY OF REPORT:

Request received for Local Traffic Committee approval to conduct the 6th Kingscliff Triathlon Multisport Weekend on 24 to 25 November 2012.

"the sporting event is more than just a triathlon; it now includes sporting and social activities to ensure the weekend becomes a national class event and a major attraction for tourism for the weekend. With a proposed Sunday triathlon again catering for Kids (7 to 15 years), Tempta (entry level) and Olympic distance (swim 1.5km; cycle 40kms; run 10km), we are hopeful of 800 entries, an increase from our last triathlon in February.

The Kingscliff Triathlon attracts entries from Queensland, Tweed and Sydney region and we expect the number of entries from across Australia to increase significantly given the reputation of the event.

Event Program

Saturday AM

- Setup in the Faulks Park AM and racking of bikes in transition Saturday PM
- Pasta Special at Surf Club - Surf Club - 6pm to 10pm

Sunday AM

- 5.00am registration open
- 6.15am all roads closed
- 6.45am racing starts

- 1.00pm racing finishes
- 3.00pm pack-up completed
- 2.00pm After Tri Surf Club party

RUN EFFECTED (sic) ZONES

- Casuarina Way along Sutherland Street - 6.00am to 1.00pm
 - **START/FINISH:** - Salt roundabout(PointBreak (sic) St & Casuarina Way) to Seaview Street
 - **Diversions:-** Vicking (sic)/Hungerford/Orient
- Southerland (sic) Point Road to creek rockwall - 6.00am to 1.00pm
- Salt Walkway - closed from Salt (last house) to Cudgen Creek bridge
- Jack Julius Park - swim start, restricted public access
- Cudgen Creek Walkway - closed form Cudgen Creek bridge to boat ramp 5.00pm (Saturday) to 2.00pm (Sunday)
- Boat Ramp Cudgen Creek - closed from 5.00pm (Saturday) to 2.00pm (Sunday)
- Access road to VMR Tower (boat ramp) * restricted access from 5.00pm (Saturday) to 1.00pm (Sunday)
- Moss Street - 6.00am to 1.00pm
- Faulks Park - car parks - restricted access from 3.00pm Saturday until 3.00pm Sunday

BIKE EFFECTED (sic) ZONES

- Marine Parade north - 5.00am to 1.00pm
 - **START/FINISH:-** Boat ramp Cudgen Creek, Southern End Marine Pde
- Surf Club car park - 9pm (Saturday) to 2.00pm (Sunday)
- Surf Club car park - cut in the middle 4.00pm Saturday * access from either end on/off Marine Parade
- Marine Parade north - 5.00am to 11.30am
 - **START/FINISH:-** Roundabout fig tree north to corner of Wommin Bay Rd
- Woomin (sic) Bay Road - 6.00am to 12noon
 - Along Wommin Bay Road to Jenner's Corner/Chinderah Bay Road>left along Chinderah Bay Road (sic) to dead-end

Traffic Diversions

The above roads are not accessible due to the race route (as above) being closed. Traffic to be diverted as follows:

(starting south to north)

- **SALT** - divert traffic northbound along Casuarina Way at roundabout of Point Break Drive
- **VICKING (sic)** - divert traffic inbound from TAFE into Turnock Street
- **SEAVIEW** - divert traffic outbound from Kingscliff to Turnock and to Boomerang
- **KINGSCLIFF STREET** - divert outbound traffic from Pearl Street to Turnock
- **WAUGH** - divert southbound to Fingal access ramp to freeway
- **WAUGH** - divert north bound traffic back onto freeway
- **CHINDERAH BAY DRIVE** - divert southbound traffic tot Waugh freeway access or back to Fingal freeway access
- **FINGAL ROUNDABOUT NEAR BRIDGE** - divert south bound traffic to freeway
- **CHINDERAH RD NEAR ROUNDABOUT UNDER FREEWAY** - divert river bound traffic back to freeway

Special Event Signage

Special Event signage will be installed in effected (sic) suburbs two weeks in advance of event. VMS electronic boards will be deployed 3 days in advance on Marine Pde; Chinderah Bay Rd and near Surf club.

Signage on streets closed for the race installed 7 days prior.

Residents Notification

QSMSports to provide:

- *Regular news releases to local papers starting 4 months out*
- *Special Event Notices go into the Tweed Link 1 & 2 weeks out form the event*
- *Letterbox drop to residents and businesses effected (sic) two weeks prior to event*
- *Residents will have access to the motorbike escort service for urgent entry/exit on routes*

Business Consultation

QSMSports will complete the first wave of consultation with shops/businesses in Kingscliff in 1.5 months out which will be followed by second wave two weeks prior to event. QSMSports will present to Chamber of Commerce if the opportunity arises.

A plan to provide residents only parking in school grounds on Pearl St will ensure local residents can still access shops Sunday morning.

Support for Arthur at Chinderah will also be considered.

A door to door approach will be made to businesses on Chinderah Bay Drive before the event

Road Signage

- *Road detour signage and appropriate traffic signage will be used in advance of key changed road conditions & activity areas as per Traffic Control Plan prepared by Tweed Shire Council*
- *A major effort will be undertaken to improve detour signage for persons arriving in Kingscliff during road closures*
- *An extensive campaign to participants will be undertaken to communicate detours, access roads before the weekend to minimise confusion*

Bus Access

The buses normally accessing Wommin Bay Drive will need to be diverted as per NSW Police recommendations; and

- *QSMSports will provide a limited local taxi service for residents to connect to agreed bus pickup points*
- *A communication to residents effected (sic) needs to be jointly undertaken with Bus Company/Council/QSMSports*

Confirmation of cover for Sports Liability Insurance has been received for:

Public Liability \$10,000,000

Products Liability \$10,000,000

Professional Indemnity \$2,000,000

COMMITTEE ADVICE:

That the proposed Kingscliff Triathlon on Saturday 24 and Sunday 25 November 2012 be supported subject to standard conditions of approval, NSW Police approval being obtained, community and business consultation and advertising in the Tweed Link.

B10 [LTC] Crescent Street, Cudgen

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 55605266; TRA 12/0030; Traffic - Committee; Safety; Speed Zones; Pedestrian - Safety

SUMMARY OF REPORT:

Correspondence received in relation to appreciation for the installation of speed bumps in Crescent Street, Cudgen. It is reported that:

"Traffic is still racing between the speed bumps with the potential of causing accidents as residents exit concealed driveways. Small children use the roadway frequently travelling to and from school as well as residents walking to and from the bus stops.

We should be pleased if Council would install a further speed bump between the present two.

Crescent Street has normal curves but no corners."

Speeding on this street was brought to the attention of the Committee in 2009. In February 2010 Council installed 2 speed bumps in this location. In late 2010 further speed data was collected showing a significant reduction in 85th percentile speeds, as follows:

| | | |
|---|-------------|-----------------|
| CRESCENT STREET - south of REDMAN LANE | Urban Local | 27/10/2010 - 19 |
| | | 3/03/2010 - 46 |
| | | 7/09/2007 - 50 |
| | | 13/04/2006 - 44 |
| | | 11/03/2004 - 51 |

The above data confirms that the speed bump treatment installed in 2010 has been effective in reducing speeding along Crescent Street and it is considered that no further treatment is warranted at this time.

COMMITTEE ADVICE:

That no action be taken regarding the request for a speed bump on Crescent Street, Cudgen.

NEXT MEETING:

The next meeting of the Local Traffic Committee will be held 22 November 2012 in the Mt Warning Meeting Room commencing at 10.00am.

There being no further business the Meeting terminated at 11.10am.

EXECUTIVE MANAGEMENT TEAM COMMENTS:

A1. Wharf and Frances Street, Tweed Heads

Nil.

A2 Banora Point Primary School - School Crossing

Nil.

A3. Prince Lane, Murwillumbah

Nil.

EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:

A1. Wharf and Frances Street, Tweed Heads

That the concept plan to modify linemarking at the intersection of Frances Street and Wharf Street, Tweed Heads be implemented subject to funding availability.

A2 Banora Point Primary School - School Crossing

That the children's crossing and associated linemarking in Westray Street near Pioneer Parade, Banora Point be removed.

A3. Prince Lane, Murwillumbah

That "No Stopping" signage be installed on Brisbane Street on the north side of Prince Lane for length of 10 metres.

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ORDERS OF THE DAY



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

41 [NOR-Cr B Longland] SALT - Stage 6 - Road Closure

NOTICE OF RESCISSION:

At its meeting of 26 June 2012 Council resolved to approve an application for a road closure as part of Stage 6 of the SALT development at Kingscliff and resolved that the applicant would purchase the land as determined in value by a registered valuer.

The applicant has objected to the purchase of the land, on the basis that the road sought to be closed and purchased had already been dedicated as road reserve in an earlier stage of SALT to accommodate a future intersection.

The design for Stage 6 provided for an alternative intersection, so the already dedicated intersection was rendered redundant.

The applicant therefore reasons that the Stage 6 designed intersection should be in exchange for the previously dedicated intersection.

The applicant's reasoning is accepted by Council officers and it is recommended that the closed road parcel be transferred to the applicant in exchange for the area dedicated for road in Stage 6 of the SALT development.

Councillor B Longland, G Bagnall and P Youngblutt move that Council resolution at Minute Number 391, Item 48 FINAL Ordinary Council Meeting Agenda - 15 November 2012, from Council Meeting held 26 June 2012, being:

".... that:

1. Council approves the closure of part of the road reserve of Casuarina Way, Kingscliff adjacent to Lot 940 DP 1079124;
2. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a registered valuer;

3. The title of the closed road be consolidated with the adjacent land;
4. Easements be created over public authority reticulation services, if any; and
5. All necessary documentation be executed under Common Seal of Council."

be rescinded.

42 [NOM-Cr B Longland] SALT - Stage 6 - Road Closure Application

NOTICE OF MOTION:

Councillor B Longland moves that Council accepts the dedication of a road in DP 1079 as full compensation for the road to be closed adjacent to Lot 940 DP 1079124 and bears all other legal and survey costs relating to the road closure application.

43 [NOM-Cr M Armstrong] Audit of Safety and Accessibility of Infrastructure Adjacent to Local Schools

NOTICE OF MOTION:

Councillor M Armstrong moves that Council officers prepare a report with respect to the state of repair of existing roads, footpaths and pedestrian crossing which service local schools, upon the criteria of safety and equality of access. The report to be presented to Council prior to the commencement of the 2013 NSW School Year.

44 [NOM-Cr M Armstrong] Regulatory Framework and Compliance Issues

NOTICE OF MOTION:

Councillor M Armstrong moves that Council officers submit a report to Council that outlines the current regulatory framework and compliance issues relating to all forms of signage, A-Frames, outdoor dining structures and footpath trading affecting all public footways and road reserves throughout the Shire to inform a subsequent Councillors Workshop.

45 [NOM-Cr C Byrne] Council Endorsed Site for the Tweed Byron Police Local Area Command Centre

NOTICE OF MOTION:

Councillor C Byrne moves that Council writes to the NSW Police, UGL Limited, NSW Police Association, Minister for Police and Emergency Services, Mr Michael Gallacher, Minister for Planning, Mr Brad Hazzard, Minister for Local Government, Mr Don Page, Member for Lismore, Mr Thomas George and Member for Tweed, Mr Geoff Provest, demonstrating Council endorsement of the site known as Lot 6 DP 727425 located at the corner of Tweed Coast Road and Cudgen Road, Cudgen to be the preferred site for the Tweed Byron Police Local Area Command Centre.

This site was considered as one option at the Extraordinary Council Meeting held Monday 19 December 2011 and included in a report for that meeting.

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CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

1 [GM-CM] Destination Tweed - End of Financial Year Report 2011/12

REASON FOR CONFIDENTIALITY:

This report is confidential because it contains the financial information of Destination Tweed Inc. which is a private organisation.

Local Government Act

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

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



Strengthening the Economy

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

2 [EO-CM] Naming of Gardens Fronting Murwillumbah Civic Centre

REASON FOR CONFIDENTIALITY:

To avoid embarrassment to the nominator or family of the nominee should Council determine not to support the nomination.

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

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



Supporting Community Life

3 [EO-CM] Naming of Park at Condong

REASON FOR CONFIDENTIALITY:

To avoid embarrassment to the nominator or family of the nominee should Council determine not to support the nomination.

Local Government Act

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

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



Supporting Community Life
