



# **AGENDA**

## **OPERATIONS COMMITTEE MEETING Tuesday 19 December 2006**

**Chairman: Mr Frank Willan**

**Administrators: Mr Frank Willan  
Ms Lucy Turnbull  
Mr Max Boyd AM**

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## ITEMS FOR CONSIDERATION OF THE COMMITTEE:

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## REPORTS THROUGH THE GENERAL MANAGER

### 01 [GM-OC] Tweed Economic Growth Management Strategy

#### ORIGIN:

**Business & Economic Development**

#### SUMMARY OF REPORT:

In 2005 a draft Economic Growth Management Strategy was presented to Council and subsequently placed on public exhibition. Since this exhibition considerable negotiations have been undertaken with Tweed Economic and Development Corporation (TEDC) about the focus of economic development projects identified in the Strategy.

The final Strategy identifies projects and actions by both Council and TEDC that will support economic activity within the Tweed. This Council report recommends that Council adopt the Economic Growth Management Strategy.

#### RECOMMENDATION:

**That Council adopts the Economic Growth Management Strategy as exhibited and modified in accordance with the changes recommended in this report.**

## REPORT:

### Background

In 2002 Council adopted its first Economic Development Strategy. This Strategy identified specific projects to encourage economic development within the Tweed. These projects were to be undertaken by Council, Tweed Economic and Development Corporation (TEDC) and Tweed and Coolangatta Tourism Inc. (TACTIC).

Although it has achieved results it was considered appropriate to review this Strategy given the changes that have occurred to the Tweed economy over the last few years.

During early 2005 Council and TEDC agreed to jointly prepare a completely new economic strategy for the Tweed which would replace the existing Economic Development Strategy (2002). This document was to present a jointly agreed direction for economic development and is to be known as the Economic Growth Management Strategy.

In June 2005 a draft Economic Growth Management Strategy was presented to Council and it was resolved to place the Strategy on exhibition during August 2005. The draft identified projects and actions by both Council and TEDC that will support economic activity within the Tweed.

### Exhibition

The public exhibition of the draft Strategy was conducted between 6 July and 16 August 2005. A copy of the draft was also forwarded to relevant organisations.

During the progress of the exhibition a total of three (3) submissions were received. In Table 1 below is a summary and a response to these submissions.

**Table 1:** Summary of Submission and Response

<b>1. Tweed and Coolangatta Tourism Inc. (TWEED TOURISM (FORMALLY TACTIC))</b>	
<b>Submission</b>	<b>Response</b>
TEDC and Council are portrayed as the one agency	The document clearly identifies the two organisations as separate but has combined efforts to provide a combined vision and direction for economic development for the Tweed.
Council engage TWEED TOURISM (FORMALLY TACTIC) to undertake tourism marketing and marketing services within Tweed	Discussion has been undertaken between TWEED TOURISM (FORMALLY TACTIC) and TEDC regarding the roles and responsibilities in respect to Tourism marketing and industry development. TEDC have reported that there was general agreement that the projects identified in the Strategy do not conflict or overlap with any of TWEED TOURISM (FORMALLY TACTIC)'s projects. A separate Tourism Strategy is to be developed in collaboration with TWEED TOURISM (FORMALLY TACTIC).

Lack of integrated economic approach and fails to recognise TWEED TOURISM (FORMALLY TACTIC) and State and Federal Govt role in economic development	The Strategy was always intended to represent only the efforts of TEDC and Council. Consultation has previously been conducted with TWEED TOURISM (FORMALLY TACTIC) about strategic tourism directions during the preparation and exhibition of the Tweed Strategic Plan. Council and TEDC work closely with State and Federal government to undertake work on numerous projects that promote economic development.
Aspects regarding tourism component should involve TWEED TOURISM (FORMALLY TACTIC)	Discussions between TEDC and TWEED TOURISM (FORMALLY TACTIC) have indicated there is no overlap between current and projects. Council have discussed a proposed tourism development strategy in recent times. Development of this project is proposed for after the Economic Growth Management Strategy has been adopted.
<b>2. Tweed District Residents &amp; Ratepayers Association</b>	
<b>Submission</b>	<b>Response</b>
The Economic Development Strategy supports the Gold Coast's plans for growth and expansion	On 16 August 2000 Council resolved to oppose the draft Master Plan for the airport "to the extent that the Plan proposes the extension of runway and surrounding operational areas beyond the airport land and onto a reserve for public recreation (Lot 319)". On 14 August 2001 the Federal Government approved the Gold Coast Airport Masterplan. In January 2005 the Gold Coast Airport exhibited its Major Development Proposal with the Federal Government for the extension of the airport runway.
"Behind the Ball" by promoting a cross border rail connection	This is not a new proposal and one that has been identified as important for the economic development for the Tweed as well as the Northern Rivers Region. Despite the closure of the Murwillumbah to Casino rail line it is considered important to still recognise the economic importance of this proposal. Issues of alignment are a matter of conjecture at this point and are recommended for removal.
TEDC and Council generally support transport infrastructure projects across the state border to South East Queensland	Transport infrastructure projects represent one of the most important and critical investments into regional and local economic development.
No mention is made of the Murwillumbah to Casino rail closure	Council have always supported the reinstatement of the Murwillumbah to Casino rail line. This issue is recommended for inclusion into the final Strategy.
<b>3. Private Submission (Name withheld for privacy)</b>	
<b>Submission</b>	<b>Response</b>
Concern that the Strategy does not adequately encourage sustainability	The Strategy reflects one aspect of sustainability – economic development. Overarching issues of sustainability are dealt with in Council's Strategic Plan. The main focus of this Strategy is to establish sustainable employment.
The job multipliers and employee densities of industrial areas are inaccurate	TEDC have advised that these data have been compiled from reliable professional sources.
The submission does not support the Tweed recognising it is a part of the South East Queensland economy.	South East Queensland has a major influence on the Tweed's economy. It would be imprudent to ignore this influence. As a result of this close working relations have been established with the Southern Regional Organisation of Council's Economic Development Working Group.

These submissions have been reviewed and have been taken into consideration in the proposed changes.

### **Proposed Changes to the Draft Strategy**

Below is a summary of the proposed changes to the draft Economic Development Strategy which was exhibited.

1. Inclusion of Tweed Tourism (formally TACTIC) into tourism,
2. Updated of reference of TACTIC to Tweed Tourism,
3. Update of statistics,
4. Include new section to undertake Commercial Floorspace Strategy,
5. Review of infrastructure section to revise transport and water infrastructure.

### **Summary of Actions for Tweed Economic Growth Management Strategy**

Below is a table which summarises all of the actions for both Council and TEDC identified in the Growth Management Strategy.



**Table 2: Tweed Economic Growth Management Strategy - Action Summary** (this table is reproduced in colour in the attachment)

Project	Action	RESPONSIBLE AGENCY	STATUS	ESTIMATED COMPLETION DATE	Jan-07	Jul-07	Jan-08	Jul-08	Jan-09
<b>RESEARCH AND DEVELOPMENT</b>									
<b>TWEED &amp; NORTHERN RIVERS ECONOMIC MODEL</b>	Assist in policy analysis and establishing direction for sustainable economic growth in the Tweed & Northern Rivers.	TEDC	Ongoing						
	Undertake analyses for external agencies on a consultancy basis.	TEDC	Ongoing						
<b>INDUSTRY AUDIT &amp; DATABASE</b>	Undertake audits on a bi-annual basis	TEDC	Planned	Jul-07					
	Provide update on new, business-related development applications and licences	TSC	Ongoing						
<b>DEMOGRAPHIC &amp; STATISTICAL RESEARCH</b>	Access & analyse 2006 Census data as it becomes available	TEDC	Planned	Dec-07					
	Access relevant ABS statistics as they become available	TEDC	Ongoing						
	Monitor local, regional, national and international economic trends and statistics as they become available	TEDC	Ongoing						
	Respond to enquiries for statistics and information.	TEDC	Ongoing						
<b>TWEED LOCAL ENVIRONMENTAL PLAN REVIEW (STAGE II)</b>									
<b>TWEED RURAL LAND USE STUDY</b>	Undertake Stakeholder Meeting	TEDC/TSC	Planned						
	Confirm Project Brief & Identify Funding Sources	TEDC/TSC	Planned						
	Continue to deal with LEP issues	TSC	Ongoing						
<b>RURAL LAND RELEASE STRATEGY</b>	Finalise preparation of Rural Settlement Strategy	TSC	Current						
	Achieve NSW Government endorsement of the Tweed Rural Land Release Strategy	TSC	Ongoing						
<b>LAND INFRASTRUCTURE</b>	Establish a Tweed Enterprise Land Taskforce	TEDC/TSC	Planned	Jul-06					
	Identify a bank of enterprise land	TEL	Planned	Jul-06					
	Address issues relating to stream-lining the planning approval process	TEL	Ongoing						
	Investigate the concept of fully master-planned estates	TEL	Planned	Jul-06					
<b>COMMERCIAL FLOORSPACE STRATEGY</b>	Prepare a Commercial Floorspace Strategy	TSC / TEDC	Planned	Jan-08					
<b>HOME-BASED BUSINESS DEVELOPMENT</b>	Review the LEP to ensure that home-based businesses can be adequately accommodated.	TSC	Planned						
	Prepare a set of clear guidelines to explain planning requirements for home-based businesses in the Tweed.	TSC	Planned						
	Establish a standard for the maximum acceptable impacts from a home-based business to easily identify exempt and complying developments.	TSC	Planned						
<b>RETAIL STRATEGY</b>	Finalise Tweed Retail Development Strategy	TSC	Completed	Nov-05					
	Prepare a Draft Retail Development Control Plan based on the Tweed Retail Strategy	TSC	Planned	Dec-06					
<b>TWEED HEADS CBD REVITALISATION PROJECT</b>	Facilitate the redevelopment of the Tweed Heads business precinct as identified in the Master Plan.	PFT	Ongoing						
	Review TSC's planning policies to reflect the vision of the Master Plan.	TSC	Ongoing						
	Prepare a plan of management and redevelopment of the Jack Evans Boat Harbour	PFT	Ongoing						
	Revise the size and location of zones in which retail developments are permissible.	TSC	Planned						
<b>MURWILLUMBAH MASTERPLAN</b>	Facilitate the development of the Murwillumbah Masterplan.	TEDC/TSC	Planned						
	Review TSC's planning policies to reflect the vision of the Masterplan.	TSC/TEDC	Planned						
<b>TOWNS &amp; VILLAGES CENTRES (TEDC to provide input into the economic development component of the following plans)</b>	Kingscliff	TSC	Current	Jun-07					
	Tweed Heads South	TSC	Planned	Jun-07					
	Murwillumbah	TSC	Planned	Jun-07					
	Pottsville	TSC	Current	Jun-07					
	Cabarita	TSC	Current	Dec-06					
	Haslings Point	TSC	Planned						
	Fingal	TSC	Planned	LEP review					
	Kings Forest	NSW Govt	Planned	LEP review					
	Area E	TSC	Current	Dec-06					

Project	Action	RESPONSIBLE AGENCY	STATUS	ESTIMATED COMPLETION DATE	Jan-07	Jul-07	Jan-08	Jul-08	Jan-09
<b>MARINE INDUSTRY DEVELOPMENT INITIATIVES</b>									
TWEED MARINE INDUSTRY ASSOCIATION INC	Establish and assist the Association to achieve its initial goals	TEDC	Current	Jun-06					
	Work with the Association to achieve industry development outcomes	TEDC/TSC	Ongoing						
<b>TWEED HEADS SLIPWAY RECURBISHMENT</b>									
	Confirm funding sources	TEDC	Completed	Jan-06					
	Obtain relevant approvals	TEDC/TSC	Completed	Apr-06					
	Undertake refurbishment project	TEDC	Current	Sep-06					
<b>TWEED HEADS SOUTHERN BOAT HARBOUR REDEVELOPMENT</b>									
	Facilitate coordinated management of the marine facilities in the Harbour	TEDC	Current						
	Develop a brief for expressions of interest	TEDC	Planned						
	Advertise expressions of interest	TEDC	Planned						
	Facilitate development of the precinct	TEDC	Planned						
<b>SOUTHROC MARINE SUPPLY CHAIN PROJECT</b>									
	Work with GCCC and the appointed consultants to ensure a productive outcome from the project	TEDC	Planned	Dec-07					
<b>CONDONG REGIONAL BOATING FACILITY</b>									
	Access funding for the development of the Condong Regional Boating Facility, including floating pontoon	TSC	Completed	Feb-06					
	Acquire all necessary approvals for construction of floating pontoon	TSC	Current	May-06					
	Construct floating pontoon	TSC	Planned	Jun-06					
<b>TWEED MARINE SERVICE PRECINCT</b>									
	Encourage the identification of a suitable site	TEDC/TSC	Current						
	Facilitate the commercial development of a marine service precinct, including approval process	TEDC/TSC	Planned						
<b>TOURISM INDUSTRY DEVELOPMENT INITIATIVES</b>									
<b>TWEED RIVER LINK</b>									
	Re-establish a Tweed River Link Advisory Group	TEDC	Planned						
	Identify funding sources for Stage One of the project	TEDC	Current						
	Undertake Stage 1 Tweed River Link Project	TEDC	Planned						
<b>OTHER RIVER-BASED TOURISM INFRASTRUCTURE</b>									
	TEDC to continue to work with significant investors on the development of private tourism infrastructure	TEDC	Ongoing						
<b>OTHER INDUSTRY DEVELOPMENT INITIATIVES</b>									
<b>HEALTH &amp; AGEING</b>									
	TEDC to continue to work with existing businesses and potential investors on opportunities to create economic growth through the health and ageing sector.	TEDC	Ongoing						
<b>EDUCATION &amp; TRAINING</b>									
	TEDC to continue to work with industry partners to facilitate education and training initiatives that facilitate economic growth.	TEDC	Ongoing						
<b>FOOD MANUFACTURING</b>									
	Work collaboratively to identify positive initiatives and outcomes for the regional food manufacturing industry.	TEDC	Planned						

Project	Action	RESPONSIBLE AGENCY	STATUS	ESTIMATED COMPLETION DATE	Jan-07	Jul-07	Jan-08	Jul-08	Jan-09
<b>CROSS BORDER ISSUES</b>									
TEDC / REDAB CROSS BORDER WORKING PARTY	Participate on Cross-Border Working Party	TEDC/REDAB	Current						
	Identify, initiate, and facilitate projects that address cross-border issues	TEDC/REDAB	Ongoing						
GOLD COAST/TWEED TRANSPORT, AVIATION & DISTRIBUTION HUB	Investigate participating in an annual delegation to Canberra to lobby Federal politicians on significant cross-border and Tweed issues	TEDC/REDAB	Current						
	Use the developed marketing collateral to promote the Tweed/Gold Coast region in any identified economic growth opportunities.	TEDC	Ongoing						
SEAMLESS BORDERS REGULATION REDUCTION PROJECT	Work with GCCC to ensure the project achieves productive outcomes.	TEDC/TSC	Current	Apr-07					
<b>STRATEGIC INFRASTRUCTURE DEVELOPMENT</b>									
<b>TRANSPORT INFRASTRUCTURE</b>									
WATER INFRASTRUCTURE	Identify a proactive approach to planning and implementing transport infrastructure needs that support economic growth	TSC/TEDC	Ongoing						
	Promote regional transport infrastructure to attract investment and business growth	TEDC	Ongoing						
TELECOMMUNICATIONS INFRASTRUCTURE	Develop and promote future water supply strategies for the Tweed.	TEDC/TSC	Ongoing						
TWEED MARKETING	Promote and support positive outcomes for the Broadening Broadband project	TEDC/TSC	Current	Dec-06					
<b>MARKETING, PROMOTION AND COMMUNICATION</b>									
TWEED MARKETING	Establish an Industry Advisory Committee	TEDC	Planned						
	Employ a Marketing Coordinator	TEDC	Planned						
TRADE SHOWS & CONFERENCES	Develop a program for attending relevant trade shows and conferences	TEDC	Planned	Feb-05					
	Implement programme	TEDC	Ongoing						
TRADE SHOWS & CONFERENCES	Review the existing generic Tweed Shire marketing collateral	TEDC	Ongoing						
	Implement results of the review	TEDC	Ongoing						
EVENTS & PRESENTATIONS	Develop a program for delivering relevant events and presentations	TEDC/TSC	Planned	Jul-06					
	Seek sponsorship for delivery of this program	TEDC	Ongoing						
WEBSITE & E-BULLETIN	Deliver the program of events and presentations	TEDC	Ongoing						
	Upgrade the E-Bulletin and continue to distribute regularly	TEDC	Ongoing						
	Redevelop TEDC website	TEDC	Current	Sep-06					
<b>REGIONAL PARTNERSHIPS</b>									
<b>SOUTHERN REGIONAL ORGANISATION OF COUNCILS</b>									
	Participate in the SouthROC	TSC/TEDC	Ongoing						
	Participate in relevant regional projects	TSC/TEDC	Ongoing						
<b>NORTHERN RIVERS REGIONAL ORGANISATION OF COUNCILS</b>									
	Participate on NORROC	TSC	Ongoing						
	Participate in relevant regional projects	TSC	Ongoing						
<b>GOLD COAST CITY COUNCIL ECONOMIC DEVELOPMENT ADVISORY BOARD</b>									
	Participate on REDAB	TEDC	Ongoing						
	Participate in relevant regional projects	TEDC	Ongoing						
<b>NORTHERN RIVERS REGIONAL DEVELOPMENT BOARD</b>									
	Participate in relevant regional projects	TEDC	Ongoing						

## **Tweed Shire Council Seven Year Plan**

In Council's Seven Year Plan economic development and tourism is featured prominently. Specifically, there are two projects identified in the Seven Year Plan which overlap the objectives of the Economic Development Strategy. These are:

1. Condong Regional Boating Facility - \$465,000. This is specifically a component of the Tweed River Link Project of TEDC.
2. Economic Marketing and Promotion - \$2,290,000. This includes Council's commitment to TEDC and TWEED TOURISM (FORMALLY TACTIC). Through this funding these organisations can undertake projects identified in the Economic Development Strategy.

## **Conclusion**

This report recommends that the joint Council and TEDC Economic Growth Management Strategy be adopted as policy as presented in this report.

## **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](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

1. Tweed Economic Growth Management Strategy (DW 1509059)
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**02 [GM-OC] Tweed Economic Development Corporation Management Agreement**

**ORIGIN:**

**Business & Economic Development**

**SUMMARY OF REPORT:**

Council currently have a funding agreement with Tweed Economic Development Corporation (TEDC), which expires on 31 December 2008. In Council's 7 year plan and 2006/07 Budget an increase in the Business Rate was included over and above the Residential rate increase. It was identified that this increase in the business rate would be used specifically for economic and tourism development and promotion.

This report recommends that Council enter into a new Agreement with TEDC.

**RECOMMENDATION:**

**That Council:**

- 1. Endorses the draft agreement as presented in appendix to this report.**
- 2. Authorises the agreement to be duly signed and executed under the Common Seal of Council.**

## **REPORT:**

### **Background**

In October 2005 Council and Tweed Economic Development Corporation (TEDC) signed an agreement for future funding and performance targets on economic development.

During the preparation of the 2006/07 budget Council also prepared a seven (7) year plan which identified long term expenditures. The plan identified an increase in the Business Rate over and above the Residential Rate. This increase is specifically being used for economic and tourism development and promotion.

From the increased in Business Rate, TEDC has been allocated an additional \$70,000 to undertake specific economic development projects in the Tweed. The potential projects, which the funding allocation can be spent on, have been identified in the Tweed Economic Growth Management Strategy prepared by TEDC and Council and presented for adoption to this Council meeting.

During the last six months a new form of Agreement has been negotiated with the board of TEDC. Attached to this report is the new draft Agreement for Council consideration.

### **Draft Agreement**

This Agreement has been developed in conjunction with and subsequently endorsed by the Board of TEDC. It has been redrafted from the existing Agreement which has previously been discussed with the Administrators, and is considered an equitable and reasonable platform upon which to continue and improve the relationship between Council and TEDC.

The main features and/or amendments to the previous Agreement include: -

1. Greater specificity in performance measurement and reporting
2. Clarifies Council representation on the TEDC Board
3. Stipulates reporting timelines
4. Requires TEDC to cooperate and participate with Council in the production of a joint Tweed Economic Growth Management Strategy
5. Requires a presentation between TEDC and Tweed Tourism (formally TACTIC)
6. Provide for 3 meetings a year with Administrators to discuss matters and afford opportunity to ask questions, etc.
7. Generally "tightens-up" loosely expressed and/or unclear items in the previous Agreement

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

This report recommends that Council enter into a management agreement with TEDC to have effect from signing and to remain in force until 30 June 2010. The agreement will maintain an annual funding allocation to TEDC for them to undertake their commitments under this agreement.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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1. **Confidential Attachment** - Draft TEDC Agreement (DW1508905)
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**03 [TCS-OC] Code of Meeting Practice - Council Meetings 2007**

**ORIGIN:**

**Risk & Human Resources**

**SUMMARY OF REPORT:**

Council's Code of Meeting Practice specifies the date and time for the conducting of Council meetings. Section 365 of the Local Government Act 1993, further specifies that Council is required to meet at least 10 times each year, in a different month.

The current practice is for Council to meet every three (3) weeks and it is proposed that this practice be followed in 2007, with the first meeting being held Tuesday, 23 January 2007.

**RECOMMENDATION:**

**That in accordance with the Code of Meeting Practice, Section 2.1 How often does the Council Meet, the meeting dates for 2007 be:**

<b>23 January</b>	<b>10 July</b>
<b>13 February</b>	<b>31 July</b>
<b>6 March</b>	<b>21 August</b>
<b>27 March</b>	<b>11 September</b>
<b>17 April</b>	<b>2 October</b>
<b>8 May</b>	<b>23 October</b>
<b>29 May</b>	<b>13 November</b>
<b>19 June</b>	<b>4 December</b>

**REPORT:**

As per summary.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**04 [TCS-OC] Councillors - Payment of Expenses and Provision of Facilities for Mayors and Councillors**

**ORIGIN:**

**Corporate Compliance**

**SUMMARY OF REPORT:**

Council at its meeting of 17 October 2006 resolved to advertise the draft Payment of Expenses and Provision of Facilities for Mayors and Councillors Policy for at least 28 days and call for public submissions.

The draft policy was advertised in the Tweed Link on 24 October 2006 and placed on Council's website calling for public submissions which closed on 1 December 2006. No submissions were received as result of the public consultation process.

**RECOMMENDATION:**

**That the Draft 'Councillors - Payment of Expenses and Provision of Facilities for Mayors and Councillors' Policy be adopted, as follows:**

## **Councillors – Payment of Expenses and Provision of Facilities for Mayors and Councillors**

### **PART 1 INTRODUCTION**

#### **Purpose of the Policy**

The purpose of the policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by Councillors. The policy also ensures that the facilities provided to assist Councillors to carry out their civic duties are reasonable.

#### **Objectives and coverage of the Policy**

In accordance with Section 439 of the Local Government Act 1993, Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under this Act or any other Act.

Furthermore, it is to ensure that the Councillors would not be financially or otherwise disadvantaged in undertaking their civic responsibilities.

#### **Legislative Compliance**

The Local Government Act 1993 has statutory requirements which describe what fees, expenses and facilities may be paid or provided to Councillors.

Information on the pertinent sections applicable to this policy is contained in the Department of Local Government's Circular 06-57 - Guidelines for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors.

#### **Other NSW Government policy provisions**

There are a number of publications which provide assistance to Councillors in complying with the provisions of this policy.

#### **DLG Guidelines for payment of expenses and provisions of facilities**

Section 252(5) of the Local Government 1993, the Council expenses policy must comply with these guidelines issued under Section 23A of the Act.

#### **Model Code of Conduct**

This policy is consistent with the Model Code of Conduct for Local Councils in NSW in particular with the use of Council resources.

#### **DLG Circulars to Councils**

Circular 05/08 Legal assistance for Councillors and Council employees  
Circular 02/34 Unauthorised use of Council resources

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**Adopted at Council Meeting held**

wp\policies\Council Policy - Councillors Payment Of Expenses.Doc and Provision of Facilities

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Tweed Shire Council

Policy Document

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**ICAC publications**

No Excuse for Misuse, preventing the misuse of Council resources.

**PART 2 PAYMENT OF EXPENSES**

**GENERAL PROVISIONS**

**Civic duties are defined as:**

- Council and Committee Meetings;
- Community Meetings approved by the Mayor or General Manager;
- Meetings with the staff approved by the General Manager; and
- Conferences, seminars, training courses, formal and social functions where representing Council, approved by the Council, Mayor or General Manager;
- Meeting with constituents in the course of discharging duties as Mayor and Councillor.

Where a Councillor must use a form of transport other than own vehicle for travel within the local government area, then such approval must be obtained in advance from the Mayor or General Manager.

**Allowances and expenses**

No annual, monthly or daily allowance or expenses type allowance payment shall be payable in any circumstances.

**Reimbursement and reconciliation of expenses**

Reimbursement of expenses shall only be made upon the production of appropriate receipts and tax invoices and the completion of the required claim forms.

All reimbursement of expenses must be approved by the General Manager.

All expenses being reimbursed must be in accordance with the provisions of this policy.

A Councillor seeking reimbursement of expenses must lodge a claim within three months of the expense being incurred.

**Payment in advance**

This policy does not provide for cash payments being advanced to Councillors in anticipation of expenses being incurred in the conduct of their civic duties.

**Establishment of monetary limits and standards**

Monetary limits applying to this policy include:

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- **Mobile Telephone**

Council will meet the cost of providing the mobile telephone, maintenance, monthly service and access fees, and call charges up to a maximum of \$400 per month for the Mayor and \$200 per month for other Councillors made in the conduct of the civic duties only.

- **Care and other related expenses**

The maximum entitlement for such expenses is \$2,000 per annum.

**Incidental expenses incurred in attending related Council business, approved conferences, seminars, training and educational courses**

Facsimile -	to and from Council Office or residence only;
Internet Charges -	maximum daily limit \$5.00;
Laundry and Dry Cleaning-	maximum daily limit \$10.00;
Newspapers -	maximum daily limit \$2.00;
Taxi Fares -	from transport destination to accommodation and/or conference venue
Parking Fees -	include airport parking when plane travel is being used,

Any other costs incurred by a Councillor in addition to the daily limits, are the responsibility of the individual Councillor.

Councillors are to use their mobile telephones for all calls including business and private. Special circumstances will be permitted, when mobile telephone reception does not allow the use of a mobile telephone.

The daily limit for meals (including refreshments) will be in accordance with the Australian Taxation Office allowance guideline.

**Spouse and partner expenses**

Council will not normally reimburse the expenses of spouses, partners and accompanying persons for attendance at any Council function.

Council may reimburse expenses of spouse, partners and accompanying persons in certain and special circumstances at any Council approved function, with prior approval being sought from the Mayor and General Manager.

Accommodation (shared basis) will be met by Council, provided that there are no additional costs incurred by Council.

Mayor and Councillors must make separate arrangements for the payment of expenses incurred by a spouse or partner.

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**Adopted at Council Meeting held**

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## **SPECIFIC EXPENSES FOR MAYORS AND COUNCILLORS**

### **Attendance at dinners and other non-Council functions**

Consideration may be given to meeting the cost of Councillors attendance at dinners and other non-Council functions which provide briefings to Councillors from key members of the community, politicians and business.

Approval to meet expenses will only be given when the function is relevant to Council's interest and attendance at the function is open to all Councillors.

No payment will be reimbursed for any component of the ticket that is additional to the service cost of the function, such as a donation to a political party or candidate electoral fund or some other private benefit.

An additional payment to a registered charity may be acceptable as part of the cost of the function.

Councillors seeking reimbursement for this type of expense, must have it approved by Council and not the General Manager.

### **Attendance at seminars and conferences**

Attendance at conferences and seminars by Councillors must be authorised in advance by a Council Resolution. An exception may occur in an emergency, then such attendance must be authorised by the Mayor and General Manager.

The exception will only apply to short term (1 day) events and be organised within the local region.

Council will be responsible for the following expenses to be incurred by a Councillor in attending an approved conference or seminar.

- **Registration Expenses**

Including official luncheons, dinners and tours relevant to the conference, seminar or training course.

- **Travel Expenses - Local or Outside Local Government area**

As detailed within this policy.

- **Accommodation Expenses**

Accommodation for attendance at approved conferences, seminars and training courses will only be authorised on the following basis:

- venue where the conference, seminar and training course is being conducted;
- where venue is unavailable, then the alternative venue is up to a standard of four star NRMA rating;

- 
- night before and after depending on the event and travel circumstance, such approval must be obtained in advance from the General Manager;
  - Council to make the relevant accommodation booking.

- **Meals and Other Incidental Expenses**

Outlined in the establishment of monetary limits and standard provisions contained in this policy.

**Attendance at training and educational courses**

Attendance at training and educational courses by Councillors must be authorised in advance by a Council Resolution. An exception may occur in an emergency, then such attendance must be authorised by the Mayor and General Manager.

The exception will only apply to short term (1 day) events and be organised within the local region and facilitated by the Local Government & Shires Association, Independent Commission Against Corruption or Department of Local Government.

Council will be responsible for the following expenses to be incurred by a Councillor in attending an approved training or educational courses.

- **Registration Expenses**

Including official luncheons, dinners and tours relevant to the training or educational course.

- **Travel Expenses - Local or Outside Local Government area**

As detailed within this policy.

- **Accommodation Expenses**

Accommodation for attendance at approved training or educational courses will only be authorised on the following basis:

- venue where the training or educational course is being conducted;
- where venue is unavailable, then the alternative venue is up to a standard of four star NRMA rating;
- night before and after depending on the event and travel circumstance, such approval must be obtained in advance from the General Manager;
- Council to make the relevant accommodation booking.

- **Meals and Other Incidental Expenses**

Outlined in the establishment of monetary limits and standards provisions contained in this policy.

**Local travel arrangements and expenses**

Councillors will be entitled to be reimbursed for travel from their home whilst undertaking civic duties at the rate per kilometre as set out in the Notional Agreement Preserving the State Award, Local Government (State) Award 2004.

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**Adopted at Council Meeting held**

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**Travel outside local government area including interstate travel**

Councillors must obtain approval from Council for all travel outside of the Local Government Area, including interstate travel.

Councillors will be entitled to travel to official engagements at Council's expense by the most practical method, i.e. aircraft, Council vehicle or private vehicle.

Councillors when travelling by air will travel Economy Class or as determined by the General Manager.

All "Frequent Flyer" points accrued are to remain the property of Council.

A Councillor who travels in his/her own vehicle will be reimbursed at the appropriate per kilometre rate or airfare whichever is the lower.

**Telephone costs and expenses**

Councillors will be provided with a mobile telephone to assist in undertaking civic duties.

Council will meet the cost of providing the mobile telephone, maintenance, monthly service and access fees, and call charges up to a maximum of \$400 per month for the Mayor and \$200 per month for other Councillors made in the conduct of their civic duties.

Individual Councillors must meet the cost of all non- business calls and any additional Council calls above the limits.

Councillors will be provided with a fax machine to assist in undertaking civic duties. Council will meet the cost of providing the fax machine, maintenance and rental charges for one (1) home facsimile line, together with fax paper.

**Computer Facilities**

Councillors will be provided with computer facilities to assist in undertaking civic duties.

**Postage of Official Councillor Correspondence**

Councillors will be reimbursed for official postage, provided expenses can be verified and where it is impractical to use the Council's own mail system.

Applications for reimbursement of postage expenses must contain verification information and be authorised by the General Manager

**Internet**

Council will meet the cost of Internet charges involved in the conduct of the Mayor and Councillors civic duties.

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**Adopted at Council Meeting held xxxxx at Minute No xxxx**

Tweed Shire Council

Policy Document

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**Care and other related expenses**

Councillors are entitled to the reimbursement of carer expenses that were necessary to enable Councillors to undertake their civic duties.

The maximum entitlement for such expenses is \$2,000 per annum.

**Insurance expenses and obligations**

Councillors are to receive the benefit of insurance cover for:

- **Personal Injury**

Whilst on Council business, covering bodily injury caused by accidental, violent, external and visible means up to a sub-limit for death and capital limits as specified in the Councillors and Officers Liability Insurance Policy. Also covering permanent disablement, temporary total disability and temporary partial disability.

- **Professional Indemnity**

For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors provided the performance or exercise of the relevant civic duty or function in the opinion of Council is bona fide and/or proper and is carried out in good faith, as required under 731 of the Local Government Act.

- **Public Liability**

For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors, being carried out in good faith.

**Legal expenses and obligations**

Legal expenses for a Councillor may be either paid or reimbursed by the Council only if the matter is authorised by the Local Government Act 1993 either expressly or because it is supplemental or incidental to or consequential upon the exercise of its functions.

Council may therefore indemnify or reimburse the reasonable expenses of:

- a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act (Section 731) ; or
- a Councillor defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the Act ; or
- a Councillor for proceedings before the Local Government Pecuniary Interest and Disciplinary Tribunal or investigative body and where the finding is substantially favourable to the Councillor.

Council will not indemnify or reimburse the legal expenses of Councillor arising merely from something that a Councillor has done during his or her term in office.

Council will not meet the costs of an action in defamation taken by a Councillor as a plaintiff in any circumstances.

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**Adopted at Council Meeting held**

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Council will not meet the costs of a Councillor seeking advice in respect of possible defamation or in seeking a non-litigious remedy for possible defamation.

### **Additional Mayoral Expenses**

#### **Provision of a dedicated motor vehicle**

A motor vehicle bearing no markings or identification will be provided for the sole use of the Mayor.

The motor vehicle is and shall remain the property of Council and shall be surrendered to Council by the Mayor in the event that the person is no longer the Mayor.

The Mayor is to be given unrestricted use of such vehicle with the Council servicing and maintaining such vehicle, paying registration and insurance (including full comprehensive cover) and providing fuel. Private use means that the Mayor and his/her spouse or other licensed driver (provided the Mayor or Mayor's spouse is in the car) or any other Council employee are allowed to drive the vehicle.

The type of vehicle that will be provided is to be at a standard in accordance with Council's Motor Vehicle Lease Policy, and sets a standard for energy efficiency.

The vehicle is to be replaced at the most economically beneficial time as determined by the Works Manager.

#### **Other equipment, facilities and services**

Other equipment, facilities and services that are to be provided by Council for the use of the Mayor are as follows:

- An experienced person suitably qualified to provide secretarial support to the Mayor.
- Mayoral letterhead, envelopes and stationery generally
- Where appropriate assistance with the organisation of functions, meetings and briefings to which the Mayor is invited to attend.
- A furnished office will be provided at the Council Administration Office, to enable the Mayor to undertake the civic duties appropriate to that position.
- Limited refreshments will be provided in the Mayoral Office for entertainment purposes.
- An allotted parking space will be provided at the Council Administration Offices for the parking of the Mayoral vehicle.

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**PART 3 PROVISIONS OF FACILITIES**

**GENERAL PROVISIONS**

**Provision of facilities generally**

Council will provide facilities and equipment to each Councillor to ensure that they can undertake their civic duties in an appropriate manner. The facilities and equipment include:

**Stationery**

Provision of personalised Councillor letterhead and envelopes exclusively for Council related business

**Business cards**

Provision of 250 business cards (replacement on request)

**Christmas cards**

Maximum of 100 per year

**Name badges**

Councillors to be provided with a name badge

**Filing cabinet**

Councillors to be provided with a home filing cabinet if required.

Filing cabinet is to be returned if the person ceases to be a Councillor.

**Meetings meals and refreshments**

Provision of meals and refreshments associated with Council, committee and working party meetings where appropriate

**Meeting rooms/ Councillor room**

Provision of meeting room facilities, including telephone, computer network facilities and access to a photocopier in the Administration Centre for the purpose of Council, committee and working party meetings and for meeting with constituents.

**Secretarial support**

Provision of secretarial support, as necessary for Councillors to undertake their civic duties.

**Private use of equipment and facilities**

A Councillor must not use any of the facilities allocated by Council for their private use.

A Councillor may use their mobile telephone or facsimile machine for their private use however payment is to be made to Council for such use.

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**Adopted at Council Meeting held**

wp\policies\Council Policy - Councillors Payment Of Expenses.Doc and Provision of Facilities

Any contravention of this policy will result in the matter being reviewed against the provisions of Council's Code of Conduct.

#### **PART 4 OTHER MATTERS**

##### **Acquisition and returning of facilities and equipment by Councillors**

Councillors are to return to Council, where appropriately practicable, after the completion of their term of office or entering extended leave of absence or at the cessation of their civic duties all facilities and equipment that have been allocated by Council.

Should a Councillor desire to keep any equipment allocated by Council, then this policy enables the Councillor to make application to the General Manager to purchase any such equipment. The General Manager will determine an agreed fair market price or written down value for the item of equipment.

##### **Status of the Policy**

The provisions of the Councillors- Payment of Expenses and Provision of Facilities for Mayors and Councillors shall remain valid until revoked or amended by Council.

**REPORT:**

In accordance with Section 252 of the Local Government Act 1993, Council must within five months after the end of each year adopt a policy concerning the payment of expenses incurred or to be incurred by and the provision of facilities to Mayors, Deputy Mayors and other Councillors.

To assist Council in adopting a policy, the Department of Local Government has issued new guidelines contained in Circular 06-57 – Guidelines for the Payment of Expenses and the Provision of facilities to Mayors and Councillors.

A new draft policy, Councillors - Payment of Expenses and Provision of facilities for Mayors and Councillors has been prepared to ensure compliance with the new guidelines.

The draft policy establishes strong audit and accountability requirements that Councillors must adhere to before any reimbursement will be approved, including production of receipts.

Other requirements include the establishment of monetary limits and standards for the payment of expenses, such as:

- Mobile Telephone Charges - \$400 per month for the Mayor and \$200 per month for other Councillors;
- Care and other related expenses \$2,000 per annum;
- Incidental expenses incurred in attending approved conferences, seminars, training and educational courses;
- Spouse and partner expenses and
- Attendance at dinners and other non-council functions, seminars, conferences, training and educational courses, travel arrangements, both local and outside local government area, postage and insurance.

In regard to the provision of facilities, the policy provides standards on the dedicated mayoral vehicle, other mayoral facilities and services and provision of other facilities generally to Councillors.

A new protocol is being developed that provides general administration advice to Councillors.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Councillors - Payment of Expenses and Provision of facilities for Mayors and Councillors to replace current policy, Tweed Shire Council – Councillors.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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

Nil.

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**O5 [TCS-OC] Monthly Investment Report for Period Ending 30 November 2006**

**ORIGIN:**

**Financial Services**

**SUMMARY OF REPORT:**

This report is provided to Council to advise details of monies Council has invested in accordance with Section 625 of the Local Government Act 1993.

**RECOMMENDATION:**

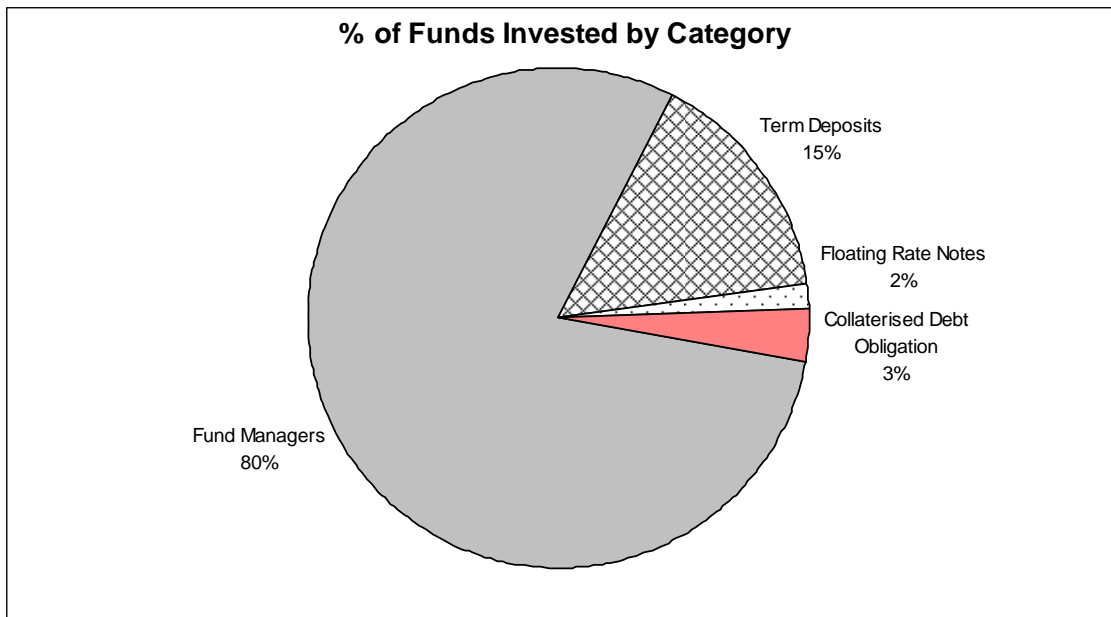
**That in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at 30 November 2006 totalling \$123,622,411.37 be received and noted.**

**REPORT:**

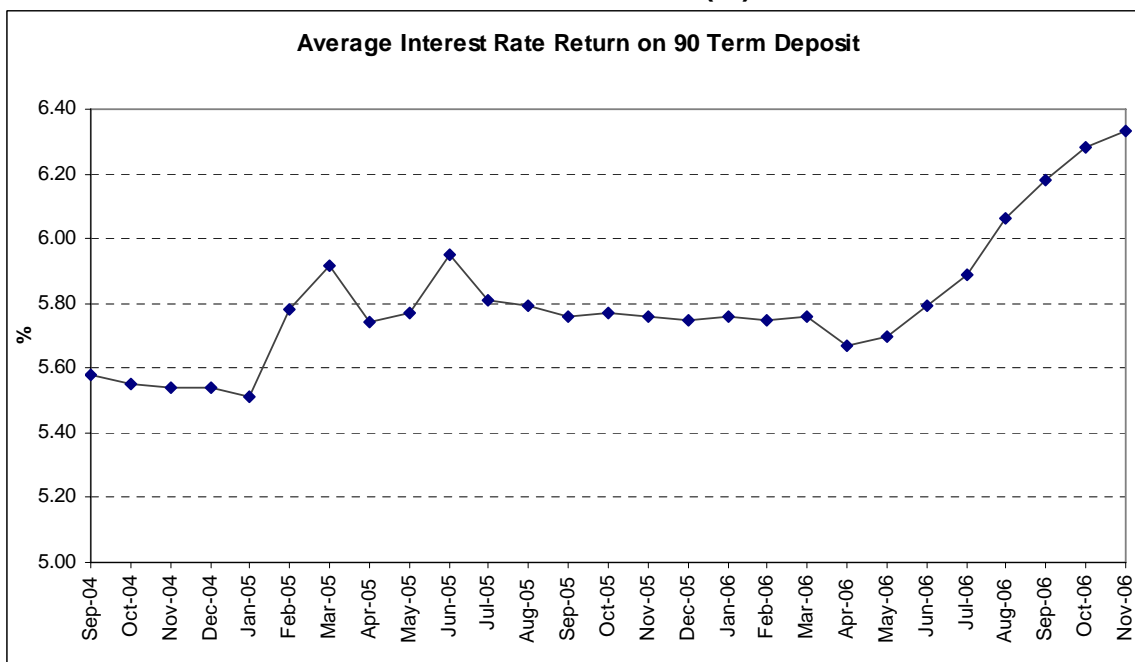
**Report for Period Ending 30 November 2006**

The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested and certification has been made in accordance with Section 625 of the Local Government Act (1993), Clause 212 of the Local Government (General) Regulations and Council policies.

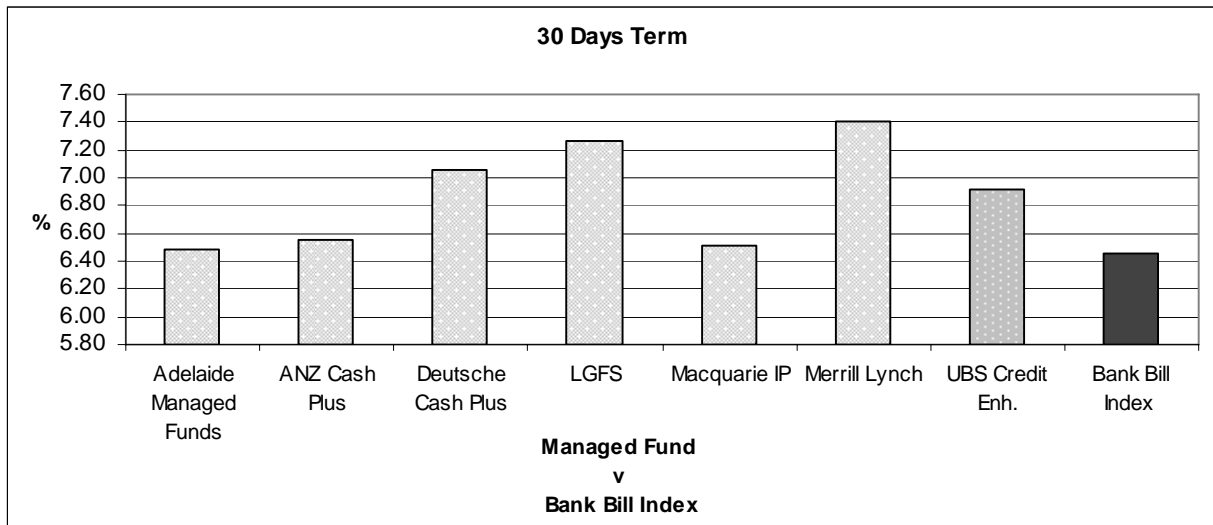
**1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY**



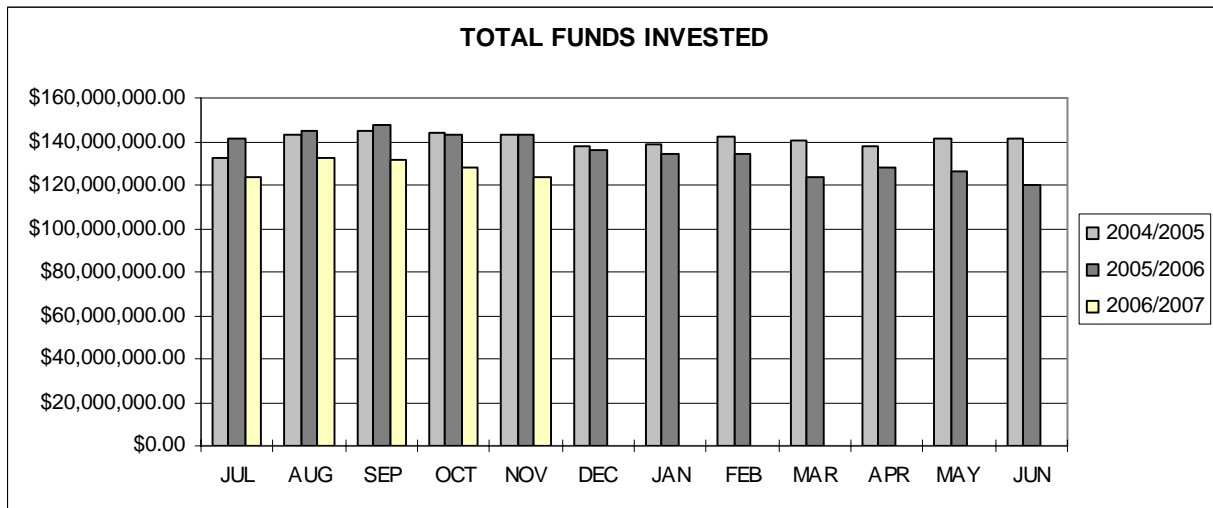
**2. INVESTMENT RATES - 90 DAY BANK BILL RATE (%)**



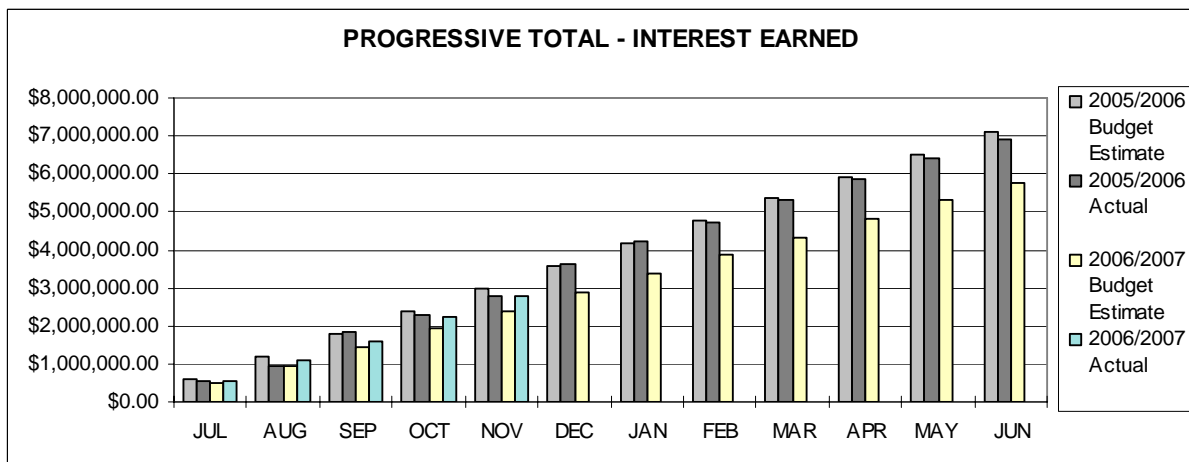
**3. ANNUALISED RATE OF RETURN FOR FUNDS MANAGERS - NET OF FEES**



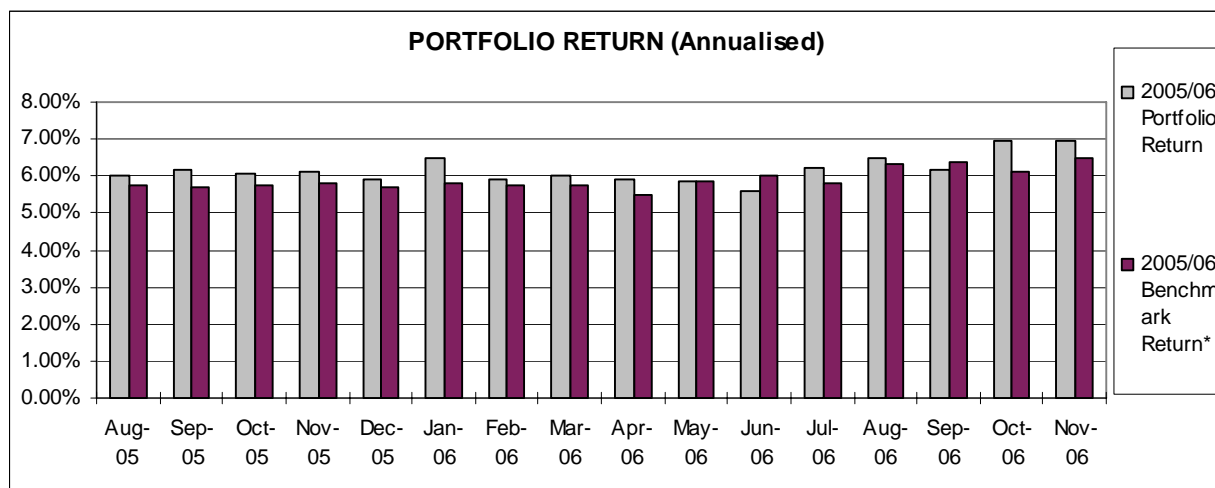
**4. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED**



**5. ANNUAL PROGRESSIVE TOTAL OF INTEREST ON TOTAL FUNDS INVESTED**



**6. PORTFOLIO PERFORMANCE**



**7. MARKET COMMENTARY**

**Domestic Economy**

The annual inflation rate remained at 3.9% and was well above the Reserve Bank of Australia (RBA) target range of 2 to 3%.

The unemployment rate declined to a generational low of 4.6% while new homes sales grew marginally by 1.3%.

The RBA raised the Official Cash Rate by 0.25% to 6.25% on 8 November citing inflationary pressures, a tightening labour market, high commodity prices and a generally strong global economy.

**Global Economy**

US growth slowed beyond analyst expectations. The key driver was the fall in the national manufacturing index to 49.5.

Inflation in the Asian region continues to remain well contained despite increases in the oil price and other commodities. CPI inflation of 2.75% is expected to continue throughout the remainder of 2006 and into 2007.

European economies are expanding at the fastest pace in 6 years. Inflation has dropped below the European Central Bank's 2% ceiling for the first time since January 2005.

*Sources: Oakvale Capital Investment Portfolio Monthly Review*

Following on from October the investment portfolio continued to benefit from a further marginal tightening in global credit spreads. One of the most influential factors in the most recent widening of credit spreads has been the particularly large volume of bond issuance that typically matures at this time of year. This had the effect of many holders trying to "park" funds short term in the secondary market until longer dated issues become available. Basically large demand for limited supply translated to good capital gains from existing holdings.

The portfolio further benefited from limited exposure by the managed funds (i.e less than 5% holdings) in the debt issues of companies under Mergers and Acquisition speculation. Merger speculation tends to have a negative impact on the debt issues of subject companies due to the flow on effects on their cash flow prospects and possible credit rating migration.

**8. INVESTMENT SUMMARY AS AT 30 NOVEMBER 2006.**

**GENERAL FUND**

TERM DEPOSITS	17,117,125.00	
FUND MANAGERS	39,437,778.68	
COLLATERISED DEBT OBLIGATION	4,051,360.00	
FLOATING RATE NOTE	2,000,000.00	
CALL	0.00	<b>62,606,263.68</b>

**WATER FUND**

TERM DEPOSITS	0.00	
FUND MANAGERS	25,916,598.65	<b>25,916,598.65</b>

**SEWERAGE FUND**

TERM DEPOSITS	2,000,000.00	
FUND MANAGERS	33,099,549.04	
CALL	0.00	
FLOATING RATE NOTE	0.00	<b>35,099,549.04</b>

<b>TOTAL INVESTMENTS</b>		<b>123,622,411.37</b>
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It should be noted that the General Funds investments of \$62 million are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

**Statutory Statement - Local Government (General) Regulation 2005 Clause 212**

I certify that Council's investments have been made in accordance with the Local Government Act 1993, the Local Government (General) Regulations and Council's investment policies.



**Chief Financial Officer  
(Responsible Accounting Officer)**

**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](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Nil.

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**O6 [TCS-OC] A New Direction for Local Government - Department of Local Government Position Paper**

**ORIGIN:**

**Corporate Compliance**

**SUMMARY OF REPORT:**

The Department of Local Government has recently released a position paper - 'A new Direction for Local Government' which sets out a framework for ongoing reforms for the Local Government sector. A number of the proposals are direct outcomes of the Promoting Better Practice Reviews that have been conducted on individual Councils by the Department since 2004.

Council has been requested to provide a submission by 9 March 2007 on the proposals contained in the position paper. Furthermore, the Minister for Local Government has specifically requested Councils to make a submission by 28 February 2007 on proposal 6.2, concerning Council Business Clusters.

**RECOMMENDATION:**

**That:**

- 1. This report be received and noted; and**
- 2. A draft submission be prepared for consideration by Council, prior to 6 March 2007.**

## REPORT:

The Department of Local Government's position paper suggests a new direction and options for further reform across the sector. Such direction and options are being driven by the need for Local government to plan and deliver services so that local communities are sustainable and that Council can deliver a system that should be constantly evolving to meet the changing community needs.

The suggested new direction for Local Government is based on the view that :

*“ if local government is to reach its potential as a vibrant tier of government, there needs to be a change in thinking about how the sector operates. The culture of isolated units needs to be replaced with a new paradigm of connectedness and innovation.*

*Neither the community in general nor other tiers of government are satisfied that local councils are as efficient and effective as they could be in providing their services.”*

The new direction contains seven (7) elements, with each element having a number of reform proposals as follows:

- Element 1** Good Governance - State and Local Government “have an open and productive relationship”
- |              |  |
|--------------|--|
| Proposal 1.1 | Peer reviews of Councils - <i>promoting better practice reviews could be conducted by councils, broadening opportunities for learning and to encourage the principle of mentoring.</i>         |
| Proposal 1.2 | Strategic planning assistance for Councils – without having strategic planning, good governance is severely hampered because there is no strong framework for a council to work within.        |
| Proposal 1.3 | Red tape review – the Department of Local Government will conduct a review of the Act and Regulation and remove anything that does not add to the quality of life for sustainable communities. |
| Proposal 1.4 | Clarification of roles - <i>it is important that the roles of mayors, councillors and general managers be made as clear as possible in order to limit internal conflicts and disputes.</i>     |



**Element 2** Representative democracy and community support - Stronger Councils assisting weaker ones

- Proposal 2.1                      Develop principles for determining local representation – *to guide councils and their communities when considering councillor numbers.*
- Proposal 2.2                      Develop a kit to promote “candidacy in local government” – *it is essential that the best possible candidates are attracted, Department of Local Government and LGSA will work together to develop an appropriate councillor “candidacy” kit.*
- Proposal 2.3                      Promote flexible meeting times - *consideration needs to be given to a greater flexibility on how and meetings are conducted.*
- Proposal 2.4                      Guidelines on community consultation and involvement - *develop tools to assist councils in engaging with the communities.*
- Proposal 2.5                      Workforce planning assistance – *develop guidelines to assist councils in preparation of such plans including strategies to encourage a diversity of employees commensurate with the demographics of the council area.*

**Element 3** Sound policy - Minimal duplication while maintaining competition principles to drive efficiency improvements

- Proposal 3.1                      Develop a policy directory-issue the Departments circulars and guidelines with policy advice and consolidate them into a directory of *best practice on the website.*

**Element 4** Sufficient resources - Ideas and resources being shared

- Proposal 4.1                      Asset management plans- *introduce an asset management system, which is consistent with the national framework, to be linked to long term financial plan, determine condition assessment service levels in consultation with the community, standardised reporting and peer review.*
- Proposal 4.2                      Efficiency statement – *overall strategy of the new direction is to improve and demonstrate the efficiency of local government, proposal is for*

*councils to prepare an annual efficiency/productivity savings statement as part of its annual report.*

**Element 5** Meaningful planning - Focussing on continuous improvement

Proposal 5.1                      *Integrated planning and reporting- is subject to a separate options paper, including development of a 10 year strategic plan, 4 year delivery plan, annual operational plan, simple reporting system and annual report which measures performance against key indicators.*

**Element 6** Connectedness - Boundaries not being impediments

Proposal 6.1                      *Benchmarks - develop a small number of key indicators, core competencies of any council no matter what size, in addition to the Department's Comparative Data.*

Proposal 6.2                      *Regional/cluster indicators - councils should decide themselves who they form alliances and business arrangements with. Councils can put forward proposals for Council Business Clusters, be on a geographic or functional basis, requirement to identify actual and potential savings and benefits.*

Proposal 6.3                      *General Manager contracts to enable working with neighbouring councils – 2006 standard contract does not deal with the issue of working across council boundaries.*

Proposal 6.4                      *Resource sharing guidelines – prepare guidelines outlining the various models available with practical advice.*

Proposal 6.5                      *Regional context for special variation applications to exceed the rate cap – councils who wish to exceed the rate cap, must demonstrate any efficiencies that have been achieved through resource sharing.*

**Element 7** Leadership - Councils mentoring each other

Proposal 7.1                      *Accreditation for councillor learning and development – to develop a process that sets out clearly the outcomes and commitments expected by councillors and councils with respect to learning and development over the term of the council.*

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Dependant upon outcome of position paper.

**POLICY IMPLICATIONS:**

Dependant upon outcome of position paper.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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

1. 'A New Direction for Local Government' - Department of Local Government Position Paper - October 2006 (DW1510062).
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**07 [TCS-OC] Planning a Sustainable Future - Department of Local Government Options Paper**

**ORIGIN:**

**Corporate Compliance**

**SUMMARY OF REPORT:**

The Department of Local Government has recently released a Planning a Sustainable Future options paper on "Integrated Planning and Reporting for NSW Local Councils".

The paper is part of the Local Government Reform Program which was delivered by the State Government in September 2003, with the aim of ensuring healthy and sustainable local Councils that are accountable and responsive to their communities. In December 2005 the Department issued a discussion paper "Fitting the Pieces Together", which focused on integrated planning and reporting issues. The various models presented in this Options Paper have been developed from the discussion paper outcomes.

The Department anticipates that any reforms from this paper would be implemented from 2008.

Council has been requested to provide a submission by 9 March 2007 on the proposals contained in the position paper. To assist Council in developing a submission the Department will be hosting regional workshops during February 2007 whilst the LGSA and LGMA have planned additional discussion forums on the issues during the consultation period.

**RECOMMENDATION:**

**That:**

- 1. This report be received and noted; and**
- 2. A draft submission be prepared for consideration by Council, prior to 6 March 2007.**

**REPORT:**

The main findings of the discussion paper focussed on issues pertaining to Councils ability to develop and deliver long term strategic plans and to integrate their existing plans to achieve strategic outcomes. The issues include:

- The nature of the existing framework - *the Local Government legislation does not encourage long-term planning nor assist councils to pursue innovative directions in integrating their plans*
- General lack of resources – *councils find it difficult to devote to strategic planning, concerned with more urgent operational needs.*
- Confusion over roles and responsibilities in developing strategic plans- *specifically relationships between senior staff and councillors.*
- Uncertainty about how to develop and deliver the plans – *there is evidence that some councils lack technical capacity in this regard.*
- Lack of long term financial planning- *many councils only budgeted one year ahead.*
- Lack of sufficient supporting information to develop a long term plan- *mainly relates to lack of asset management systems and limited levels of community consultation.*
- Uncertainty about integrating council plans with state and regional priorities- *difficulty to consult with state government agencies or not included in regional planning consultations.*
- Uncertainty about council's role in various state government reforms- *particularly in natural resource management.*

The paper contains three options for the planning and reporting framework:

**Option 1 Maintain the status quo**



It is considered that maintaining the status quo is not an option, due to the changing expectations of the community, as well as infrastructure management and reporting (under the new national framework for asset management and financial planning).

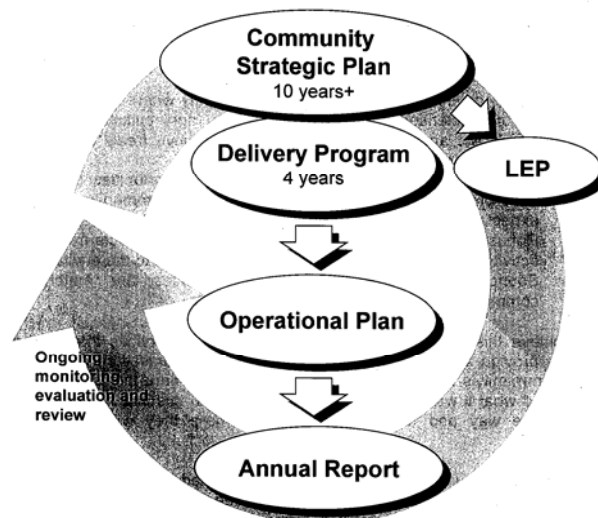
Although the existing framework does not prohibit long-term planning, the management plan may be developed for a period longer than three years, it does not encourage it either. Furthermore there is no guidance for Councils seeking to improve their strategic position.

**Option 2 Add to the existing framework**



This option improves the strategic focus of the Council by adding a mandatory strategic plan to the existing framework. The disadvantage with this approach is that Councils would need to determine how they could integrate the objectives of their new strategic plan into the management plan structure and how the social plan and SOE could help inform the strategic plan. There is currently existing problems with differing plan preparation timeframes.

**Option 3 Reshape the framework**



This option involves reshaping the existing framework, to strengthen the strategic focus, streamline the planning and reporting processes and encourage integration between the various plans. This model is designed to operate continuously, not statically and to encourage councillors to play a role in developing long term plans. Changes to the Local Government Act 1993, will be required to define the roles of councillors and the general manager in developing, implementing and maintaining the Council's Community Strategic Plan.

It will require substantial changes to existing legislation, involve a significant implementation period and in the initial stages additional commitment of resources by Councils. The implementation period would be envisaged to be staged over the 2008-2012 council term.

### **Community Strategic Plan**

This option will mandate the requirement for a long term strategic plan (Community Strategic Plan 10 years+), overcome some of the issues identified in the discussion paper and integrates the Social Plan and State of the Environment Report into the sustainability frameworks.

The development of the plan will involve significant engagement and consultation with the community as the purpose of the plan is to identify the community's main priorities and expectations for the future and to plan strategies for achieving these goals. The consultation process will also require consideration of existing state and regional plans.

The Community Strategic Plan will not eliminate the requirement for councils to prepare their principal Local Environmental Plan (LEP). The underpinning Strategic Land Use Plan and subsequent LEP should reflect the same community directions and priorities identified in the Community Strategic Plan.

It is proposed that Community Strategic Plans would be evaluated by a panel to ensure compliance with legislation, relevancy of the content of the plan and adequacy of community consultation.

### **Delivery Program**

It is proposed that the Delivery Program will outline how each new council delivers the Community Strategic Plan outcomes. It will contain programs and priorities for the Council term including four years of detailed budgets. However, Councils will still have the flexibility to review these budgets annually when determining their rates, fees and charges for the year.

### **Operational Plan**

The Operational Plan will focus on the detail of implementing each year of the Delivery Program and it should not depart substantially from the direction and budgets set in the program. Councils will still be required to place the document on public exhibition, as it will contain the proposed rates, fees and charges for the coming year.

The reporting requirements of Option 3 includes a modified version of the existing annual report which focuses mainly on the Councils performance in delivering the outcomes



identified in the Community Strategic Plan and supporting framework. There would be no legislative requirement to produce a Management Plan and its current quarterly reporting would also be reviewed.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Dependant upon outcome of position paper.

**POLICY IMPLICATIONS:**

Dependant upon outcome of position paper.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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

1. 'Planning a Sustainable Future' - Department of Local Government Options Paper - November 2006 (DW1510836).
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**08 [EO-OC] EC2005-129 Terranora Creek and Cobaki Creek Bridge Crossings**

**ORIGIN:**

**Contracts**

**FILE NO: GC12/3-2005129**

**SUMMARY OF REPORT:**

At its meeting of 28 February 2006 Council awarded a contract to Hopedale Services Pty Ltd for Contract EC2005-129 Terranora Creek and Cobaki Creek Bridge Crossings. The pipe crossings were part of the Kennedy Drive pipe infrastructure upgrade. The lump sum tender price accepted was \$670,501.82, excluding GST.

Council's decision included a provision that the Director Engineering and Operations be given delegated authority to approve variations up to 20% above the initial contract price.

The Cobaki Creek Crossing has proceeded without need for variations, however a major problem has been encountered with the Terranora Creek Crossing that will require variations exceeding the 20% limit. This report details the extent of the variations.

**RECOMMENDATION:**

**That:-**

- 1. Variation No 4 for Contract EC2005-129, Terranora Creek and Cobaki Creek Bridge Crossings, be approved at the cost of \$126,700.00 excluding GST.**
- 2. The Director Engineering and Operations be given delegated authority to approve further variations up to a value of \$50,000.00 excluding GST.**

**REPORT:**

Following consideration of tenders for Contract EC2005-129, Council awarded the contract to Hopedale Services Pty Ltd for the amount of \$670,501.82 excluding GST. This tender was the lowest offered and the construction methodology was acceptable.

Work proceeded successfully on the Cobaki Creek Crossing.

The Terranora Creek Crossing currently consists of an existing 450mm water main supported by brackets attached to the freeway bridge. It was proposed to support the new 600mm sewerage rising main on these existing brackets. However when work commenced on the Terranora Creek Bridge Crossing it was discovered that substantial damage had been caused to the supporting beams by an earlier water hammer incident with the 450mm water main. In conjunction with the design consultants, additional investigations (including comprehensive measurements of all beams) and remedial work was carried out as a variation to the contract.

Following this work, and further consultation with the consultant and RTA, a price was obtained from the contractor for the strengthening of the existing support system by adding additional beams and for installing a separate support system for the new sewer trunk main. In view of the need to both protect the integrity of the infrastructure and ensure the safety of the structure, it is considered essential that the additional work be carried out.

Variations approved to date are –

Variation No	Description	Cost (Inc GST)
1	Erect access, measure deflections, provide new access cages, modify construction trolleys,	\$19,300.00
2	Weld strengthening packer plates to cross beams, straighten cross beams	\$58,338.00
3	Fabricate and install six new cross beams to give additional to existing trunk water main.	\$26,400.00

The above variations (totalling \$104,038.00) represents 15.52% of the original contract price. (The approved 20% variation totals \$134,100.00)

Approval is now sought to issue Variation No 4 for the installation of a new support system to ensure that an acceptable factor of safety is maintained for the long life of the pipe support system.

The cost submitted by Hopedale Services Pty Ltd for Variation No 4 is \$126,700.00 (excluding GST), which exceeds the initial total variation contingency by \$96,638.00, therefore Council needs to vote the additional expenditure.

It is also recommended that the Director Engineering and Operations be delegated authority to approve further variations up to \$50,000.00 in excess of the four (4) variations now approved to a current value of \$230,738.00.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Full costing for the Kennedy Drive Pipe Infrastructure Project (of which this is a component) is provided in the current budget.

**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](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Nil.

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**09 [EO-OC] EC2006-159 Supply of Manual Traffic Control Teams for Council Works**

**ORIGIN:**

**Contracts**

**FILE NO: GC12/4-2004, 117 Pt 1**

**SUMMARY OF REPORT:**

Tenders for the supply of Manual Traffic Control Teams for Council works have closed. The contract will be for a twelve (12) month period with a possible two (2) by twelve (12) month extension options.

The Traffic Control tender is one of Council's major service contracts with an estimated contract value in excess of one million dollars per annum. The successful tenderer would be expected to supply on average between 35 – 40 Traffic Control personnel per day.

Following the close of tenders seven (7) submission to the tender had been received.

**RECOMMENDATION:**

**That the contract for the Supply of Manual Traffic Control Teams for Council Works be awarded to Workforce International. The contract period will be for a twelve (12) month period commencing 2 January 2007 with a possible two (2) by twelve (12) month extension option.**

**REPORT:**

Tenders closing 8 November 2006 have been called for the Supply of Manual Traffic Control Teams for Council Works. The contract will be for a twelve (12) month period with a possible two (2) by twelve (12) month extension options.

The Traffic Control tender is one of Council's major service contracts with an estimated contract value in excess of one million dollars per annum. The successful tenderer would be expected to supply on average between 35 – 40 Traffic Control personnel per day.

Following the close of tenders seven (7) submission to the tender had been received and are as follows:-

- PTS Traffic Control Services
- Workforce International
- Able Secure Traffic Services
- Trafco Pty Ltd
- Traffic Control Services Pty Ltd
- Statewide Traffic Control Pty Ltd
- Traffic Technologies (TSA)

In evaluating the tender submissions consideration was given to a number of factors including operational and administrative management, financial resources, current commitments, previous experience and performance, industrial relations and occupational health and safety record and Principal's administration costs.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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1. **Confidential Attachment** - Supplementary Information for EC2006-159 Supply of Manual Traffic Control Teams for Council Works (DW 1508112).
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**O10 [EO-OC] Airborne Laser Scanning and Provision of Elevation Data Products**

**ORIGIN:**

**Planning & Infrastructure**

**FILE NO: EC2006-115**

**SUMMARY OF REPORT:**

Tenders were called, in accordance with the Local Government (General) Regulations 2005, for Airborne Laser Scanning of the Tweed Local Government Area, and the provision of associated elevation data products. Tenders closed on 29 November 2006.

Three (3) tenders were received by the advertised closing time and date.

This report considers the tenders received and recommends the tender most beneficial to Council.

**RECOMMENDATION:**

**That:-**

- 1. Council awards Contract EC2006-115 for Airborne Laser Scanning and Provision of Elevation Data Products to Fugro Spatial Solutions Pty Ltd for the amount of \$300,000 (GST inclusive).**
- 2. The Director Engineering and Operations be given delegated authority to approve variations up to 20% of the initial contract sum which will include extra works for laser scanning in Byron Shire.**

## REPORT:

In order to provide more widespread, accurate and updated ground level detail of the Tweed Shire, tenders have been called for Airborne Laser Scanning (ALS) of the LGA. ALS employs the latest LiDAR (Light Detection and Ranging) technology to sense millions of ground points from an aircraft. Such point density is not achievable by conventional ground survey, and the accuracy of this technique improves with each advance in the sensing technology.

Raw data recorded by the LiDAR is processed to produce a range of products, including a Digital Elevation Model (DEM), which is used for rectifying aerial imagery, a Digital Terrain Model (DTM), which is used for flood modelling, and ground contour data sets, for use in Council's GIS to depict landform and calculate land slope.

Tenders were called and closed on 29 November 2006. Three (3) tenders were received as follows (listed alphabetically):

- AAMHatch Pty Ltd
- Fugro Spatial Solutions Pty Ltd
- NZ Aerial Mapping Ltd

All tenders generally complied with the job specifications.

### **Purpose of ALS Contract**

At present only existing urban areas have detailed topographic/level/contour information. In rural and undeveloped areas Council staff rely on 1:25,000 topographic maps with 10m contours as a base plan to do investigations for strategic infrastructure and land use planning. This presents a severe limitation on the effectiveness of such investigations as 10m contours do not provide sufficient detail in most circumstances.

It has been proposed to use aerial laser scanning to provide 0.5m contours for the entire shire area. This topographical information will be of immense benefit for any future planning for infrastructure or land use in Tweed Shire. The information will be used in the following areas:-

- Water Supply and Sewerage Investigations
  - Trunk main route planning
  - Inundation areas for Clarrie Hall and Byrrell Creek Dams
  - Reservoir site planning
  - Future sewerage reticulation catchments
- Drainage Works
  - Catchment Analysis
  - Trunk Drainage Route Planning
- Arterial Road Network Investigation
  - Route identification and investigation
  - Scoping studies

- Strategic Land Use Planning
  - Topographical analysis
  - Slope identification
  - Land forming requirements
- Floodplain Management
  - Production of DTMs for 2 dimensional flood modelling of catchments

It is also anticipated that the contour information will be useful for private developers and there will be an opportunity for commercial sales to private land owners to recoup some of the costs of the project.

### **Budget**

The recommended tender is for an amount of \$300,000. This is \$100,000 short of the \$200,000 allocated in the 7 Year Plan however additional funds are available to make up the shortfall from the following areas:-

- Tweed Road Contribution Plan
- Water Supply and Sewerage Funds
- GIS Budget
- Strategic Planning Budget

These are areas that will gain significant benefits from the provision of the 0.5m contour information.

### **LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

#### **Budget**

Funding for the project is proposed from the following sources:-

<b>Source of Funds</b>	<b>Council Funds</b>	<b>Grant Funds</b>	<b>Developer Contributions</b>	<b>Amount</b>
7 Year Plan	\$100,000	\$100,000		\$200,000
Strategic Planning Budget	\$5,000			\$5,000
GIS Budget	\$30,000			\$30,000
Water Supply Fund, Bulk Water Supply Investigation			\$17,000	\$17,000
Tweed Road Contribution Plan			\$48,000	\$48,000

#### **Survey Resources**

In accordance with the tender documents, Council's Design Unit will be responsible for the provision of ground control and field survey for ground truthing of deliverables, in consultation with the contractor.

It is estimated that Council's ground control and survey verification will cost approximately \$20,000, including \$10,000-\$12,000 for the hire of GPS equipment. The Design Unit intends to absorb these costs in their operational budget.

### **Byron Shire Council**

In order to resolve cross-boundary flooding issues, Byron Shire Council is proposing to undertake a joint flood modelling exercise between Mooball Creek and the Brunswick River, utilising the DEM produced under this contract. While the current project area drawing includes a number of grid cells within Byron LGA to take in the Yelgun Creek catchment and the Kallaroo Circuit Bund, Byron Shire have requested an extension to the project area to include the Marshalls Creek catchment and floodplain further south, and have indicated their willingness to fund this additional work. It is therefore proposed to award the contract based on the current project area, and to then request a variation from the contractor to undertake the additional ALS and data processing. The price for this work will then be forwarded to Byron Shire for their funding commitment.

### **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](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

1. **Confidential Information** - Supplementary Information - EC2006-115 Airborne Laser Scanning and Provision of Elevation Data Products (DW 1510933).
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**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](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).

1. **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.

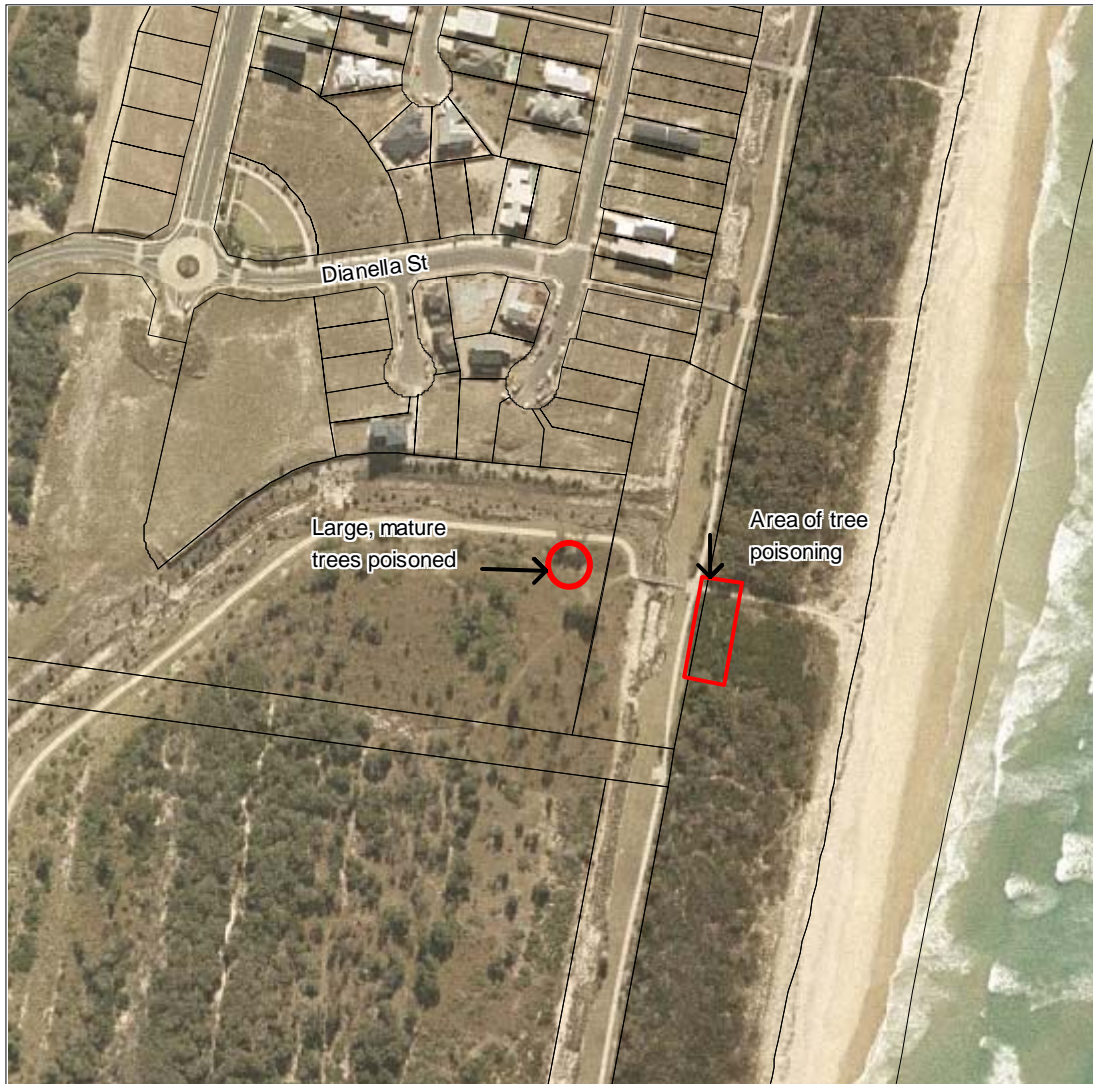


Figure 1 Location of poisoned trees



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:**

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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 Byrrell 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.

	<b>Scenario</b>	<b>Yield</b> (Million Litres per year)	<b>Population Supported</b> 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:**

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

1. 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:**

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

1. 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

<b>Integrated Water Cycle Management Submission Responses</b>										
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	How	Timing
<b>Urban Town Water Actions</b>						
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).	1.1 Prepare Demand Management Strategy	Brief Prepared	Anthony Burnham	Consultant	Complete by June 2007
2	Target 12% for unaccounted water by 2010.	2.1 Penetrate in Water Directorate leak Reduction Program 2.2 Undertake Unaccounted for Water Study	Submission prepared Included in 2.1 submission	Jim Blakeney Jim Blakeney	In House In house	Submit application Jan 2007 Complete by June 2007
3	Explore demand substitution options such as effluent and stormwater reuse.	3.1 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	Consultant	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	4.1 Undertake System Yield Study	Study Complete	Anthony Burnham	Consultant	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).	4.2 Prepare and adopt Drought Security Criteria 4.3 Investigate and Prepare Bulk Water Supply Options Study	Options being considered and incorporated into System Yield Study Not commenced	Anthony Burnham Anthony Burnham	Internal Consultant	Complete and report to Council December 2006 Complete June 2007
6	Investigate and implement improved treatment process at Tyalgum WTP and assess impact of water sharing plan on town water supply security.	5.1 Discussion and negotiation with DNR in relation to Water Sharing Plans 5.2 Incorporate WSP outcomes into System Yield Study 6.1 Procurement of new Water Treatment Plant for Village of Tyalgum	Preliminary meetings held along with draft report Card for WSP indicate a 95%ile cease to pump rule Draft Rules incorporated into System Yield Study Consultancy awarded for preparation of Design and Construction Tender Documentation	David Oxenham Anthony Burnham Andrew Grant	Internal Consultant Consultant	Ongoing Complete and report to Council November 2006 Complete construction July 2006
7	Undertake detailed, long term town water demand forecasts.	6.2 Discussion and negotiation with DNR in relation to Water Sharing Plans	Preliminary indications from draft Report Card for WSP are that there will be no impact on system yield	David Oxenham	Internal	Ongoing
8	Determine impact of new Australian Drinking Water Guidelines (ADWG) on Town Water Supplies and operations	7.1 Prepare Demand Forecast Study 8.1 Investigate and Review on Compliance with Australian Drinking Water Guidelines	Brief Prepared as per 1.1 Commenced	Anthony Burnham Jim Blakeney	Consultant Internal	Complete by June 2007 Preliminary Review by June 2007
<b>Urban Wastewater Actions</b>						
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.	9.1 Investigate and Prepare Sewer Overflow Abatement Strategy	Commenced	Anthony Burnham	Internal	Final Strategy June 2007.
10	Ongoing implementation of sewerage system optimisation (in association with a calibrated sewerage system model), including targeted inflow / infiltration works.	9.2 Prepare System Model 10.1 Ongoing Sewerage Catchment Analysis using existing model	Not commenced ongoing	Anthony Burnham Anthony Burnham	Internal Internal	not defined ongoing
11	Prepare Effluent Reuse Opportunities Report.	11.1 Investigate and Prepare Recycled Water Reuse Opportunities Report 11.2 Prepare and Adopt Effluent Reuse Strategy	Complete	Andrew Grant	Consultant	completed February 2006
12	Monitor wet weather performance of Upper Tweed treatment plants.	12.1 Operational Review of Plants	Complete	David Oxenham	Internal	Council Adopted 25 Jul 2006
13	Assess short term options for increasing effluent quality and reuse.	13.1 Refer 11.2	ongoing complete	Jim Blakeney David Oxenham	Internal Consultant	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	opening 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](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

1. "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**

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**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 m<sup>3</sup> and ongoing periodic nourishment of about 2,000 m<sup>3</sup> 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:**

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Nil.

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**O18 [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

NEW SOUTH WALES  
DEPARTMENT  
OF EDUCATION  
AND TRAINING



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	<i>DA02/11058 Pt 4</i>
Doc No	
REC'D	<i>1 DEC 2006</i>
ASSIGNED TO	<i>CLARK, R</i>
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**ORIGINAL**  
COPY SEE FILE  
*DA1190/1210 Pt 4*

*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:**

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Nil.

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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:**

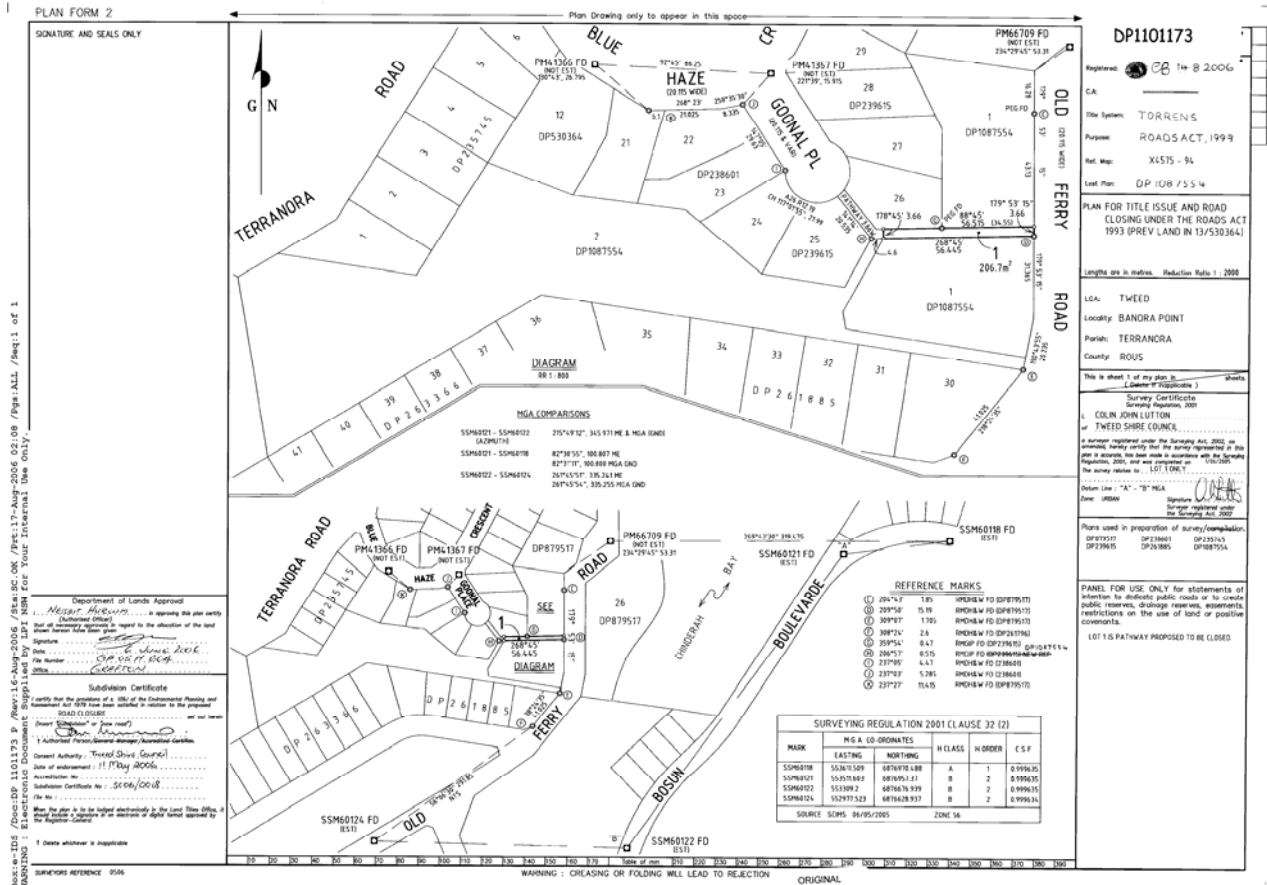
**That:**

- 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:**

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

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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.

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**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)
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**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] Footpath 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/M<sup>2</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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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