

O11 [EO-OC] EC2006-154 Gray Street Depot Workshop Upgrade

ORIGIN:

Design

FILE NO: GC12/3-2006154

SUMMARY OF REPORT:

Tenders were called for the construction of a new depot workshop at Council's Gray Street Depot site. A total of two lump sum tenders were received by the advertised closing date of 22 November 2006.

This report provides a recommendation on the preferred tenderer.

RECOMMENDATION:

That:-

- 1. Council awards the contract EC2006-154 Gray Street Depot Workshop Upgrade to JJ & MI Miller Pty Ltd for the lump sum price of \$626,815.45 excluding GST.**
- 2. Council votes additional amounts of \$25,000 from the Sewer Fund for depot facilities, Tweed Heads and \$36,000 from the general fund for depot improvements to cover the shortfall in budget and it be included in the December 2006 quarterly budget review.**
- 3. The Director Engineering and Operations be given delegated authority to approve variations up to 20% above the initial contract price.**
- 4. All necessary documentation be executed under the Common Seal of Council.**

REPORT:

Tenders were called for the construction of a new depot workshop at Council's Gray Street Depot site. The scope of the tender includes the provision of all materials, plant and labour for the construction of the Gray Street Depot Workshop Building including but not limited to the following:

- demolition of existing workshop shed above existing slab level;
- concrete footings and slab;
- steel portal frames, bracing, purlins, girts, roofing and cladding;
- internal stairway, platform, landing and offices;
- doors, electric roller doors, windows;
- electrical power, internal lighting, external flood lighting, air conditioning and security system;
- water supply, sewerage and roof water connections;
- internal plumbing fixtures and associated cabinets;
- underground conduits and mains for new power supply and telecommunications to the workshop building and to the existing workshop main switchboard;

A plan and elevations of the proposed workshop building is attached for information.

A total of two lump sum tenders were received for the Lump Sum Contract by the advertised closing date of 22 November 2006. The tenderers were:-

Haigh's Constructions
JJ & MI Miller Pty Ltd

JJ & MI Miller Pty Ltd's tender is recommended for acceptance. JJ & MI Miller Pty Ltd has completed a number of building projects including the Cudgen Rugby League Football Club headquarters (\$300,000) and the Wallum Community Pre-school and Family Centre at Banora Point (\$1,046,000). Referees have advised that JJ & MI Miller Pty Ltd's performance on these building projects was satisfactory.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The construction will occur over the 2006/2007 financial year. Funding is available within the current Water Unit Sewer Fund for depot facilities and within Council's general fund for Depot improvements. Additional funding is required to cover a shortfall in the relevant budgets.

POLICY IMPLICATIONS:

Nil.

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. **Attachment** – Gray Street Depot Workshop Upgrade – Plan and elevations of proposed workshop building (DW 1509914).
 2. **Confidential Attachment** – Supplementary Confidential Information to Agenda (DW 1510787).
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012 [EO-OC] Tree Poisoning - Casuarina

ORIGIN:

Recreation Services

SUMMARY OF REPORT:

Council has become aware of a significant tree poisoning episode in a dunal area of Casuarina North. There is clear evidence that the trees have been poisoned (drill holes). At least 80 trees have been poisoned along an area approx 40m long and extending 20m into the dunes in some areas. The 'victims' include numerous saplings and the approach has been judicious in poisoning only those with potential to grow into larger trees. Additionally, two large Casuarinas beside the cycleway have been poisoned.

A reasonable effort has been expended by the perpetrators as access to many of the trees through thickets of coastal wattle would be extremely difficult.

There is a concern that if Council does not take immediate and decisive action, further poisoning may occur.

RECOMMENDATION:

That Council:-

- 1. Erects a framework fronting the affected area of the dune and cover with Hessian or a similar material until vegetation is re-established to its existing height.**
- 2. Leaves the two large Casuarinas poisoned beside the cycleway in place and shroud with shade-cloth, barrier mesh or similar material until the trees become unsafe and need to be removed.**
- 3. Removes the poisoned trees and replant with similar species.**
- 4. Appeals to the community to appreciate and protect coastal vegetation, and report any information regarding illegal clearing or poisoning to Council.**

REPORT:

Background:

At its meeting held 6 June 2005, Council resolved:

that Council:-

- 1. Condemns unauthorised destruction of coastal, riparian and native vegetation which is apparently motivated by the objective of providing better access to views or greater development potential of the subject land.*
- 2. All illegal clearing works are to be notified to Council in a timely manner and that appropriate enforcement procedures be taken where such breaches occur.*
- 3. Council erects appropriate screens to cover the cleared areas in foreshore dunes and riparian areas until the restoration works are fully established.*
- 4. Council erects signage on dune and riparian areas where illegal destruction of the vegetation has occurred to advise the general public that Council has a zero tolerance with regard to this issue.*

Incident report

On 1 December 2006, Council staff reported that numerous trees in a dunal area of North Casuarina appeared to have been poisoned.

The incident was further investigated by Council staff on the same day. The investigation revealed that approximately 80 trees of varying age and species showed evidence of poisoning. All the trees had identical drill holes in the base of the trunk and the appearance of the trees is consistent with that of trees that have been poisoned. The 'victims' include numerous saplings and the approach has been judicious in poisoning only those with potential to grow into larger trees

The poisoned trees extend along the dunal area for approximately 40 meters in length and up to 20 meters deep. Additionally, two large Casuarinas located next to a cycleway, approximately 50m from the dune vegetation have been poisoned.

Recommendation

With consideration to the above resolution and the nature of the incident, Council may consider erecting screens to negate any benefits that may be gained from the poisoning. This may be in the form of a constructed framework in the dunal area where the poisoning has occurred, attaching Hessian or similar material.

Additionally, Council may also consider shrouding the two larger poisoned Casuarinas in shade-cloth or similar until the trees become unsafe and need to be removed.

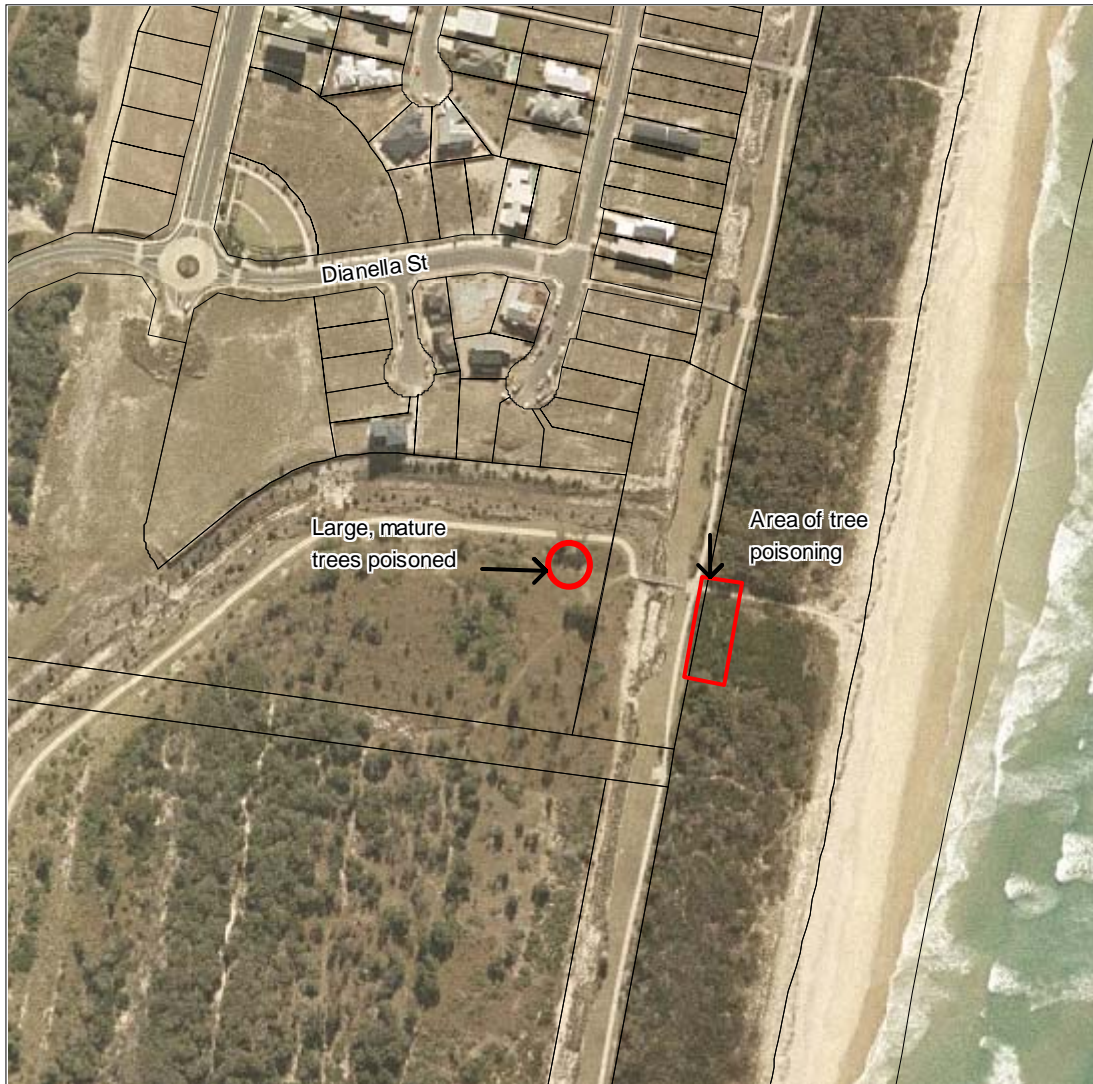


Figure 1 Location of poisoned trees



Figure 2: Showing the poisoned trees within the dune area. Only species with the potential to grow into trees were poisoned.



Figures 3 & 4. Looking east to the dunal area with poisoned trees in the foreground



Figure 5 & 6: Showing the drill holes in the larger casuarinas

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Financial cost to erect screens is not allocated and is approximately \$8,000.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. Colour photographs of poisoning. (DW 1511366).
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O13 [EO-OC] Water and Wastewater Activity Management Plans

ORIGIN:

Water

SUMMARY OF REPORT:

The Water Supply and Wastewater Activity Management Plans were placed on public exhibition from 28 September to 27 October 2006.

During this period one written submission was received.

RECOMMENDATION:

That:

- 1. Council adopts the Water Supply and Wastewater Activity Management Plans.**
- 2. Council submits the Water Supply and Wastewater Activity Management Plans to The Department of Energy, Utilities & Sustainability as the requirement for Strategic Business Planning, criterion 1 of the department's best practice management guidelines.**
- 3. A future report be brought before Council detailing preliminary costs and resource requirements of the Action and Improvement Program with a recommended implementation strategy.**

REPORT:

The Water Supply and Wastewater Activity Management Plans were placed on public exhibition from 28 September to 27 October 2006.

During this period one written submission was received. This submission raised general concerns about current and future treated effluent discharges into Terranora inlet. This submission has been reproduced and is attached under a separate cover to this report.

The continuing development of the Integrated Water Cycle Management (IWCM) Strategy (IWCM) will in part address the concerns raised. Development of the IWCM Strategy will require the ongoing amendment of the Activity Management Plans.

It is proposed all reporting to Council on actions relating to the Water Supply and Wastewater activities will be framed with a reference to the Activity Management Plan appendix or clause. This is to ensure that all decision making related to the activity will force stronger, more coordinated and focussed management of the activity, with greater accountability. It will ensure that staff members have a focus less on the preparation of plans to meet statutory requirements, and more on effective and efficient long-term management of the activity.

The Plans have identified a comprehensive Action and Improvement Program which is detailed in the respective Appendix U of each plan.

In general terms the improvement program has identified the need to tighten business processes to:-

- enable easier and more comprehensive reporting
- improve compliance with legislation
- improve productivity and effectiveness
- provide the detailed information required for decision making

In summary, the most important tasks to be undertaken are:-

- development of the asset register
- definition of appropriate levels of service
- consultation with the community on desired levels of service and costs

At this stage the Action and Improvement Program is indicative. It is proposed that a future report be brought before Council detailing preliminary costs and resource requirements of the Action and Improvement Program with a recommended implementation strategy.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil in this report however some deficiencies identified in the AcMP's, if addressed, will require significant additional financial and resource allocations.

POLICY IMPLICATIONS:

Nil in this report however some deficiencies identified in the AcMP's, if addressed, will require modification of existing environmental planning and assessment, plans, policy standards and codes; Building policy, assessment standards and codes; Engineering policy, assessment standards and codes.

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. Submission from Tweeds Heads Environment Group (DW 1496260).
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014 [EO-OC] Tweed District Long Term Water Supply

ORIGIN:

Water

SUMMARY OF REPORT:

The secure yield of the Tweed water supply system has previously been assessed at 27,500 Megalitres per year (Ml/year), capable of sustaining a future population of 189,000. This figure has now been revised down to an estimated 13,750 Ml/year supporting a population of 94,000 at the current demand rate of 145 litres per person per day. This reduction in estimated yield has been brought about by improved modelling techniques, accounting for recent drought events and allowing for release of environmental river flows.

The current connected population is 73,000, with population growth of around 40,000 expected in the next 20 years there is a need to address the shortfall in bulk water supply expected in coming years.

The shortfall will be addressed by a combination of actions which include demand management (reduction) and recycling as well as the provision of additional bulk water supply sources. These matters and others are being addressed by Council's Tweed Integrated Water Cycle Management (IWCM) process. A report on the IWCM Context Study and Strategy Report, is included within this Council Meeting Agenda.

Council has been proactive in securing new water supply sources. Much of the land for the proposed Byrrill Creek Dam has already been acquired and Council has engaged SunWater to assess the potential yields of both the new Byrrill Creek Dam and the potential raising of Clarrie Hall Dam. At this stage raising Clarrie Hall dam is seen as the most likely preferred option. Planning for improving the Clarrie Hall Dam spillway to pass higher flood flows are well advanced and are being configured to be compatible with raising the dam level.

The IWCM process will rigorously investigate these supply options as well as the options for demand reduction and recycling to produce a balanced and integrated water supply strategy. Whilst demand reduction and recycling will buy Council some time before bulk water supply becomes critical, there is a need to act now to progress the approval process for a new water supply source.

Due to the long lead time in bringing new bulk water supply sources onto line (particularly the environmental planning approval process), it is proposed to immediately commence environmental investigations into the raising of Clarrie Hall Dam so that once (and if) this supply strategy is confirmed, construction of the dam raising can be fast tracked.

RECOMMENDATION:

That Council:-

- 1. For planning purposes, adopts a revised estimate of Interim Water Supply System Yield of 13,750 Megalitres per year, being sufficient to sustain a population of 94,000 people based on 145 kilolitres per person per year whilst providing a 95 percentile environmental flow below Bray Park Weir.**
- 2. As principle priorities in the IWCM Strategy Development develops a Demand Management/Recycling Strategy and an Options assessment for Potential Bulk Water Supplies.**
- 3. Immediately commences environmental and detailed yield assessments for the proposed raising of Clarrie Hall Dam.**

REPORT:

Background

Integrated Water Cycle Management (IWCM) is the integrated management of the water supply, sewerage and stormwater services within a whole of catchment strategic framework and provides a long term focus on the integrated delivery of these services.

There are a number of actions that focus on the determination of the Long Term Water Supply for the Shire's current and future population as below:-

Action Number	Action
1	Formalise a Demand Management Program and explore further demand management options – including targeted non-residential audit and education (eg motels, caravan parks, clubs, etc).
3	Explore demand substitution options such as effluent and stormwater reuse.
4	Review and refine current estimates of system yields and supply security, (noting the “Historical No Failure Yield” methodology, only affords a relatively low probabilistic risk against failure in this case, being approximately 1 in 120), including assessing the potential impacts of environmental flow rules being applied at Bray Park Weir and determining increased yields from supply enhancement options such as raising Clarrie Hall Dam and constructing Byrrill Creek Dam.
5	Determine the impacts on town water supplies of the proposed water sharing plan for the Tweed River, in association with DNR and the CMA, which will define environmental flow requirements for the Tweed River (including defining fish ladder and estuary fresh water requirements).
7	Undertake detailed, long term town water demand forecasts.
14	Implement investigation and planning for dual reticulation and/or decentralised sewerage systems for future development areas, such as Cobaki and Kings Forest.
26	A detailed groundwater study needs to be undertaken in order to assess current quality issues and the potential for aquifer storage and recovery (may be undertaken by or in association with DNR).

The Tweed District Water Supply derives bulk water from the flow in the Tweed River at Bray Park Weir and a supplementary storage in the upper catchment, namely Clarrie Hall Dam. At the time of the construction of the Dam (early 1980's) the system was assessed as being able to supply 27,500 million litres (Megalitres, MI) per year which could support a population of 160,000 persons. This was based on a rate of extraction of 165 kilolitres per person per year. This supply volume, called a Historic No Failure Yield (HNFY), was derived by modelling the system using historic rainfall and monthly flow data. This model indicated that in 1968, which was the worst drought on record, 27,500 MI could be extracted from Bray Park Weir without the system failing. The model predicted that in this year Clarrie Hall Dam would be empty and the Bray Park Weir would be just above 0% before significant rain and runoff would break the drought. The majority of bulk water systems throughout Australia were modelled using the same or a similar technique and the HNFY.

In 2002 Council commenced the process of determining a revised supply volume as:-

1. There was a new model available (IQQM) that provided enhanced accuracy by using daily increments as opposed to monthly.
2. There were new philosophies in determining the supply volume based on simulating "back to back" droughts and imposing water restrictions.
3. Water Sharing Plans required under the Water Management Act 2000 would mandate environmental flows and subsequently reduce the HNFY.

Following preliminary confirmation of the environmental flows required for the Water Sharing Plans (Department of Natural Resources May 2006) Council's Consultants, Sunwater, have completed a Yield Analysis for the existing system and the yields available for proposed augmentations of Clarrie Hall Dam and Byrrill Creek Dam. The final report by Sunwater is attached for information.

Current System Supply (Yield)

The results of the Sunwater study, summarised below, illustrate a dramatic reduction in system yield.

	Scenario	Yield (Million Litres per year)	Population Supported based on current per capita extraction (145 kilolitres/person/year)
1	HNFY-1980 Study	27,500	189,000
2	HNFY- 2006 Study	16,200	111,000
3	Yield - 2006 Study with Restrictions with 95%ile environmental flow	13,750	94,000
4	Yield - 2006 Study with Restrictions with 95%ile environmental flow and contingency storage of 80% of current demand (8,080MI)	10,100	69,000

There are two main contributing factors to the reduction in Yield (the difference between scenario 1 and 2):-

1. The previous worst drought on record in 1968 was surpassed by the 2002-2003 drought.
2. The new model uses a daily time increment which has the effect of reducing system yield.

In addition to this providing an environmental flow and a contingency storage will have a further effect of reducing system yield.

Whilst it is not a current requirement it is envisaged that Environmental Flows will be enforced following the gazettal of Water Sharing Plans for the State within the next 12 months. The Department of Natural Resources has advised the Environmental flow

applicable to Bray Park Weir will be the 95 percentile. This means that when the flow reduces below the 95 percentile, water must be released from the Dam for Town Water supply purposes.

Recent drought throughout Australia has changed the approach to the determination of supply volumes. The Historic No failure Yield (HNFY) is now not considered adequate as it is unable to account for variability resulting from climate change and provides inadequate contingency storage to guard against uncertainty. The modelling also relies on relatively short historic rainfall and flow data for which most authorities have about 100 to 120 years. This period of time does not provide a high level of confidence in supply not failing. Varying approaches are being developed including reducing yield based on a percentage reduction to allow for climate change. Whilst the revised method for determining yield for the Tweed District Water Supply has not yet been determined it is proposed to base the yield on providing a contingency storage that will allow sufficient time to arrange an alternate supply for the Shire. This could range from 6 to 12 months supply. As an example, if 80% of current demand (9.6 months supply) is adopted as the contingency storage, then the yield of the system would be reduced to 10,100 MI which is at or just below the current level of demand on the system. The results of the analysis are shown in the difference between Scenario 2 and 4 in the table preceding.

System Demand

The table below indicates the historic water extraction for the Shire. Extraction is affected by climate and falls coincide with increased rainfall patterns and increases normally coincide with drought periods. There are other external influences that affect extraction including water restrictions, water conservation measures, and water pricing. Council's extraction is currently 145 Kilolitres per person per year which is consistent with the state average and demonstrates effective demand management as the majority of NSW has been under restrictions for the last several years.

Year	Extraction (Megalitres per year)	Population Served
1991	9760	47676
1992	9005	49686
1993	8528	51695
1994	8623	53705
1995	8730	55714
1996	9415	57724
1997	9546	59104
1998	9543	60484
1999	8766	61864
2000	9816	63244
2001	10525	64623
2002	10425	66295
2003	9247	67981
2004	10590	69681
2005	10404	71393

Extraction for the 2005 Calender year was 10,404 Megalitres. Matching the demand and supply indicates that in terms of water supply Tweed is at a critical stage.

Future Water Solutions

Solutions that are available have been identified in the IWCM process and are grouped under the following two areas:-

- 1. Demand Management.** This initiative has a focus on the demand side, reducing per household consumption therefore extending the water supply further. Extraction in the Tweed has reduced from 165 kilolitres per person in 1980 to the current level of 145. Further reductions are possible through retrofit programmes, implementation of BASIXs, water saving and recycling initiatives in major urban release areas including Cobaki, and demand substitution. The IWCM process will investigate and produce a Demand Management Strategy to reduce per household consumption to a more sustainable level.
- 2. Additional Bulk Water Supplies.** The raising of Clarrie Hall Dam and construction of Byrrell Creek Dam are the two obvious methods of increasing supply. The amount of water that these sources can deliver will be highly dependant on the environmental flow requirement. Doubling the size of Clarrie Hall Dam will deliver an additional 8,000 Megalitres per year based on a 95%ile flow regime. The Department of Natural Resources have indicated that a higher environmental flow requirement such as 80%ile may be more appropriate. This flow regime will significantly reduce potential system yield. Other potential water sources include groundwater for which the resource is limited and desalination which is energy intensive and costly. The yield of the proposed Byrrell Creek Dam is also subject to the environmental flow policy dictates of the NSW Department of Natural Resources, which are unclear at this stage and represent a major impediment to long term water supply planning.

The Way Forward

Based on the 2006 Sunwater study it is proposed to adopt an Interim Water Supply System Yield of 13,750 Megalitres per year, which will sustain a population of 94,000 people based on 145 kilolitres per person per year and provide a 95%ile environmental flow.

The existing population connected to the water supply is estimated at 73,000 persons. Shire population is expected to grow by 40,000 over the next 20 years. Based on current growth trends a population of 94,000 will be reached in 2016. Clearly some action is required to sustain a water supply for an expanding population. Under the Integrated Water Cycle approach it is proposed that a combination of Demand Management and Bulk water Source Augmentation will provide the necessary solution. The interim yield will be reviewed once an appropriate contingency philosophy is determined and Government Agencies, in particular, the Department of Natural Resources sign off on an agreed proposal.

A Demand Management and Recycling Strategy will determine appropriate per capita water reduction and the predicted future level of extraction. This strategy will define the most sustainable methods of reducing water consumption, increasing recycling and predict the levels of consumption that can be realistically achieved.

It is proposed to analyse options for additional water sources, and at the same time proceed with Environmental and Yield studies for the most likely option of raising Clarrie Hall Dam.

It is also proposed to review Council's Drought Management Policy which defines when water restrictions are imposed in relation to the Dam level.

External Sales

There is currently a high level of interest in the ability of the Northern NSW catchments providing water to South East Queensland. Rous Water, who are a bulk water authority for the Lismore, Byron and Ballina Councils have also expressed an interest in cross connection of our water supply systems. Until now Council was cautious of this interest as the quantity of the available water was under review. From the yield study it is clear that in the long term there is little capacity to provide a safe or secure yield to adjoining areas. However there may be an opportunity for intermittent sales from the Tweed during periods of high flow in the Tweed River at Bray Park (as occurs during most wet seasons, usually January - July). Such intermittent supply could be of use to South East Queensland as a supplementary supply when their dam levels are low.

The NSW Department of Natural Resources has advised that Council's current licence for the extraction of water from Bray Park Weir precludes inter-catchment sales. The existing infrastructure is also limited in its ability to physically transport water into Queensland and South to Ocean Shores. There is an existing 200mm pipe connection with the Gold Coast City Council at Thomson Street, Tweed Heads that is currently turned off and is capable of providing up to 3 Megalitres per day. In the mid to late 1980's Tweed Shire and Gold Coast had substantially completed a larger connection of the two systems however this has since been abandoned.

From an engineering perspective it is clear that the systems can be connected. As examples South East Queensland are heading towards a rationalisation of Bulk Water Supply, which will remove the control from each individual Council. Hunter Water Corporation as well as providing water to their own constituents will be providing bulk water when their Dam is above 70% capacity to Gosford-Wyong. The question remains as to what benefit each party will derive and what impact it will have on the yield of the party providing the water. If external sales were to be considered, then for it not to affect the system yield it could only be done when flows in the Tweed River at Bray Park were above a nominal figure of for example the 75 percentile.

Conclusion

The secure yield of the Tweed water supply system has previously been assessed at 27,500 Ml/year, capable of sustaining a future population of 189,000. This figure has now been revised down to an estimated 13,750 Ml/year supporting a population of 94,000 at the current demand rate of 145 litres per person per day. This reduction in estimated yield has been brought about by improved modelling techniques, accounting for recent drought events and allowing for release of environmental river flows.

The above assessment whilst useful as an assessment of the current status of the bulk water supply does not allow for the impacts of climate change, the need for improved supply security and improved demand/recycling management. As an example the

secure yield of 13,750 Megalitres per year could be reduced by 20% to 11,000 Megalitres per year to allow for climate change and the resultant need for extra system security. Simultaneously however it is envisaged that implementation of additional demand management and recycling initiatives may reduce extraction to say 125 kilolitres per person per year. The combined impact of these two factors would produce a system yield that would sustain a population of 88,000. This is slightly less than the current estimated yield of 94,000

The current connected population is estimated at 73,000, with population growth of around 40,000 expected in the next 20 years there is a need to address the shortfall in bulk water supply expected in coming years.

The shortfall will be addressed by a combination of actions which include demand management (reduction) and recycling as well as the provision of additional bulk water supply sources. These matters and others are being addressed by Council's Tweed Integrated Water Cycle Management (IWCM) process. A report on the IWCM Context Study and Strategy Report, is included within this Council Meeting Agenda.

Council has been proactive in securing new water supply sources. Much of the land for the proposed Byrrill Creek Dam has already been acquired and Council has engaged SunWater to access the potential yields of both the new Byrrill Creek Dam and the potential raising of Clarrie Hall Dam. At this stage raising Clarrie Hall dam is seen as the most likely preferred option.

The IWCM process will rigorously investigate these supply options as well as the options for demand reduction and recycling to produce a balanced and integrated water supply strategy. Whilst demand reduction and recycling will buy Council some time before bulk water supply becomes critical, there is a need to act now to progress the approval process for a new water supply source.

Due to the long lead time in bringing new bulk water supply sources onto line (particularly the environmental planning approval process), it is proposed to immediately commence environmental and detailed yield investigations into the raising of Clarrie Hall Dam so that once (and if) this supply strategy is confirmed, construction of the dam raising can be fast tracked.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Implications on long term water supply financial plan.

POLICY IMPLICATIONS:

Significant reduction in estimated bulk water supply yield, need to bring forward detailed investigation of Clarrie Hall Dam raising option.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. SunWater Tweed River System Water Supply Security Review Final Report (DW 1511224).
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O15 [EO-OC] Feasibility of Interstate Transfer of Water - National Water Commission

ORIGIN:

Water

SUMMARY OF REPORT:

The Federal Government's National Water Commission has engaged the engineering consultant SMEC to undertake a desktop study into the feasibility of sourcing water from the Northern Rivers of NSW for transfer into South East Queensland. Snowy Mountains Engineering Corporation (SMEC) have requested various information and reports to undertake the study including the recent Yield Study undertaken by SunWater.

RECOMMENDATION:

That Council provides information and reports as requested by Snowy Mountains Engineering Corporation (SMEC) who are undertaking a feasibility assessment of the potential to transfer water from Northern Rivers NSW to South East Queensland on behalf of the National Water Commission.

REPORT:

As per Summary of Report.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. Feasibility of Interstate Transfer of Water - Consultant Brief and Call for Tenders (DW 1510002).
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016 [EO-OC] Tweed Integrated Water Cycle Management (IWCM) Context Study & Strategy Report

ORIGIN:

Water

SUMMARY OF REPORT:

This report provides a summary of the public comments on the IWCM Context Study and Strategy Report, which was placed on exhibition from 13 April 2006 to 11 August 2006.

There were 38 submissions all providing comment on the available options. This report recommends the adoption of the IWCM Context and Strategy Study including the 26 Strategy Actions.

A summary of the status of the 26 Strategy Actions is also provided for information. This report is to be read in conjunction with the Tweed District Long Term Water Supply report contained in this Council Meeting Agenda.

RECOMMENDATION:

That:-

- 1. Council adopts the Integrated Water Cycle Management Context Study and Strategy Report incorporating the 26 Strategy Actions.**
- 2. Council Officers bring forward a further report detailing a proposed Community Consultation program to facilitate the IWCM process.**

REPORT:

IWCM Context Study and Strategy Report

Background

Integrated Water Cycle Management (IWCM) is the integrated management of the water supply, sewerage and stormwater services within a whole of catchment strategic framework and provides a long term focus on the integrated delivery of these services.

As part of this process, Council engaged consultants Hunter Water Australia to prepare a Context Study & Strategy Report in order to define the catchment, water resource and urban issues faced by Council and to outline a broad strategy for the future. This initial study also includes some short term actions, which will allow some solutions to be implemented while the IWCM process continues through ongoing detailed strategy development, review and associated implementation.

On the 12 April 2006 Council Resolved that:-

1. *The Tweed Integrated Water Cycle Management (IWCM) Context & Strategy Report be placed on public exhibition for a minimum of 8 weeks.*
2. *A summarised public awareness document be produced and distributed.*
3. *Both documents be posted on Council's web site*
4. *A list of Stakeholders be developed from the public consultation process.*
5. *A future report be brought before Council detailing submissions received and recommending a strategy for adoption by Council."*

Public Exhibition

The Tweed IWCM Context & Strategy Report was placed on public exhibition from 13 April to 11 August 2006. A 16 page special edition of the Tweed Link entitled "Water our Future" was also produced and delivered to all residents in early June to highlight the issues and proposed actions in the report. See attachment. Both the Context and Strategy Report and the "Water Our Future" publication were made available on Councils Internet Site.

Submissions

During this period 38 submissions were received, comprising of 6 group, 8 individual and 14 anonymous submissions. The submission responses are summarised in the table below:-

Integrated Water Cycle Management Submission Responses										
Topic	Relates to Action No.	Action Description	Strongly Disagree		Disagree		Agree		Strongly Agree	
			Group	Ind	Group	Ind	Group	Ind	Group	Ind

Integrated Water Cycle Management Submission Responses										
Topic	Relates to Action No.	Action Description	Strongly Disagree		Disagree		Agree		Strongly Agree	
			Group	Ind	Group	Ind	Group	Ind	Group	Ind
Education	1	Free onsite advice to minimise water use around the home and garden								1
Education	1	Waterwise education							1	
Education	1	Ecological sustainable development education							1	2
Metering	1	Individually meter duplexes - Council owned and maintained								2
Outdoor water saving practices	1	Promote garden mulching & appropriate planting (public/private)							2	3
Outdoor water saving practices	1	Promote sweeping of paved areas							1	1
Pricing	1	Stepped volumetric charge							1	
Pricing	1	Increase in cost of water							1	
Rebate	1	Provide rebates for Rain water tanks								5
Rebate	1	Provide rebates for water saving devices								2
Water restrictions	1	Permanent water restrictions						1		
Water loss	2	Reduce unaccounted for water percentage							1	1
Stormwater	3	Storm water Reuse							5	2
Treated Effluent	3	Recycle water to drinking standards						1		
Dam	4	Augment existing dam	1				1			5
Dam	4	Construct new dam	2	1						3
Desalination	4	Desalination	1					1	1	2
Water loss	4	Raw Water pipeline		1			1			
Water saving devices	11	Promote front loading washing machines							1	2
Water saving devices	12	Promote low flow shower heads							2	4
Water saving devices	13	Promote low flow dual flush toilets							1	2
Treated Effluent	14	Dual reticulation							2	3
Grey Water	20	Promote grey water reuse							1	8
Water saving devices	20	Promote water saving around home						1	1	6
Water saving devices	21	Promote Smart water saving Device for Business and Public uses								4
WSUD	25	Promote water sensitive urban design							1	3
Groundwater	26	Investigate ground water availability for secondary uses							1	
Groundwater	26	Aquifer recharge								2
Water restrictions	1, 22	Review water restrictions triggers								1
Household rainwater tanks	19, 20	Rain water tanks mandatory for new homes (incorporated in BASIX)							1	3
Household rainwater tanks	19, 20	Promote Rain water tanks for garden use							2	9
Catchment/riparian	24, 25	Catchment management and riparian zone regeneration							2	
Treated Effluent	3, 11, 13	Effluent recycling for irrigation						1	1	3
Treated Effluent	3, 11, 13	Reduction of treated effluent to waterways							3	

Integrated Water Cycle Management Submission Responses										
Topic	Relates to Action No.	Action Description	Strongly Disagree		Disagree		Agree		Strongly Agree	
			Group	Ind	Group	Ind	Group	Ind	Group	Ind
Growth		Cap growth								3
Growth		Maintain existing levels of service (quantity, quality and cost)								2
Growth		Make developers Pay								2
Growth		Get on with increasing water supply system capacity								2
Miscellaneous		Additional stream gauges							1	
Miscellaneous		Waste of time								2
Miscellaneous		Sell water to Gold Coast		1					1	
Miscellaneous		Reduce source water consumption							1	
Miscellaneous		Onsite water and sewer systems							1	3
Miscellaneous		Get on with IWCM Implementation								

The individual submissions have been reproduced and are attached under a separate cover to this report.

Conclusions

The small number of submissions received does not provide any clear direction on many of the critical issues.

There appears to be general support for demand management measures out side of restrictions.

The responses were polarised on various issues being either strongly supportive or against with little middle ground.

There was nothing in the submissions that suggests the 26 IWCM Strategy Actions or content of the study were inappropriate, therefore it is recommended that they be adopted by Council. A number of these actions have been completed and the Strategy Actions will require amendment in the near future.

Community Stakeholder Submissions

A requirement of the DEUS Best Practice Guidelines for IWCM is to engage the community in the process of developing the strategy.

Only 4 submissions were received from representatives of various parts of the community to be considered within a stakeholders group.

Due to the small number of responses it is proposed that a further report be prepared for Council's consideration on a more defined and targeted approach to form a community stakeholder group.

Status of the 26 IWCM Strategy Actions

The following table summarises the 26 Strategy Actions from the IWCM Context Study and Strategy:-

Tweed Shire Council - Integrated Water Cycle Management Strategy Action Plan June 2006					
Action Number	Action	Activity	Status	Responsible Officer	Timing
Urban Town Water Actions					
1	Formalise a Demand Management Program and explore further demand management options – including targeted non-residential audit and education (eg motels, caravan parks, clubs, etc).	Prepare Demand Management Strategy	Brief Prepared	Anthony Burnham	Complete by June 2007
2	Target 12% for unaccounted water by 2010.	Penetrate in Water Directorate leak Reduction Program Undertake Unaccounted for Water Study	Submission prepared Included in 2.1 submission	Jim Blakeney Jim Blakeney	Submit application Jan 2007 Complete by June 2007
3	Explore demand substitution options such as effluent and stormwater reuse.	Incorporate into Demand Management Strategy as per 1.1 above and Effluent Reuse Strategy as per Section 11.2 Below	Recycled Water Reuse Opportunities report completed by MWH in Feb 2006. Some of the opportunities identified in this report will feed into the Demand Management Strategy	Anthony Burnham	Complete by June 2007
4	Review and refine current estimates of system yields and supply security, (noting the "Historical No Failure Yield" methodology, only affords a relatively low probabilistic risk against failure in this case, being approximately 1 in 120), including assessing the potential impacts of environmental flow rules being applied at Bray Park Weir and determining increased yields from supply enhancement options such as raising Charlie Hall Dam and constructing Byrrill	Undertake System Yield Study	Study Complete	Anthony Burnham	Complete and report to Council December 2006
5	Determine the impacts on town water supplies of the proposed water sharing plan for the Tweed River, in association with DNR and the CMA, which will define environmental flow requirements for the Tweed River (including defining fish ladder and estuary fresh water requirements).	Prepare and adopt Drought Security Criteria	Options being considered and incorporated into System Yield Study	Anthony Burnham	Complete and report to Council December 2006
6	Investigate and implement improved treatment process at Tyalgum WTP and assess impact of water sharing plan on town water supply security.	Investigate and Prepare Bulk Water Supply Options Study Discussion and negotiation with DNR in relation to Water Sharing Plans	Not commenced Preliminary meetings held along with draft report Card for WSP indicate a 95%ile cease to pump rule	Anthony Burnham David Oxenham	Complete June 2007 Ongoing
7	Investigate and implement improved treatment process at Tyalgum WTP and assess impact of water sharing plan on town water supply security.	Incorporate WSP outcomes into System Yield Study Procurement of new Water Treatment Plant for Village of Tyalgum	Draft Rules incorporated into System Yield Study Consultancy awarded for preparation of Design and Construction Tender Documentation	Anthony Burnham Andrew Grant	Complete and report to Council November 2006 Complete construction July 2006
8	Undertake detailed, long term town water demand forecasts. Determine impact of new Australian Drinking Water Guidelines (ADWG) on Town Water Supplies and operations	Discussion and negotiation with DNR in relation to Water Sharing Plans Prepare Demand Forecast Study Investigate and Review on Compliance with Australian Drinking Water Guidelines	Preliminary indications from draft Report Card for WSP are that there will be no impact on system yield Brief Prepared as per 1.1	David Oxenham Anthony Burnham Jim Blakeney	Ongoing Complete by June 2007 Preliminary Review by June 2007
Urban Wastewater Actions					
9	Undertake sewerage system flow gauging and build a calibrated sewerage system model in association with monitoring of inflow / infiltration rates and sewerage system overflow locations.	Investigate and Prepare Sewer Overflow Abatement Strategy	Commenced	Anthony Burnham	Final Strategy June 2007.
10	Ongoing implementation of sewerage system optimisation (in association with a calibrated sewerage system model), including targeted inflow / infiltration works. Prepare Effluent Reuse Opportunities Report.	Prepare System Model Ongoing Sewerage Catchment Analysis using existing model	Not commenced ongoing	Anthony Burnham Anthony Burnham	not defined ongoing
11	Monitor wet weather performance of Upper Tweed treatment plants. Assess short term options for increasing effluent quality and reuse.	Investigate and Prepare Recycled Water Reuse Opportunities Report Prepare and Adopt Effluent Reuse Strategy	Complete	Andrew Grant	completed February 2006 Council Adopted 25 Jul 2006
12	Monitor wet weather performance of Upper Tweed treatment plants. Assess short term options for increasing effluent quality and reuse.	Operational Review of Plants	Complete	David Oxenham	ongoing
13	Monitor wet weather performance of Upper Tweed treatment plants. Assess short term options for increasing effluent quality and reuse.	Operational Review of Plants	Complete	Jim Blakeney David Oxenham	ongoing Council Adopted 25 Jul 2006

14	Implement investigation and planning for dual reticulation and/or decentralised sewerage systems for future development areas, such as Cobaki and Kings Forest.	14.1	Enter Discussions with Cobaki and Kings Forest proponents to incorporate IWCM principles	Initial discussions held.	David Oxenham	Internal	ongoing meetings with Developer
15	Undertake detailed, long term sewage loading forecasts.	14.2	Formulate Planning Committee at appropriate stage of each development to partner integration of IWCM principles	Not commenced	David Oxenham	Internal	as required
16	Prepare a targeted retrofit program of stormwater detention and/or treatment devices for 'hot spot' pre 2000 development areas.	15.1	STP loading Study	Not Commenced	Anthony Burnham	Consultant	not defined
17	Ongoing review and development of Stormwater Management Plans.	16.1	Implement Stormwater Management Plan	Unfunded in 7 Year Infrastructure Program	Jane Lofthouse	Contractor/Internal	Not Defined
18	Ongoing implementation of WSUD and ESD principles for new developments, including education of developers and the community and ongoing strengthening of local planning requirements.	17.1	Review Stormwater Management Plan	Not Commenced	Jane Lofthouse	Internal/consultant	Dec-07
19	Update existing local planning instruments to be in line with and to complement BASIX.	18.1	Ongoing Improvements	Ongoing	Danny Rose	Internal	Ongoing
20	Undertake preliminary planning for alternatives to rainwater tanks for new development areas (eg grey water reuse, dual reticulation of treated effluent, stormwater reuse). Hold forums with local developers and the community to discuss the advantages and disadvantages of various options.	19.1	Prepare Rainwater Tank Policy and modify existing planning process to include BASIX	complete	various		complete
21	Prepare and implement Asset Management Plans.	20.1	Refer 14.1				
22	Continued implementation of DEUS Best Practice Guidelines with a focus on IWCM outcomes.	21.1	Prepare Activity Management Plans for Water Supply and Sewerage Strategic Business Plan	Complete	Anthony Burnham	Consultant	Complete December 2006
		22.1	Best Practice Pricing for Water, Sewerage and Trade waste including Developer Service Plan	Substantially complete, Trade Waste Pricing Requires review.	Anthony Burnham	Internal	Complete December 2006
		22.2	Demand Management	An ongoing informal demand management program has been implemented. Requires formalisation into Demand Management Strategy as per Activity 1.1	Anthony Burnham	Consultant	Complete by June 2007
		22.3	Drought Management	council adopted a Drought Management Strategy in 2002. Requires amendments to comply with guidelines	Anthony Burnham	Internal	Complete by June 2007
		22.4	Performance Reporting	Ongoing performance reporting to DUES satisfactory	Anthony Burnham	Internal	Completed annually
		22.5	Integrated Water Cycle Management	Strategy and Context Study complete	Anthony Burnham	Consultant	Complete December 2006 and Reviewed Annually and at other key Milestones
23	Continue to identify and assess critical areas where on-site sewage disposal is ineffective and implement appropriate solutions.	23.1	Implementation of On-Site Sewage Management Strategy	Terranora Broadwater Catchment Assessment complete. Commenced Tweed Water Supply Catchment Review.	Geoff Edwards	Internal	ongoing
24	Identify and monitor catchment 'hot spots' areas that adversely impact on water quality in the Upper Tweed River.	24.1	Await Outcome of Tweed Water Supply Catchment Review	Hazard Identification Workshops Commenced	Jim Blakeney	Internal	Preliminary Review by June 2007
25	Support ongoing catchment management initiatives, including planning controls, education, vegetation restoration (by assisting land care groups and individual landholders) and engage with the CMA.	25.1	Implementation of Tweed River Committee program	Water Supply catchment Streambank Protection Policy Adopted by Council June 2006. Funds expended 2006 \$450,000	David Oxenham	Internal	ongoing
26	A detailed groundwater study needs to be undertaken in order to assess current quality issues and the potential for aquifer storage and recovery (may be undertaken by or in association with DNR).	26.1	Investigate as part of Bulk Water Supply Options Study	Not commenced	Anthony Burnham	Consultant	Complete by June 2007

Critical actions contained with the IWCM Strategy are the Demand Management Strategy and Bulk Water Supply investigations. These actions are considered in detail in a separate report within this Council Meeting.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

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. "Water our Future" Publication (DW 1505859).
 2. **Confidential Attachment** - Compilation of Community Submissions (DW 1510249).
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017 [EO-OC] Kingscliff Foreshore Protection - Preliminary Outcomes from the Environmental Impact Study

ORIGIN:

Water

FILE NO: EC2006-002

SUMMARY OF REPORT:

The Kingscliff Foreshore Protection Environmental Impact Study was commissioned in April 2006. The preferred strategy for protection of public assets along Kingscliff foreshore in the adopted *Tweed Shire Coastline Management Plan* was that of a flexible rock seawall extending for approximately 500 metres combined with initial and ongoing sand nourishment.

The Environmental Impact Study is proceeding and following a reassessment by the Consultants of available data and evaluation of the hazard reduction that would ensue from initial and ongoing sand nourishment, it was determined that the foreshore protection strategy could be amended.

Should the new strategy be adopted, Council will need to continue to monitor the rates of erosion over time and may need to reconsider construction of a seawall in the future.

This report details the proposed strategy for foreshore protection of Kingscliff foreshore and recommends an option to proceed with relevant studies and approvals as required.

That Council:-

- 1. Proceeds with Option 2 as detailed in the memo from Patterson Britton and Partners dated 11 December 2006 to develop an environmental assessment and seek approvals for Kingscliff foreshore protection comprising a limited seawall in front of the Cudgen Headland Surf Lifesaving Club and sand nourishment only between this and the existing boulder wall at the Beach Club,**
- 2. Requests a revised scope of works and price from Patterson Britton and Partners to proceed with required studies and documentation, and**
- 3. Proceeds with calling for Expressions of Interest for supply of sand nourishment when calculations of volumes required are established.**

REPORT:

The Kingscliff Foreshore Protection Environmental Impact Study was commissioned in April 2006. Patterson Britton and Partners Consulting Engineers were the successful tenderers and commenced background studies on the preferred strategy as adopted in the *Tweed Shire Coastline Management Plan*. The preferred strategy for protection of public assets along Kingscliff foreshore was that of a flexible rock seawall extending for approximately 500 metres from the existing seawall at the Kingscliff Bowls Club to the Cudgen Headland Surf Lifesaving Club combined with initial and ongoing sand nourishment.

Following a reassessment by the Consultants of available data and evaluation of the hazard reduction that would ensue from initial and ongoing sand nourishment, it was determined that the foreshore protection strategy could be amended.

Should the new strategy be adopted, Council will need to continue to monitor the rates of erosion over time to ensure any infrastructure is not threatened by future erosion hazard. Given the uncertainty about the impact of climate change on erosion rates, Council may need to reconsider construction of a seawall in the future.

A memo from PBP follows in this report outlining this new strategy and options for Council to pursue hazard reduction for Kingscliff Foreshore.

From preliminary investigations, the foreshore protection strategy is now likely to involve:

- A vertical/stepped seawall of limited length of about 80-100 metres protecting the Cudgen Headland SLSC only. This would require some reworking of the existing Draft Kingscliff Foreshore Master Plan;
- Initial and ongoing sand nourishment of quantities to be determined through further assessments. This would include dune creation, fencing, accessways and revegetation;
- A linear beach reserve about 15 metres wide within the boundary of the current Kingscliff Holiday Park to act as a buffer to any redevelopment of the site;
- Management of stormwater to include detention, reuse, infiltration and controlled overflows to limit impact of stormwater flows on the beach.
- Ongoing monitoring to review the impacts of climate change to determine if any change in strategy is required.

The memo also discusses potential sources of sand for nourishment and the approval process required. It is recommended by the Consultant to separate the approval process for the limited seawall and sand nourishment placement from the sand extraction and supply process for a number of reasons as detailed in the memo.

M E M O

TO: Jane Lofthouse
FROM: Tweed Shire Council
SUBJECT: KINGSCLIFF FORESHORE PROTECTION
DATE: 11 December 2006 **JOB No.** 6349

Jane

Further to our recent discussions, I am writing to summarise our recommendations for the revised foreshore protection strategy at Kingscliff between the Kingscliff Beach Club and Cudgen SLSC, and to outline options for taking the project forward including planning implications.

1. FORESHORE PROTECTION STRATEGY

As you know, the foreshore protection strategy recommended for the study area in the adopted Tweed Coastline Management Plan comprised:

- a seawall approximately 500 m long extending from the existing seawall in front of the Kingscliff Beach Club to Cudgen SLSC. The seawall was to be of similar design to the existing seawall, ie a 'flexible' rock seawall;
- sand nourishment to maintain the integrity of the seawall structure and provide for beach amenity, comprising an initial nourishment volume of 250,000 m³ and ongoing periodic nourishment of about 2,000 m³ per year (both measured in terms of equivalent native material).

Based on the availability of additional beach profile data since completion of the Management Plan and following evaluation of the reduction in coastline hazard risk that would ensue after implementation of initial and ongoing nourishment works, we have formed the opinion that a seawall is not required along the full length of the foreshore. This opinion has been accepted by officers of the Department of Natural Resources (DNR), most significantly Mr Phil Watson who was involved in the review of the Management Plan and is familiar with the Tweed coastline.

The foreshore protection strategy is now likely to involve (refer attached **Figure A**):

- a seawall of limited length, say about 80-100 m, protecting the Cudgen SLSC only. In order to minimise the footprint of the seawall, it is likely to comprise a vertical/stepped structure rather than a sloping rock structure. It would be located as far landward as practicable (almost adjacent to the SLSC; above MHWL) and probably integrated with stepped foreshore access to the beach proposed by Council as part of the Kingscliff Foreshore Masterplan;
- initial and ongoing nourishment generally in accordance with the Management Plan (volumes subject to confirmation and dependent on the sand source due to compatibility issues). Included in the initial nourishment activity would be dune creation, fencing and accessways, and planting. The method of placement of the initial volume of nourishment sand would ideally involve 'profile' nourishment in which sand is placed across the full beach profile, ie. dune, berm and nearshore areas to perhaps 10-15m water depth, however the method of placement will depend on the sand source and best method of transport (see below);
- a linear beach front reserve about 15 m wide inside the Holiday Park boundary to act as a buffer for coastal processes. Any future redevelopment of the Holiday Park (not part of the foreshore protection project) would have to have regard to the variable residual coastline hazard risk along the Holiday Park seaward boundary (this arises because the boundary is not collinear with the planform of the beach and due to 'end effects' from existing shoreline structures);
- management of stormwater via detention storage, reuse, infiltration, and 'overflow' outfalls near the back of the beach (toe of the dune). Investigations by Council have established that it would not be feasible to divert stormwater currently directed to the subject beach area, to the west.

Removal of the requirement to construct a rock seawall over some 400 m length of beach would result in a saving, based on cost estimates set out in the Management Strategy Options report, of more than \$3M.

3. POTENTIAL SOURCES OF NOURISHMENT SAND

The source of nourishment sand is a significant driver for the design of the nourishment element of the project since the source influences the method(s) of removal, transport and placement of the material. The possible sources and brief notes are as follows:-

- existing Action Sands lease area upstream of Barneys Point Bridge:
 - according to the site manager this area is unlikely to be able to meet the requirements of the Kingscliff project and the operation would need to expand into Area 5 downstream of Barneys Point Bridge (see below).
- Area 5 downstream of Barneys Point Bridge:
 - no existing extraction approval;
 - exploration licence held over the area by Action Sands (expires February 2008);
 - Department of Lands waiting on advice from Tweed River Entrance Sand Bypassing Project (TRESBP) before allowing investigations to proceed (related

- to assessment of findings of TRESBP monitoring);
- sand is cleaner than upstream but may still need removal of oversize material and fines before placement on the beach;
- material could be pumped direct to Kingscliff, in which case some processing equipment would need to be temporarily established near the beach (within the foreshore reserve?). Alternatives may be to process the sand at the Action Sands site and truck it to Kingscliff or possibly load the material into a small trailing suction hopper dredger and steam out of the river and place it from offshore.
- Tweed River Entrance Sand Bypassing Project:
 - existing extraction approval;
 - supply depends on QLD needs at the time, availability cannot be guaranteed;
 - any legislative hurdles would need to be checked;
 - material would be removed, transported and placed utilising a small trailing suction hopper dredger.
- Bolster (Tweed Fine Sands) at Cudgen:
 - existing approval does not permit supply of material in bulk as fill (not a feasible source).
- Gales Pty Ltd (Cudgen):
 - no approval as yet (draft Environmental Assessment (EA) as part of a Part 3A application is being prepared);
 - excess sand is likely to be available
 - sand may be very fine and have poor compatibility with the native beach material (borrow sand details to be obtained);
 - sand could be pumped or trucked.
- Cudgen Creek:
 - insufficient volume for initial nourishment but may represent a possible supply of ongoing and/or 'emergency' nourishment;
 - impact on coastal processes (potential to act as a 'sink') would need to be addressed;
 - sand could be pumped.
- Offshore Source:
 - unlikely to be viable in the short term due to NSW Government 'policy', although it could be shown to be technically and scientifically sound.

4. POSSIBLE OPTIONS FOR IMPLEMENTATION OF THE PROJECT AND PLANNING AND COST IMPLICATIONS

The Study Brief envisaged that an 'EIS' would be prepared for the Foreshore Protection project and would cover all facets of the project, ie. construction of the seawall and the sourcing and placement of the nourishment material. (See Footnote 1).

More recently I have suggested to Council that it may be worthwhile considering whether there is merit in separating the approval for removal and transport of the initial

nourishment material from the approval for placement of this material and construction of the (shorter) seawall. This was suggested since:-

- some potential sand sources may already have an approval for extraction:
 - area upstream of Barneys Point Bridge (should use of sand from this source in fact prove possible);
 - Tweed River Entrance Sand Bypassing Project;
- some potential sources may be subject to investigation and environmental assessment by others:
 - Area 5 downstream of Barneys Point Bridge (although timing could be an issue, ie Action Sands have not commenced investigations and the exploration licence extends until February 2008);
 - Gales Holdings Pty Ltd (Cudgen);
- some potential sources should be considered in a more holistic way rather than necessarily confined to the nourishment requirements for the Kingscliff Foreshore Protection project:
 - Area 5 downstream of Barneys Point Bridge (other factors such as navigation improvements, creation of seagrass habitat etc could influence the extraction design);
- approval of some sources could 'drag on' and potentially delay implementation of the foreshore project, if other suitable sand sources become available in the interim:
 - Area 5 downstream of Barneys Point Bridge.

The broad options for implementation of the project would seem to be:- (See Footnote 2).

Option 1

Proceed as per the Study Brief, ie. combine the removal, transport and placement of initial nourishment material with the remainder of the foreshore work in a single project. For greatest flexibility it may be necessary to include several potential sand sources. The most likely sources would be:

- Area 5 downstream of Barneys Point Bridge;
- Tweed River Entrance Sand Bypassing Project;
- Gales Pty Ltd at Cudgen (subject to assessment of sand compatibility).

Due to the inclusion of Area 5 in the documentation, the project would be subject to Part 3A. Preparation of an Environmental Assessment (EA) would be necessary and the Minister for Planning would be the approval authority.

A commission to Patterson Britton exists for preparation of an EIS rather than an EA for the overall project. The fee was further qualified to the effect that the source of nourishment sand was assumed to be an existing approved dredging lease within the Tweed Estuary. Having said this, a budget of \$15,000 was set aside for sediment and ecological investigation in the dredge area(s).

Should Council proceed with Option 1 it would be necessary to alter the scope of work and fee for the existing commission to reflect the following:

- preparation of an EA rather than EIS;
- reduction in extent of the seawall;
- consideration of multiple potential sources of nourishment sand.

In the case of Area 5, if a holistic approach is taken to the extraction design, broader investigations and environmental assessment, beyond that associated with supply of nourishment sand for the Kingscliff Foreshore Protection Project alone, would need to be considered.

The scope of the additional investigations and environmental assessment would need to be determined and fee estimates prepared but the overall increase in cost would be expected to be significant, probably not less than \$100,000.

Option 2

In Option 2 the extraction and transport of the initial nourishment sand would be separated from the placement of the sand at the beach, construction of the seawall and stormwater management.

The following factors are relevant to the approvals process for the placement of the initial nourishment material and construction of the seawall. The extraction and transport of the nourishment material would remain a Part 3A matter, assuming the same range of sources listed earlier.

- the Kingscliff Beach foreshore between the Beach Club and Cudgen SLSC is zoned 6(a) Open Space under Tweed Local Environmental Plan 2000. It is understood the 6(a) zone extends to the LGA boundary (Low Water Mark). Based on discussions with our consultant town planner (Mr Darryl Anderson), it is considered that the beach nourishment work and seawall would be defined as "*development for the purposes of beach maintenance*" which is permissible **without** development consent in the 6(a) zone. Beach maintenance is defined as follows "*restoration works carried out to aid in the stabilisation of the beach area*". Accordingly, the proposed works on the 6(a) land would be subject to a Part 5 assessment;
- the 'land' beyond the LGA boundary is unreserved Crown Land. Development on this land, in this case the placement of nourishment material below Low Water Mark, would be subject to a Part 5 assessment;
- based on the above, a single Part 5 assessment could be prepared for the nourishment activity and construction of the seawall. A number of determining authorities would be involved. There may be some benefit in the Minister for Planning nominating a single determining authority to be the 'nominated determining authority';
- the level of environmental assessment required under Part 5 could comprise a Review of Environmental Factors (REF) or an Environmental Impact Statement (EIS). In order to evaluate whether an EIS is required, the Department of Planning guideline document '*Is an EIS required?*' should be completed;

- State Environmental Planning Policy (Major Projects) 2005 in Schedule 1 at Clause 13 provides that the Minister is the consent authority for projects with a capital investment value of greater than \$50 million. The placement of nourishment material and construction of the seawall is well below this threshold and therefore would not be caught by the SEPP.

Should Council proceed with Option 2, the fee for the existing commission would reduce, to reflect the deletion of the sand extraction and transport activities from the project proposal. The amount of the reduction would depend on whether an EIS or REF is required for the remaining works. Note that the environmental assessment would need to contemplate the various methods by which the nourishment material could be placed on the beach, eg whether arriving by truck, by pipeline or by trailing suction hopper dredger, although the transport impacts themselves would be outside the scope.

In Option 2, Council could initiate a parallel process for the extraction and transport of nourishment sand. This could take a number of forms, including one or more of the following:

- calling Expressions of Interest (EOI) for the supply of sand, followed by tenders;
- commencing a holistic examination of extraction within Area 5;
- commencing detailed discussions with the TRESBP.

Preferred Option

Selection of the preferred option would be a matter for Council, but it is considered that Option 2 could have merit in that:

- approval of the placement of the nourishment material, seawall construction and stormwater improvements may be more straightforward and, with this approval in place, the opportunity could be taken to obtain sand from a suitable source should it become available in advance of an approval for, say, Area 5 being obtained, eg TRESBP or Gales Pty Ltd (subject to an assessment of sand compatibility);
- an extraction proposal for Area 5 could be developed having regard to a range of objectives, eg navigation, ecological improvements etc, rather than only as a source of sand for the Kingscliff Foreshore Protection Project;
- supply of the sand is taken to the commercial market place early in the process which may assist in identifying 'real' sources and relative costs.

Please call should you wish to discuss the above.

Regards



Greg Britton

It is considered that Option 2, as recommended by Greg Britton of Patterson Britton and Partners, is the preferred strategy.

Footnote 1:

The Brief acknowledged that works may constitute a major project and be subject to the provisions of Part 3A of the EP & A Act.

Footnote 2:

Note that since the ongoing nourishment would be 5 to 10 years into the future, and details would depend on the outcome of monitoring, it would be subject to a separate, future, approvals process on each renourishment occasion, irrespective of the option selected.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The contract EC2006-002 will need to be revised in accordance with any new scope of works.

POLICY IMPLICATIONS:

Nil.

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).

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018 [EO-OC] Road Widening - Lot 9 DP 1082139 Eucalyptus Drive, Banora Point and Lot 2 DP 777844 Coast Road, Bogangar

ORIGIN:

Planning & Infrastructure

FILE NO: DA02/1058 Pt 4 and DA1190/1210 Pt 6

SUMMARY OF REPORT:

Council at its meeting on 26 September 2006 considered reports on applications for road widening at Banora Point High School in Eucalyptus Drive and Bogangar Primary School on the Coast Road that would result in transferring school bus pick up bays into Council ownership and responsibility. Council resolved to refuse both applications and the Minister for Education and Training was advised accordingly.

On 1 December 2006 Council received a letter from the Department of Education and Training advising that the Department acknowledges Council's position and will retain ownership of the subject land.

RECOMMENDATION:

That this report be received and noted.

REPORT:

Council at its meeting on 26 September 2006 considered reports regarding applications for road widening at Banora Point High School in Eucalyptus Drive and at Bogangar Primary school on the Coast Road that would result in transferring school bus pick up bays into Council ownership and responsibility.

Council resolved to refuse the applications as follows:-

(A) Banora Point High School - Eucalyptus Drive

"That Council refuses the subject subdivision certificate application for the following reasons:-

1. *The current situation where the bus bays and other supporting infrastructure is located on the Banora Point High School property is considered best practice as the Department of Education retains control over this infrastructure.*
2. *The development application for the construction of the school made no reference to the current proposal to dedicate the bus bays and supporting infrastructure as public road.*
3. *The retention of the bus bays and supporting infrastructure within the school property reflects the recommendations of the Parliamentary Joint Standing Committee into Road Safety's Staysafe Report No. 53 in that it allows the Department of Education to actively manage and control this infrastructure to maintain adequate levels of safety for school children. Council would not be able to provide this level of safety management.*
4. *The proposal inequitably transfers the legitimate liability of the Department of Education, in terms of maintenance, to another Authority.*
5. *The General Manager is requested to prepare a submission to the Minister for Education expressing concern with regard to school safety and the submission to be copied to the Minister for Local Government."*

and:

(B) Bogangar Primary School - Coast Road

"That Council refuses the subject subdivision certificate application for the following reasons:-

1. *The current situation where the customer car parking and other supporting infrastructure is located on the Bogangar Primary School property is considered best practice as the Department of Education retains control over this infrastructure.*

2. *The development application for the construction of the school made no reference to the current proposal to dedicate the customer car parking and supporting infrastructure as public road.*
3. *The retention of the customer car parking and supporting infrastructure within the school property reflects the recommendations of the Parliamentary Joint Standing Committee into Road Safety's Staysafe Report No. 53 in that it allows the Department of Education to actively manage and control this infrastructure to maintain adequate levels of safety for school children. Council would not be able to provide this level of safety management.*
4. *The proposal inequitably transfers the legitimate liability of the Department of Education, in terms of maintenance, to another Authority.*
5. *The General Manager is requested to prepare a submission to the Minister for Education expressing concern with regard to school safety and the submission to be copied to the Minister for Local Government."*

In accordance with the resolution the Minister for Education and Training was formally advised of Council's decision.

On the 1 December 2006 Council received a letter from General Manager, Asset Management of the Department of Education and Training acknowledging Council's position and advising that the Department will retain ownership of the subject land. See copy below:-

ASSET MANAGEMENT DIRECTORATE



Early Childhood and Primary Education
Secondary Education
Technical and Further Education
Vocational Education and Training
Higher Education
Adult and Community Education

Mr P Knight
Acting Director Engineering & Operations
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

RML 06/5171

Dear Sir

I refer to your letter dated 19 October 2006, to the Minister for Education and Training, the Hon Carmel Tebbutt MP, regarding Council's refusal to accept the dedication of the road widening/busbays at Bogangar Public School and Banora Point High School. I have been asked to respond to you.

It is advised that the Department acknowledges Council's position and will retain ownership of the subject land.

I suggest that if the Council has any concerns with road safety issues around schools these should be raised with the school Principal in the first instance. My experience is that the great majority of schools are very concerned about the welfare of their students, both on and off the school site.

I trust that this information is of assistance.

Yours sincerely

Beryl Jamieson
General Manager, Asset Management

20/11/06

*TRAFFIC - SAFETY
SCHOOL - BANORA PT HIGH*

35920

TWEED SHIRE COUNCIL
FILE No *DA02/11058 Pt 4*
Doc No
REC'D - 1 DEC 2006
ASSIGNED TO *CLARK, R*
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*EUCALYPTUS DRIVE BANORA PT
LOT 1132 DP 842500*

This is considered to be a satisfactory outcome that provides for best practice in "safety around schools" management and infrastructure ownership as well as maintenance issues.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

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).*

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019 [EO-OC] Road Closure - Footpath - Goonal Place, Banora Point

ORIGIN:

Design

FILE NO: PF3861/930 Pt1

SUMMARY OF REPORT:

At its meeting held on 4 February 2004 Council resolved to approve the acquisition of part of Lot 25 in DP 879517 to enable the relocation of a 150mm sewer rising main, steps and footpath.

Contracts and works are now concluded, however, part of the agreement required the closure of a footpath, as part of its relocation, and the subsequent transfer of the closed footpath to the affected landowner.

The closure of the footpath has been affected, however, the report referred to above omitted any specific reference to the footpath closure, and it is now necessary to resolve to transfer the closed footpath to the landowner of the adjacent land.

RECOMMENDATION:

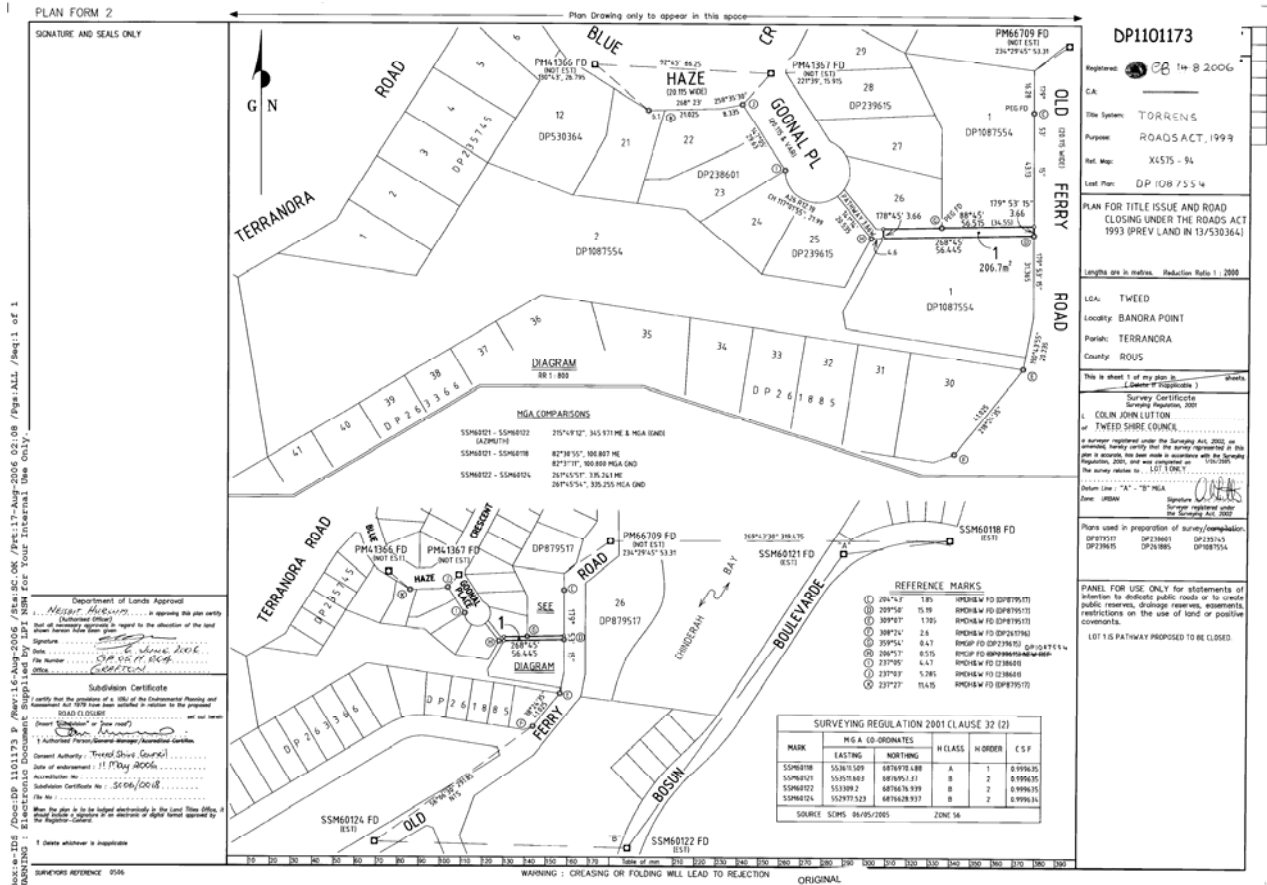
That:

- 1. Council approves the transfer of the closed footpath, now referred to as Lot 1 in DP 1101173, to the owners of Lot 2 in DP 1087554 as part consideration for the purchase by Council of Lot 1 in DP 1087554;**
- 2. All necessary documentation be executed under the Common Seal of Council.**

REPORT:

As per Summary of Report. The report dated 4 February 2004 is attached for the information of Council.

The plan below, DP 1101173 shows the parcel to be transferred:-



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. **Confidential Attachment** - Council report 4 February 2004 (DW 993409).
 2. Council Resolution (DW 996953).
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O20 [EO-OC] Tweed Heads Streetscape Masterplan Review, Concept Design and Technical Notes Project

ORIGIN:

Recreation Services

SUMMARY OF REPORT:

The Tweed Heads Streetscapes are an important component of implementation of the Tweed Heads Town Centre Masterplan, for the benefit of the Town Centre. Impending development contributions and Councils Section 94 Plan 27 will see the commitment of funds to re-building streetscapes over the next ten to twenty years.

There are currently no strategic guidelines for developers or Council alike in undertaking works in the Tweed Heads Streetscape. This has led to non-uniform streetscapes and an urban centre without an 'identity'. This project is proposed to develop a strategy for implementing streetscape works in Tweed Heads, which will ensure uniform and high quality public realm development.

RECOMMENDATION:

That Council votes the expenditure of \$20,000 from Section 94 Plan 27 "Tweed Heads Masterplan – Local Open Space/Streetscaping" for the purposes of engaging Landscape Architectural consultant to undertake:-

- 1. A review of the Tweed Heads Streetscape Masterplan,**
- 2. Development of concepts for Bay and Wharf Street**
- 3. The production of Technical Notes for Primary, Secondary and Tertiary Streets in Tweed Heads**

REPORT:

TWEED HEADS STREETScape CONCEPT & TECHNICAL NOTES PROJECT

1. Project Background:

The State Government has designated Tweed Heads as a Regional Centre. Council has endorsed the Tweed Heads Town Centre Masterplan, which translates a vision for the Centre to be a regional commercial and tourist centre into some special planning and development initiatives.

One of the key initiatives is a major improvement in the urban environment of the Centre. There is abundant international and national evidence to show that public investment in improved street scaping: infrastructure maintenance directly influences visitor numbers and consumer and investor attraction.

Although Considerable Streetscape work has been undertaken in the first stage of the implementation of the Tweed Heads Streetscape Final Masterplan (1997), the balance of the proposed Masterplan area streetscape works in Wharf and Bay Streets has not yet been undertaken. Given the ten-year lapse since the creation of the Masterplan, many of the proposed designs have become out-dated and inefficient and require revision. Based on the issues that have arisen with the existing Streetscape works, a review of the concept design has the potential to extend the Wharf Street Theme and ensure appropriate design resolution.

In addition, this project is vital given the current climate of Development proposals in the area and potential for Developer Contributions to support the implementation of works. Beyond Bay and Wharf Streets in Secondary and Tertiary Streets Council requires a referral document for the purposes of Development advice and assessment. This is proposed to take the form of a Streetscape 'Technical Notes' Manual. This manual will also form a template for similar 'Technical Notes' Manuals in other Township Centres within the Tweed Shire such as Murwillumbah and the Coastal Villages.

2. Project Intent

The Proposed Tweed Heads Streetscape Technical Notes Project is intended to undertake a number of tasks with the intent of providing a technical document for the immediate and long-term implementation of new Streetscape Works in Tweed Heads.

Specifically, the 'Tech Notes' project will focus on developing a new design concept for the remaining extent of Wharf and Bay Streets as defined by the Tweed Heads Streetscape Final Masterplan (1997). In addition, the final document will provide a series of standard technical notes for the implementation of Streetscape works in secondary and minor streets for the extent of the Tweed Heads Masterplan Area.

The Proposed project will:

- **Define local identity.** Ensure the appropriate future development of Streetscapes in Tweed Heads, through the creation of a comprehensive design strategy, which is functional and aesthetically reflective of the proposed Tweed Heads Town Centre Character.
- **Support & enhance development proposals & commercial enterprise.** Ensure that the Streetscape design, either through options for variation in pavement treatments or other details provides opportunities to reflect the unique qualities of proposed adjacent developments and uses.
- **Provide Practical Solutions** tackling existing issues of vandalism and personal safety through the consideration of materials and structures used, and consideration of techniques such as designing for passive surveillance and appropriate lighting levels.
- **Ensure continuity and longevity.** Ensure continuity of preceding projects through the review, and incorporation of existing Documents, including:-
 - Tweed Heads Streetscape Final Masterplan (1997)
 - Tweed Heads Streetscape Guidelines (1999)
 - Tweed Heads Town Centre Masterplan (2004)
 - Various existing proposed Development Streetscape/Public Realm works
 - The Tweed Shire Coastal Furniture Design Project
 - Existing Tweed Shire Council Standard engineering details

4. Project Funding & Timing

It is estimated that the Consultancy fees will be in the area of \$20,000. Based on Council's Registered List of Landscape Architects it is intended that four firms be approached to submit fees to undertake the project.

It is proposed that the \$20,000 be committed to the project from Section 94 Plan number 27. Under this plan Council has allocated \$761,000 for upgrade works on the River Frontage, Frances Street and on Bay and Stuart Streets. In addition \$456,200 is allocated in the 2007/2008 budget for works in Wharf Street, Bay and Stuart Streets. In total, Plan 27 is intended to fund \$1,335,460 out of a total estimated \$2,003,460 over the next 20 years.

The stated intent of Plan 27 is, amongst others to "establish the 'nexus' between development and the Streetscaping / landscaping required". Without a clear design direction, such as that proposed by this project, it will be difficult to implement these funds and maintain quality streetscape works that will contribute to an Identifiable Town Centre for Tweed Heads.

It is proposed that the consultancy be engaged and commenced in late January or early February 2007, and completed in April. This timing would ensure that the Design

Concepts commit impending developers' contributions to appropriate streetscape development in Tweed Heads.

5. Summary Outline of the Implementation Process – Consultancy Stages

Induction

Review existing documents & strategies
Define key design criteria based on preceding work.
Detailed site visit with Council representatives

Document Streetscapes

Street Photographs
Street Existing Character Analysis
Street stats/typical sections
Practical Requirements
Specification research - Aust. Stand's
Materials Research and Selection

Masterplan Revision Concept

Develop revised Streetscape concept plans
Stakeholder's consultation (adjacent retail, Property owners, and community)
Review & finalise concept

Technical Notes

Draft up technical details
Draft Technical Notes Review by Council Staff
Review Details based on feedback

Tech Notes Document

Document Template & Formatting
Compile Draft Document
Insert Revised Technical Details

Document Distribution & Review
Consultation/Approval Period
Stakeholders (adjacent retail, Property owners, and community)
Council Report

6. Outputs

The final submission from the consultants will take the form of a set of A1 Detailed Concept Plans for the balance of Wharf and Bay Streets and an A4 Technical document that contains the following information:-

- Zoning and Categorisation of the Streets in Tweed Heads
- Tree Planting Zones and construction details
- Material and Surface Treatment Palettes

- Planting Palettes
- Standard Cross-over and other infrastructural details
- Street furniture standards

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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021 [EO-OC] EC2006-118 Civil Works Design and Project Management In-House Consultancy

ORIGIN:

Design

FILE NO: GC12/1

SUMMARY OF REPORT:

Council's Design Unit has experienced problems retaining and recruiting engineers and designers over the last two (2) years. This has mainly occurred due to the resource boom in Queensland, the large infrastructure program in South-East Queensland and the national skills shortage.

In order to meet Council's construction program it has become necessary to outsource certain design activities.

Tenders were called in accordance with NSW tendering regulations from experienced Consultancies requesting proposals for the provision of In-house Consultancy Services for Civil Works Design and Project Management for a two (2) year period. The successful consultant will be required to provide an in-house representative to work within Tweed Shire Council's Design Unit for the duration of the consultancy as well as undertaking general consultancy work for the Design Unit in line with the schedule of rates provided.

Tenders for the consultancy closed Wednesday 13 September 2006. A total number of nine (9) proposals were received.

Following review of the tender proposals and tender selection interviews, a worksheet was prepared to evaluate the proposals. Based on the rating system adopted, the preferred Consultant for the undertaking EC2006-118 is Local Government Engineering Solutions.

RECOMMENDATION:

That Council engages Local Government Engineering Solutions to undertake in-house consultancy work for a two year period at the rates nominated in the tender offer.

REPORT:

As per summary.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

O22 [EC-OC] Request for "In Kind" Support/Waive Fee

ORIGIN:

Community & Cultural Services

SUMMARY OF REPORT:

Council has received requests from various organisations asking that Council provides in-kind support/waives the fees for room hire. Details of the requests are reproduced in the body of this report.

In accordance with Section 356 of the Local Government Act 1993 - Donations, Council resolved on 6 October 2004 that:-

".... in future, all donations made by Council, whether in cash or in kind, be made by way of a resolution of Council."

RECOMMENDATION:

That:

- 1. With reference to the request from Model United Nations Assembly - Rotary, Council provides the Tweed Heads Civic Centre free of charge for the event to be held on Saturday, 10 March 2007 and that permission be granted to set up on Friday afternoon and that Council's support is recognised with the following acknowledgement "This program has been supported by Tweed Shire Council".**
- 2. With reference to the request from the Twin Towns and District Garden Club Inc, Council approves the use of the Main Hall, Tweed Heads Civic Centre for the second Monday of each month (with the exception of the 1st Monday in September) for a reduced fee of \$92.50 per meeting and that the Council approves the use of the Main Hall for the Annual Flower show for \$110.20 with the Friday set-up free of charge and that Council's support is recognised with the following acknowledgement "This program has been supported by Tweed Shire Council".**
- 3. With reference to the request from SU Kingscliff Beach Mission, Council provides the Kingscliff Amenities Hall free of charge for the period 27 December 2006 to 1 January 2007 and 2 January 2007 to 5 January 2007, for the purpose of a free Christmas program and that Council's support is recognised with the following acknowledgement "This program has been supported by Tweed Shire Council".**

4. With reference to the request from United Hospitals Auxiliary of NSW, Tweed Heads Branch, Council provides the Tweed Heads Civic Centre for their meetings as noted in their correspondence dated 21 November 2006 and that the Auditorium be made available free of charge for their AGM and that Council's support is recognised with the following acknowledgement "This program has been supported by Tweed Shire Council".

REPORT:

Council has received requests from various organisations asking that Council provides in-kind support/waives the fees for room hire. Details of the requests are reproduced as follows:-

Organisation	Request	Est \$ Amount of Waiver	Application Summary	Meet Guidelines?
Model United Nations Assembly - Rotary	Request fee be waived for hire of Civic Centre	\$307	Request fee be waived for hire of Civic Centre from 12 noon Friday 9 March 2007 and all day Saturday 10 March 2007 for the MUNA program which includes debating teams from schools drawn from the Gold Coast to Grafton and across to Glenn Innes.	Yes
Twin Towns & District Garden Club Inc	Continuation of current hire rates for use of Tweed Heads Civic Centre	\$1,092.30	The reduced fee of \$70 was an arrangement between the former Manager Recreation Services and has been maintained at this rate for a number of years. It is now appropriate to review the reduction to 50% of the current hire fee of \$185 which is \$92,50, an increase of \$22.50.	Yes.
SU Kingscliff Beach Mission	Waive fees for hire of Kingscliff Amenities Hall and facilities	\$840	Has received previous support from Council - Waive fees for hire of Kingscliff Amenities Hall and facilities - 27/12-30/12 4pm-10pm 31/12 (8am-1am 1/1/07) 1/1 (8am-11pm) 2/1-5/1 (4pm-10pm)	Yes.
United Hospitals Auxiliary of NSW, Tweed Heads Branch	Waive fees for hire of Islander Room (10) and TH Auditorium (1)	\$795	Request for continuance of fee waiver for hire of Islander Room x 10 and TH Auditorium x 1	Yes

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Should requests be approved for the waiving of fees for room hire, the income for the meeting room will be impacted by the amount of the fee reduction.

Should requests for "in kind" support be approved, this will impact on the costing of Council's involvement in the activity.

POLICY IMPLICATIONS:

In considering this request, reference should be made to:-

Festivals Policy.

Donations Policy.

Guidelines for Fee Reduction, Auditoriums, Meeting Rooms and Halls.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. Model United Nations Assembly (DW 1490991)
 2. Twin Towns and District Garden Club Inc (DW 1496176)
 3. SU Kingscliff Beach Mission (DW 1482991)
 4. United Hospital Auxiliaries of NSW (DW 1500151)
-

O23 [EC-OC] Tweed Coolangatta & Tweed Shire Community Safety Action Plan

ORIGIN:

Community & Cultural Services

SUMMARY OF REPORT:

The current Tweed Coolangatta Community Safety Action Plan expires in March 2007. Council will need to review the Plan. This report also recommends that Council considers seeking funds to contract a consultant to produce a Plan for the Tweed Shire Council not currently covered by the Tweed Coolangatta Community Safety Plan.

RECOMMENDATION:

That Council pursues funding opportunities to complete a Community Safety Action Plan for the balance of the Shire.

REPORT:

The current Tweed Coolangatta Community Safety Action Plan 2003-2007 expires March 2007. The Action Plan included the following stages:-

- First Stage: The development of a crime profile that identified the real and perceived community safety issues in the Tweed/Coolangatta defined area
- Second Stage: The creation of strategies through community consultation to address the needs of the community.

Three projects have been developed as a result of the Plan:-

- S.A.I.L.S a project that involves youths to engender confidence through sailing
- Beach Locker Project that will encourage the safe storage of property at Rainbow Beach and
- Healthy Relationships project which involved the Queensland and NSW Police service visiting local schools to discuss Healthy Relationships.

It is a pre-requisite for funding that any applicant to the NSW Attorney General's Department has developed A Community Safety Action Plan. The development of the current Action Plan enabled the Tweed Shire Council to access over \$30,000 for the above projects. Gold Coast City Council is seeking to engage the services of a specialist consultant to review the Community Action Plan. The cost of the consultant will be borne equally by both Councils. A decision on the successful consultant is expected to be announced in the New Year. There are funds available in the 2006/07 budget.

Tweed Shire Community Safety Action Plan

It would be prudent to develop a plan that will cover the balance of the Shire currently not covered through the Tweed Coolangatta Community Safety Action Plan. Council could consider utilising the services of the consultant engaged by Gold Coast City Council to develop a Shire Wide Safety Action Plan. This will offer the following benefits:

- Cost-effectiveness
- A document that is well articulated, cohesive and parallel with the Tweed Coolangatta Community Safety Action Plan
- A strategically focussed document that will inform the Social Plan

- The opportunity to access State and Federal grants for nominated projects. The development of a Community Safety Action Plan is a pre-requisite for access to State funds through the Attorney General's Department. Access to Federal funds would be enhanced as a result of the development of a Community Safety Action Plan.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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O24 [EC-OC] Foopath Dining Licence Agreement - Policy Variation

ORIGIN:

Environment & Health

SUMMARY OF REPORT:

Application has been made for a new footpath dining agreement at the Kiosk for the Cabarita Beach Surf Club. The building is currently under construction. The club has requested a minor variation to the Footpath Trading Policy, as well as waiving certain Council fees.

It is recommended that the Policy be varied and use of the dining area as requested be approved.

RECOMMENDATION:

That Council:-

- 1. Approves variation of the Footpath Trading Policy and consents to a Footpath Dining Licence Agreement for the respective area for Cabarita Beach Surf Club; and**
- 2. Requires the client to submit a seating plan for consideration before the Licence Agreement is finalised; and**
- 3. Determines whether the application fee and annual licence fees be waived for the licence agreement.**

REPORT:

Application has been made for a new footpath dining agreement at the Kiosk for the Cabarita Beach Surf Club. The building is currently under construction. The club has requested a minor variation to one current Footpath Trading Policy requirement, as well as waiving certain Council fees.

With respect to fees, the Club has requested:

- That Council waive the application fee of \$249.00.
- That Council waive the annual licence fee of \$137.76 pa (1.68 square metres @ \$82/M² pa).

Fees

The letter of request has been provided on Club letterhead and signed by the Club President. Officers have been advised that the Club was unable to initially establish the kiosk so a group of Club members have contributed funds to fit-out the kiosk and commence trading. They will pay a rental amount to the Club (so that the Club received regular income) and any surplus 'profits' would be used to repay the members capital outlay. This arrangement was made by members as a generous gesture to assist the Club during the initial establishment period when funds are relatively low.

As the use of the footpath benefits the Club, the Club has requested that the fees be waived in this case.

Licence Area

The licence area concerned is under an awning facing Pandanus Parade. If Council were to issue a licence agreement for the area being sought by the Club, then variations to the following Policy Clause would be required:

Clause C – Where possible the (pedestrian) thoroughfare shall be established along the building line.

There is a strip 960mm wide under an awning which is actually on the Club's private land and is not subject to a licence application. To make this a usable space the Club is seeking a licence for use of an additional area only some 200mm wide (and 8.4m long) immediately adjacent on the building. This would result in a total width of 1.16 metres. However this area is immediately adjacent to the building line. The request is considered appropriate as there is no building in the building line to assist visually impaired to gauge that location.

If Council approves the licence a pathway 2000mm wide would be left for pedestrians between the posts supporting the awning and the dining licence area (which is the minimum pedestrian pathway designated under the Policy), and would be sufficient for an able body person, person in a wheelchair or pushing a pram. However, a seating plan should be required before the Licence Agreement is finalised.

It is recommended that the Policy be varied and approval be provided for dining, as requested by the Club. This recommendation is made on the basis that if Council were to require compliance with Clause C then the area on the private land would be so narrow as to be unusable, and a sufficient area will remain for pedestrian movements.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Footpath Dining Licence Agreement - Policy variation.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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O25 [EC-OC] Annual Inspections of Caravan Parks

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

The introduction of the Local Government (Manufactured Home Estates Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, (The 2005 Regulations) which came into force within NSW on 1st September 2005, has prompted the need for a review of Council's processes in respect to the issuing of Approvals to Operate Caravan Parks and the carrying out of annual inspections of such Parks as part of the approval process. This report intends to address the issue of annual inspections of Caravan parks by making recommendations that will enable compliance with the Regulations while acknowledging certain historical processes and the establishment of a discretionary approach to existing situations where considered appropriate.

RECOMMENDATION:

That Council:-

- 1. Apply the provisions of Clause 71 (1) (a) of the Local Government (Manufactured Home Estates Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 in respect to the carrying out of annual inspections of Caravan parks.**
- 2. Does not as a consequence of the provisions of Clause 71 (1) of the Local Government (Manufactured Home Estates Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 require each site or structure on any site to be inspected as a part of any annual inspection of a Caravan Park except with respect to the provisions of Clauses 86 and 91.**
- 3. With respect to the provisions of Clause 86 (1) of the Local Government (Manufactured Home Estates Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 will require only the delineation of the front boundaries to be carried out by the park owner/manager for annual inspection purposes only. However where applications are received for the placement of structures on sites within caravan parks or for compliance reports then where considered necessary Council will require that both the front and rear boundaries of the site be delineated.**
- 4. With respect to the provisions of Clause 91 (1) (a) or (b) of the Local Government (Manufactured Home Estates Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 will require that**

where there is a separation distance of less than 1.8 m between structures on sites that a smoke detector be installed in both of the structures involved and a fire hose reel to be bought to bear on both of the sites involved even should this require the installation of an additional fire hose reel or reels as the particular circumstance may require.

REPORT:

The introduction of the Local Government (Manufactured Home Estates Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, (The 2005 Regulations) which came into force within NSW on 1st September 2005, has prompted the need for a review of Council's processes in respect to the issuing of Approvals to Operate Caravan Parks and the carrying out of annual inspections of such Parks as part of the approval process. This report intends to address the issue of annual inspections of Caravan parks.

Currently Council issues Approvals to Operate Caravan Parks for five year intervals, (although there are still some approvals without an expiry date) this is consistent with the provisions of Section 103 of the Local Government Act 1993. It is a condition of all Approvals to Operate that an annual inspection fee is paid by the Owner-Manager of each Park and then Council carries out an annual inspection of the Park.

With the introduction of the 2005 Regulations a review of the annual inspection process and the Approval to Operate process has been carried out to ensure compliance with the relevant provisions of the Local Government Act and the Regulations.

Historically the process of carrying out an annual inspection of a Caravan Park has not involved an inspection of every site or any structures on sites within the Park. This approach to annual inspections was a result of provisions within the Regulations that contained requirements that set out what sections of the Regulations were applicable for a Council to be able to issue an Approval to Operate a Caravan Park.

These provisions have been carried over into the 2005 regulations under Clause 71 (1) (a), which states *The Council must not grant an approval to operate a caravan park or camping ground unless it is satisfied that it will be designed, constructed, maintained and operated: in accordance with the relevant requirements of Subdivisions 1-8 of Division 3.*

Subdivisions 1-8 of Division 3 of the 2005 Regulations specifically deal with the infrastructure, services, design and facilities within a Caravan Park. The design and installation requirements relating to structures placed on sites within a Caravan Park are dealt with separately under the provisions of Divisions 4 and 5 of the Regulations. Therefore the Regulation distinguishes between what is required to operate a Caravan park and what is required in respect to structures on sites within a Caravan Park.

A review of the provisions of Subdivision 1-8 of Division 3 has highlighted two (2) Clauses that refer specifically to sites within Caravan Parks that need to be considered at the time of carrying out annual inspections, these Clauses are Cl. 86 and Cl. 91(1) (a) and (b) respectively. It should be noted that the strict implications of these Clauses may not have been considered historically due to the practise of not inspecting individual sites.

Clause 86 states (1) *A dwelling site or campsite must be numbered or identified and its site boundaries clearly delineated.*
(2) *The site identification must be conspicuous.*

Clause 91(1) states *(1) A moveable dwelling must not be installed closer to any other moveable dwelling than: (a) 3 meters, if it is situated on a long term site, or (b) 2.5 meters, if it is located on a short term site or campsite.*

With respect to the provisions of Clause 86 it has been accepted practise to require the corner boundaries of sites to be located and marked where practical, particularly in those Parks that were in existence prior to the introduction of Ordinance 71 in 1986. (This was the first legislation that regulated Caravan Parks in NSW.) and applies to most parks in Tweed Shire. In many situations this can be achieved however there are a number of situations where this is not possible, eg. Some sites are serviced by ensuites that are located over rear corner boundaries or other structures or trees make it impracticable to mark rear corner boundaries.

Therefore in many instances within caravan parks the site boundaries are not now clearly delineated. It would also appear from recent detailed inspections of some sites that structures are also erected over site boundaries and these structures appear to have been in place for many years. Some were in existence in 1986 as evidenced from aerial photography and have been permitted to remain without any changes required to be made by Council.

It is likely that should Council now rigidly enforce the delineation of site boundaries then more encroachments will be identified. This could conceivably lead to situations where the owners of these existing structures could become alarmed as to what might be required of them. Some of these owners may even have purchased these structures quite unaware of the encroachment.

With respect to the provisions of Clause 91, recent detailed inspections of some sites has revealed that the separation distances between structures is in some instances far less than the minimum distance as prescribed by the Regulations (it should be noted that separation distances relate to enclosed structure to structure distances and not structure to boundary distance).

This variation in respect to separation distances appears to be a legacy, which has its origins at the time of the introduction of Ordinance 71, as it appears to be largely restricted to caravan parks that were in existence when this Ordinance came into force. Ordinance 71 required that structures be separated by a minimum of 2.5 meters.

Within these existing parks there were numerous structures that were significantly closer to each other than the minimum 2.5 meters required. To avoid a situation whereby such existing parks would need to undergo major alterations to comply with the minimum 2.5m-separation distance and the resulting inconvenience and upheaval for the residents of the parks, Ordinance 71 contained provisions to permit existing park owners/operators to apply for exemptions in respect to the 2.5m separation requirement.

Where such exemptions were not applied for or granted the need to comply with the minimum 2.5m separation was often placed in what was termed the "Program of Works" for the park, which usually allowed a 3 year time frame for these "works" to be carried out.

From Council records it would seem that the Program of Works for some caravan parks included requirements for the minimum 2.5m separation distance to be achieved, while for other parks no mention of the need to achieve the separation distance was made and in still other parks the Program of Works specifically stated that no exemption from the need to achieve the minimum separation distance had been approved. This indicates that for some parks an application for exemption may have been made but for some reason had not been granted. It would also appear from inspections that there are some sites within existing parks at the time of the introduction of Ordinance 71 that still do not achieve the minimum separation distance even though such was required under the Program of Works for the park.

This situation has led to some confusion as to how Council has historically treated this minimum 2.5m-separation requirement. It should be noted that the 2.5m separation distance required under the Regulations is greater than the minimum 1.8m separation distance achieved by standard dwelling setbacks. This indicates that minimum separation distances may have been set with amenity in mind not necessarily solely for prevention of spread of fire.

It should also be noted that non complying separation distances could also exist between structures in new parks, however such instances are likely to be fewer compared to parks existing pre 1986, and are likely to occur as a result of unapproved works being carried out.

In addition to the above, recent inspections involving requests for compliance certificates in relation to the sale of structures in caravan parks has indicated that a number of structures may have been placed or modified without any advice or approval having been sought from Council. This further complicates the issues in relation to site delineation and the maintenance of separation distances.

The need to consider both the delineation of site boundaries and the separation distance between structures as a part of any annual inspection process is a requirement of the 2005 Regulations however the consideration of these issues raises a number of concerns given what appears to be both the historical situation and practical situation within a number of existing Caravan parks.

If Council were to rigidly enforce the delineation of site boundaries where it is practical to do so, then undoubtedly a number of situations would arise where structures had been erected over the site boundaries and it is likely that a large proportion of these structures would be subsequently identified to have been in existence prior to 1986, yet were permitted to remain without any changes required to be made. Council in respect to the siting of such structures in effect could interpret this to constitute a concession, as provided for under Clause 12 of Ordinance 71.

Such rigid enforcement could also identify unapproved structures over site boundaries, which may have been sold several times in the past and could result in a considerable amount of alarm to the existing owners once they are consequently informed.

Therefore it is proposed that with respect to the issue of site delineation that Council will only require the delineation of the front boundaries to be carried out by the park

owner/manager for annual inspection purposes. However where applications are received for the placement of structures on sites within caravan parks or for compliance reports then where considered necessary Council will require that both the front and rear boundaries of the site be delineated.

If Council were to completely ignore the 2.5m minimum separation requirement between structures in existing parks as a consequence of any annual inspection, it could constitute a neglect of Council's regulatory role. However this must be balanced against the practical and historical situations that currently exist.

Therefore it is proposed that with respect to the issue of separation distances that where there is a separation distance of less than 1.8m between structures on sites, then Council will require a smoke detector to be installed within both of the structures involved and a fire hose reel shall be able to be bought to bear on both the sites involved even if this requires the installation of an additional hose reel or reels within the park concerned.

Therefore in order to fulfil Council's regulatory role in relation to annual inspections of Caravan Parks while acknowledging the implications of the provisions of Clause 86 and Clause 91 of the 2005 Regulations as they relate to such inspections, the following recommendations are made:-

1. Apply the provisions of Clause 71 (1) (a) of the Local Government (Manufactured Home Estates Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 in respect to the carrying out of annual inspections of Caravan parks.
2. Does not as a consequence of the provisions of Clause 71 (1) of the Local Government (Manufactured Home Estates Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 require each site or structure on any site to be inspected as a part of any annual inspection of a Caravan Park except with respect to the provisions of Clauses 86 and 91.
3. With respect to the provisions of Clause 86 (1) of the Local Government (Manufactured Home Estates Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 will require only the delineation of the front boundaries to be carried out by the park owner/manager for annual inspection purposes only. However where applications are received for the placement of structures on sites within caravan parks or for compliance reports then where considered necessary Council will require that both the front and rear boundaries of the site be delineated.
4. With respect to the provisions of Clause 91 (1) (a) or (b) of the Local Government (Manufactured Home Estates Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 will require that where there is a separation distance of less than 1.8 m between structures on sites that a smoke detector be installed in both of the structures involved and a fire hose reel to be bought to bear on both of the sites involved even should this require the installation of an additional fire hose reel or reels as the particular circumstance may require.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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