



Minister for Climate Change, Environment and Water

GOVT GRANT - WATER.
COASTAL MANAGEMENT

TWEED SHIRE COUNCIL	
FILE No.	ESTUARY MANAGEMENT
Date Recd.	
APCD	2 JAN 2008
ASSIGNED TO:	LOFTHOUSE, J
HARD COPY	<input type="checkbox"/>
IMAGE	<input checked="" type="checkbox"/>

In reply please quote: DOC07/46373

Mr Michael Rayner
 General Manager
 Tweed Shire Council
 PO Box 816
 MURWILLUMBAH NSW 2484

CHORLTON, M

Dear Mr Rayner

I am pleased to advise that grants totalling \$200,000 have been approved under the Estuary Management Program for 50 percent of council's actual expenditure for the following projects:

- Implementation of Tweed Coast Estuaries Management Plan 2004-2008 (Stage 9) project, up to \$50,000
- High priority environmental restoration works within the Implementation of Tweed River Estuary Management Plan project, up to \$150,000

The grants are subject to Council undertaking to meet the balance of funds for the projects and to complete them within 18 months from the date of this letter. The grants are offered on the terms as set out in the attached "Conditions for Financial Assistance".

Council should write to Mr Brian Dooley, Director, Coast and Floodplain Management, Department of Environment and Climate Change, PO Box 867, Wollongong NSW 2520, within one month regarding the acceptance of the offer and its conditions. Should Council require any further information regarding the offer, its officers can contact Mr Dooley on 4224 9605.

Mr Dooley will be responsible for the ongoing management of the grants.

Yours sincerely

Nathan Rees MP
Acting Minister for Climate Change, Environment and Water

Enclosure

20 DEC 2007

Conditions for Financial Assistance

For Projects of

COASTAL MANAGEMENT PROGRAM

and

ESTUARY MANAGEMENT PROGRAM

1 The following conditions shall apply to all financial assistance irrespective of the purpose for which the assistance is provided:

- 1.01 The council shall, on receipt of the offer of financial assistance, advise of its acceptance of this offer and of these conditions, in writing to the Department of Environment and Climate Change's representative.
- 1.02 The representative will participate in meetings of the council's Coastal and Estuary Management Committees. The Department of Environment and Climate Change's role in the committee will be generally as outlined in the NSW Government Coastline and Estuary Management Manuals. The role will include giving advice to assist the Committee and the council to develop and implement management plans which are consistent with the Government's objectives.
- 1.03 The representative will arrange provision of service to the council which is expected to include:
- Meeting with the council staff frequently, particularly at critical stages in the progress of the project.
 - Assistance in the preparation and review of briefs to consultants, consultants proposals, and consultants reports.
 - Provision of advice on contract management, construction and project delivery matters.
- 1.04 Before commencing work, the council shall submit a detailed program for the work to the representative for approval. The program is to include the projected cash flow, as depicted in the attached form (Appendix A). No deviations from the approved program are to be made without the prior approval of the representative.

Department of Environment & Climate Change NSW

- 1.05 The council shall complete the work within the approved estimated cost. In the event of any likely over-expenditure, the Department of Environment and Climate Change is to be advised, in writing, as soon as possible. Such requests must be made before the expenditure exceeds the approved cost. Budget increases sought should be for the minimum amount to produce a functional project outcome. They must be accompanied by adequate advice of measures taken to curtail the work to keep the project within budget and by justification of the need for extra funds. Further expenditure is to be strictly limited, pending clarification. The council should not presume that additional funding would be provided.
- 1.06 The works are to be completed within the specified period approved by the representative. Any application for an extension of time would require substantial justification before approval would be considered.
- 1.07 The council will be provided with an initial payment for each approved project. The representative will determine the amount of funds to be subsequently released to the council, including the progress payments and the final payment. During the currency of the work, the council shall provide the representative with itemised certificates of expenditure at agreed intervals but not exceeding three (3) months, in the form attached. The certificate should show actual expenditures itemised against the approved estimate.
- 1.08 Within one month of substantial completion of the works or, of the Date of Practical Completion in the case of contracted works, the council shall provide an Interim Final Certificate of Expenditure. This interim certificate shall show the expenditure incurred to date together with an estimate of the value of outstanding commitments, and is expected to correspond to the Final Certificate of Expenditure.
- 1.09 Within three months of the completion of the works or at the expiry of the defects liability period in the case of contracted works, the council shall provide a Final Certificate of Expenditure.

The Final Certificate of Expenditure shall show the amount of the Department of Environment and Climate Change's financial assistance received by the council for each financial year and the total expenditure appropriately dissected between of the Department of Environment and Climate Change and the council funds.

In the absence of such Certificate, and after seeking advice from the council, the Department of Environment and Climate Change may make an assessment of the final payment and finalise the financial assistance.

- 1.10 Subsidy payments will be made on the basis of the approved estimate or actual expenditure, whichever is the lesser.
- 1.11 The Department of Environment and Climate Change has the right to inspect the project and the council's records of the project to confirm any valuation and expenditure claims.

2 Where the financial assistance is for the construction of works, the following conditions shall apply:

- 2.01 Unless otherwise approved prior to the financial assistance being offered, all work is to be carried out by contract awarded after competitive tendering. Where the council proposes day labour or a day labour component, sound economic or practical reasons must be demonstrated when making application for the financial assistance and accepted by the Department of Environment and Climate Change.
- 2.02 No Contract is to be let without reference for comment and advice from the Department of Environment and Climate Change's representative.

- 2.03 No work is to be undertaken unless the plans, specification and estimates have been approved by the Department of Environment and Climate Change's representative.
- 2.04 The works are to be constructed in strict accordance with the approved plans and specifications. No variations to the approved works are to be undertaken without the prior approval of the representative.
- 2.05 The council shall prepare an asset management plan and shall undertake to maintain the works constructed with this financial assistance in good order and condition in accordance with an asset management plan.

3 Where the financial assistance is provided to fund studies or the design and documentation of works, the following conditions shall apply:

- 3.01 No work is to be commenced until such time as the brief has been approved by the representative. The Department of Environment and Climate Change will be available to assist in the formulation of an appropriate brief.
- 3.02 The work is to be conducted in strict accordance with the brief. No extensions or variations to the brief or the cost of the study are to be made without the approval of the representative.
- 3.03 Where the work is to be conducted by a consultant, the representative's approval is to be obtained prior to commissioning.

4. GST

- 4.01 In this clause, the expressions "**Australian law**", "**consideration**", "**GST**", "**input tax credit**", "**supply**" and "**tax invoice**" have the meanings given to those expressions in the *A New Tax System (Goods and Services Tax) Act 1999*.
- 4.02 A grant made by the Department of Environment and Climate Change to the council under the Coastal or Estuary Management Programs is a payment specifically covered by an appropriation under an Australian law which is not the provision of consideration for GST purposes.
- 4.03 Unless otherwise expressly stated, the Estimated Costs of the project and any other monetary amounts set out in this Agreement are stated exclusive of GST.
- 4.04 The Estimated Cost of the Project and the amount of funding will be calculated by determining the project costs, less any input tax credits to which the council will be entitled.
- 4.05 Subject to **clause 4.02**, if GST applies to any supply made under this Agreement, the supplier may recover from the other party an amount on account of that GST liability within 14 days of providing a tax invoice to the other party or as otherwise agreed between the parties.
- 4.06 No Payments will be made to the council after 1 July 2000 until the council has provided to the Department of Environment and Climate Change a valid Australian Business Number.

DETAILS OF EXPENDITURE

Item No.	Description of item	Amount Allocated (DECC + Council)	Expenditure (DECC + Council) The sum of these items must correspond with the total expenditure to date on the front page.
A	Total Cost/Expenditure		
B	Less GST inputs claimable by Council		
A-B	GST exclusive costs/expenditure		

A copy of this certificate was forwarded to the DECC office
at.....on.....